

## JOURNAL OF THE HOUSE

## Fifty-fifth Legislative Assembly

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Bismarck, January 28, 1997

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

The prayer was offered by the Rev. David M. Sealy, First Baptist Church, Mandan.

The roll was called and all members were present except Representatives Henegar, Huether, Thorpe, and Torgerson.

A quorum was declared by the Speaker.

**COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER**

The following communication was received from the Governor at 9:20 a.m., January 27, 1997.

This is to inform you that on January 27, 1997, I signed the following: HB 1104.

**MOTION**

**REP. SKARPHOL MOVED** that HB 1450 be returned to the House floor from the **Transportation Committee** for the purpose of withdrawal, which motion prevailed.

**REQUEST**

**REP. FREIER REQUESTED** the unanimous consent of the House to withdraw HB 1450. There being no objection, it was so ordered by the Speaker.

**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 2023, SB 2066, SB 2069, SB 2111, SB 2121, SB 2179.

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

**MR. SPEAKER:** The President has signed: HB 1114, HB 1124.

**HOUSE ENGROSSING REPORT**

The following bills were engrossed: HB 1161, HB 1232, HB 1242, HB 1246, HB 1254, and HB 1320.

**SIXTH ORDER OF BUSINESS**

**REP. DORSO MOVED** that the amendments on the Sixth order of business to HB 1054, HB 1095, HB 1143, HB 1173, and HB 1200 be adopted, which motion prevailed.

HB 1095, HB 1143, HB 1173, and HB 1200, as amended, were placed on the Eleventh order of business on the calendar.

HB 1054, as amended, was rereferred to the **Appropriations Committee**.

**HOUSE ENROLLING REPORT**

The following bills were enrolled: HB 1065, HB 1066.

**SECOND READING OF HOUSE BILL**

**HB 1161:** A BILL for an Act to amend and reenact subdivision e of subsection 2 of section 26.1-36-09, and sections 43-41-01, 43-41-04, 43-41-05, 43-41-10, and 43-41-12 of the North Dakota Century Code, relating to group health policy and health service contract mental disorder coverage and social work licensures; and to repeal sections 43-41-06 and 43-41-12.1 of the North Dakota Century Code, relating to licensing requirements for social workers.

**ROLL CALL**

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

**YEAS:** Aarsvold; 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; Gulleon; Gunter; Hanson; Hausauer; Hawken; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martin; 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; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Henegar; Huether; Torgerson

Engrossed HB 1161 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1232:** A BILL for an Act to amend and reenact subsection 5 of section 43-12.1-09 of the North Dakota Century Code, relating to the licensing requirements for advanced practice registered nurses; 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 96 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; Gulleon; Gunter; Hanson; Hausauer; Hawken; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martin; 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:** Henegar; Huether

Engrossed HB 1232 passed, the title was agreed to, and the emergency clause was declared carried.

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### SECOND READING OF HOUSE BILL

**HB 1242:** A BILL for an Act to create and enact a new subsection to section 52-06-02 of the North Dakota Century Code, relating to North Dakota unemployment compensation disqualification.

### 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, 1 NAY, 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; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleon; Gunter; Hanson; Hausauer; Hawken; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martin; 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:** Aarsvold

**ABSENT AND NOT VOTING:** Henegar; Huether

Engrossed HB 1242 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1246:** A BILL for an Act to amend and reenact section 15-40.1-07.6 of the North Dakota Century Code, relating to special education per student payments.

### 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, 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; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Grande; Grosz; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Hawken; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martin; 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:** Gorder

**ABSENT AND NOT VOTING:** Henegar; Huether

Engrossed HB 1246 passed and the title was agreed to.

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### THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative Moine Gates.

### SECOND READING OF HOUSE BILL

**HB 1254:** A BILL for an Act to amend and reenact sections 23-10-05 and 23-10-06 of the North Dakota Century Code, relating to the licensing of mobile home parks, trailer parks, and campgrounds; and to provide a penalty.

### 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, 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; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Hawken; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Martin; 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:** Maragos

**ABSENT AND NOT VOTING:** Henegar; Huether

Engrossed HB 1254 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1320:** A BILL for an Act to create and enact a new subsection to section 10-15-05, sections 10-15-08.1, 10-15-08.2, and a new subsection to section 10-15-12.1 of the

North Dakota Century Code, relating to the articles of association of a cooperative and cooperative names; and to amend and reenact sections 10-15-07, 10-15-36, and 10-15-54 of the North Dakota Century Code, relating to cooperative existence, annual reports, and fees.

#### 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 96 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; Gulleon; Gunter; Hanson; Hausauer; Hawken; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martin; 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:** Henegar; Huether

Engrossed HB 1320 passed and the title was agreed to.

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#### MOTION

**REP. DORSO MOVED** that HB 1007 and HB 1118 be placed at the bottom of the calendar, which motion prevailed.

#### MOTION

**REP. DORSO MOVED** that HB 1406 be placed at the top of the calendar, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1406:** A BILL for an Act to provide an appropriation to the board of higher education for employee retirement fund contributions.

#### 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, 83 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Boucher; Christenson; Delmore; Kelsh, S.; Kliniske; Maragos; Martinson; Mickelson; Niemeier; Poolman; Sandvig

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

**ABSENT AND NOT VOTING:** Henegar; Huether; Kerzman

HB 1406 was declared lost.

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#### SECOND READING OF HOUSE BILL

**HB 1073:** A BILL for an Act relating to establishing a water supply for eastern North Dakota as a critical priority.

**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 92 YEAS, 0 NAYS, 0 EXCUSED, 6 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; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Hawken; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kunkel; Lloyd; Mahoney; Maragos; Martin; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Devlin; Henegar; Huether; Kerzman; Kroeplin; Sabby

HB 1073 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1083:** A BILL for an Act to amend and reenact subsection 8 of section 39-20-07 of the North Dakota Century Code, relating to the testing for driving while intoxicated.

**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 92 YEAS, 0 NAYS, 0 EXCUSED, 6 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; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Hawken; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kunkel; Lloyd; Mahoney; Maragos; Martin; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Devlin; Henegar; Huether; Kerzman; Kroeplin; Sabby

HB 1083 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1084:** A BILL for an Act to amend and reenact subsection 9 of section 39-20-07 of the North Dakota Century Code, relating to testimony on testing for driving while intoxicated.

**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 88 YEAS, 4 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

**NAYS:** Clark; Delzer; Grosz; Murphy

**ABSENT AND NOT VOTING:** Devlin; Henegar; Huether; Kerzman; Kroeplin; Sabby

HB 1084 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1087:** A BILL for an Act to amend and reenact subsection 2 of section 61-24.5-09 of the North Dakota Century Code, relating to the exercise of the power of eminent domain by the southwest water authority.

### 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 28 YEAS, 64 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Berg; Boucher; Brandenburg; Callahan; Carlson; Christenson; Froseth; Grande; Grumbo; Gulleson; Hawken; Jacobs; Kelsh, S.; Kerzman; Kunkel; Maragos; Nelson; Nicholas; Sandvig; Schmidt; Skarphol; Sveen; Thoreson; Thorpe; Torgerson; Wald; Wardner; Wentz

**NAYS:** Aarsvold; Axtman; Belter; Bernstein; Boehm; Brown; Brusegaard; Byerly; Carlisle; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Dorso; Drovdal; Fairfield; Freier; Gerntholz; Glassheim; Gorder; Grosz; Gunter; Hanson; Hausauer; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kempenich; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Lloyd; Mahoney; Martin; Martinson; Mickelson; Monson; Murphy; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Soukup; Stenehjerm; Svedjan; Thompson; Tollefson; Warner; Weisz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Devlin; Galvin; Henegar; Huether; Kroeplin; Sabby

HB 1087 was declared lost.

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### SECOND READING OF HOUSE BILL

**HB 1094:** A BILL for an Act to amend and reenact section 20.1-08-04.2 of the North Dakota Century Code, relating to the North Dakota game warden association raffle.

### 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 84 YEAS, 9 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

**NAYS:** Belter; Byerly; Delzer; Gorder; Lloyd; Mahoney; Murphy; Skarphol; Thompson

**ABSENT AND NOT VOTING:** Devlin; Henegar; Huether; Kroeplin; Sabby

HB 1094 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1096:** A BILL for an Act to amend and reenact sections 20.1-10-01, 20.1-10-02, 20.1-10-03, 20.1-10-04, 20.1-10-05, 20.1-10-06, and 20.1-10-07 of the North Dakota Century Code, relating to confiscation of wildlife for game and fish law violations.

**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 13 YEAS, 80 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Brown; Christenson; DeKrey; Delzer; Klein; Monson; Murphy; Olson; Sveen; Wald; Wardner; Weisz; Speaker Timm

**NAYS:** Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christopherson; Clark; Coats; Dalrymple; Delmore; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Hawken; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Kliniske; Koppelman; Kretschmar; Kunkel; Lloyd; Mahoney; Maragos; Martin; Martinson; Mickelson; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Poolman; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Warner; Wentz; Wilkie

**ABSENT AND NOT VOTING:** Devlin; Henegar; Huether; Kroepelin; Sabby

HB 1096 was declared lost.

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**SECOND READING OF HOUSE BILL**

**HB 1117:** A BILL for an Act to amend and reenact subsection 3 of section 37-15-14.1 of the North Dakota Century Code, relating to the fund for deposit of membership contributions to the veterans' home; and to provide for a transfer.

**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 90 YEAS, 0 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Boucher; Devlin; Henegar; Huether; Kelsh, S.; Kroepelin; Renner; Sabby

HB 1117 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1118:** A BILL for an Act to amend and reenact subsection 3 of section 37-19.1-04 of the North Dakota Century Code, relating to requests for administrative hearings from the commissioner of veterans' affairs.

**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 58 YEAS, 34 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Axtman; Belter; Berg; Bernstein; Boucher; Brusegaard; Byerly; Carlson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Grande; Grosz; Gunter; Hausauer; Hawken; Jacobs; Jensen; Keiser; Kempenich; Kilzer; Klein; Koppelman; Kretschmar; Kunkel; Lloyd; Martin; Mickelson; Monson; Nelson; Nicholas; Nottestad; Poolman; Price; Rennerfeldt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Torgerson; Wald; Wardner; Weisz; Wentz; Wilkie; Speaker Timm

**NAYS:** Aarsvold; Boehm; Brandenburg; Brown; Callahan; Carlisle; Christenson; Delmore; Delzer; Fairfield; Gorder; Grumbo; Gulleson; Hanson; Johnsen, C.; Johnson, D.; Kelsch, R.; Kelsh, S.; Kerzman; Kliniske; Mahoney; Martinson; Murphy; Nichols; Niemeier; Oban; Olson; Renner; Rose; Sandvig; Schmidt; Thorpe; Tollefson; Warner

**ABSENT AND NOT VOTING:** Devlin; Henegar; Huether; Kroeplin; Maragos; Sabby

HB 1118 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1122:** A BILL for an Act to amend and reenact section 24-02-11 of the North Dakota Century Code, relating to access to the records of the department of transportation.

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

**ABSENT AND NOT VOTING:** Devlin; Henegar; Huether; Kroeplin; Sabby

HB 1122 passed and the title was agreed to.

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### MOTION

**REP. DORSO MOVED** that HB 1407 be placed at the top of the calendar, which motion prevailed.

### MOTION

**REP. DORSO MOVED** that HB 1137, HB 1139, HB 1140, and HB 1141, which are on the Eleventh order, be laid over one legislative day, which motion prevailed.

### SECOND READING OF HOUSE BILL

**HB 1407:** A BILL for an Act to provide an appropriation for technology grants to schools.

### 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 1 YEA, 92 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Kretschmar

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

Lloyd; Mahoney; Maragos; Martin; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Devlin; Henegar; Huether; Kroeplin; Sabby

HB 1407 was declared lost.

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### SECOND READING OF HOUSE BILL

**HB 1181:** A BILL for an Act to create and enact a new section to chapter 51-07 of the North Dakota Century Code, relating to security deposits for motor vehicle fuel franchise agreements.

### 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, 4 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; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleston; Gunter; Hanson; Hausauer; Hawken; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kunkel; Lloyd; Mahoney; Maragos; Martin; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; 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:** Devlin; Henegar; Huether; Kroeplin

HB 1181 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1186:** A BILL for an Act to amend and reenact subsection 1 of section 39-12-04 of the North Dakota Century Code, relating to commercial movement of fertilizer spreaders.

### 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 96 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; Gulleston; Gunter; Hanson; Hausauer; Hawken; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martin; 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:** Henegar; Huether

HB 1186 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1203:** A BILL for an Act to amend and reenact section 57-43.1-12 of the North Dakota Century Code, relating to assignment of motor vehicle fuel tax refund claims.

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

**ABSENT AND NOT VOTING:** Devlin; Dorso; Henegar; Huether

HB 1203 passed and the title was agreed to.

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**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, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 8:30 a.m., Wednesday, January 29, 1997, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1284: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1284 was placed on the Sixth order on the calendar.

Page 1, line 12, remove the underscored comma and overstrike "the" and insert immediately thereafter ":

1. The"

Page 1, line 14, after "person" insert "and

2. The department determines that the person is otherwise unable to afford the cost of the premiums, copayments, and deductibles"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1251: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO NOT PASS** (10 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1251 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1256: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1256 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1278: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO NOT PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1278 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1279: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO NOT PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1279 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1335: Human Services Committee (Rep. Price, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1335 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1386: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **DO NOT PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1386 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1470: Human Services Committee (Rep. Price, Chairman)** recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1470 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3014: Human Services Committee (Rep. Price, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (10 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). HCR 3014 was placed on the Tenth order on the calendar.

**FIRST READING OF HOUSE CONCURRENT RESOLUTION**

Reps. Belter, Grande and Sen. Christmann introduced:

**HCR 3017:** A concurrent resolution urging the Congress of the United States to consider an amendment to the United States Constitution to require a balanced federal budget. Was read the first time and referred to the **Finance and Taxation Committee**.

**FIRST READING OF SENATE BILLS**

**SB 2023:** A BILL for an Act to amend and reenact section 50-06.4-04, subsection 3 of section 50-24.1-01.3, and section 54-16-04 of the North Dakota Century Code, relating to appropriation authority and the powers and duties of the budget section of the legislative council; and to repeal sections 54-14-01.1 and 57-01-11.1 of the North Dakota Century Code, chapter 63 of the 1989 Session Laws, section 11 of chapter 22 of the 1993 Session Laws, and section 5 of chapter 493 of the 1993 Session Laws, relating to the office of the budget and the powers and duties of the budget section of the legislative council.

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

**SB 2066:** A BILL for an Act to amend and reenact section 54-10-01 of the North Dakota Century Code, relating to payment of state auditor contracts and performance audit standards.

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

**SB 2069:** A BILL for an Act to amend and reenact subdivision e of subsection 1 of section 6-09-15 and section 15-62.1-03 of the North Dakota Century Code, relating to interest provisions in guaranteed student loan agreements.

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

**SB 2111:** A BILL for an Act to amend and reenact sections 54-17-24, 54-17-25, and 54-17-26 of the North Dakota Century Code, relating to the student loan trust and to the refunding and sale of bonds issued by the industrial commission.

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

**SB 2121:** A BILL for an Act to create and enact two new sections to chapter 21-02 of the North Dakota Century Code, relating to the validity and exemption from taxation of certificates of indebtedness; to amend and reenact sections 21-02-01, 21-02-02, 21-02-03, 21-02-05, 21-02-06, 21-02-07, 21-02-08, and 21-02-11 of the North Dakota Century Code, relating to certificates of indebtedness; to repeal sections 21-02-04, 21-02-09, 21-02-10, 21-02-12, and 21-02-13 of the North Dakota Century Code, relating to certificates of indebtedness; and to provide a penalty.

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

**SB 2179:** A BILL for an Act to amend and reenact section 47-14-05 of the North Dakota Century Code, relating to late payment penalties.

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

**SIGNING OF BILLS AND RESOLUTIONS**

The Speaker signed the following enrolled bills: HB 1065, HB 1066.

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

**MADAM PRESIDENT:** The Speaker has signed and your signature is respectfully requested on: HB 1065, HB 1066.

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

**MADAM PRESIDENT:** The House has passed and your favorable consideration is requested on: HB 1005, HB 1043, HB 1093, HB 1155, HB 1239, HB 1287, HB 1298.

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

**ROY GILBREATH, Chief Clerk**