

JOURNAL OF THE HOUSE

Fifty-fifth Legislative Assembly

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Bismarck, January 29, 1997

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

The prayer was offered by Captain Dale Sherod, Salvation Army, Bismarck.

The roll was called and all members were present except Representatives Byerly and Fairfield.

A quorum was declared by the Speaker.

CORRECTION AND REVISION OF THE JOURNAL

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

Page 50, replace lines 24 through 26 with:

HB 1150: A BILL for an Act to amend and reenact sections 11-10.2-01 and 11-10.2-02 of the North Dakota Century Code, relating to elections to approve county officer combination, separation, or redesignation plans.

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

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 2008, SB 2030, SB 2145, SB 2168.

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

MR. SPEAKER: The President has signed: HB 1065, HB 1066.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 9:38 a.m., January 29, 1997: HB 1065, HB 1066, HB 1114, HB 1124.

HOUSE ENGROSSING REPORT

The following bills were engrossed: HB 1054, HB 1095, HB 1143, HB 1173, and HB 1200.

SIXTH ORDER OF BUSINESS

HB 1284: REP. PRICE (Human Services Committee) MOVED that the amendments on HJ page 196 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE CONCURRENT RESOLUTIONS ON CONSENT
CALENDAR**

HCR 3002: A concurrent resolution directing the Legislative Council to study the state's investment process as it relates to the state bonding fund and the fire and tornado fund and monitor the performance of all investments of the State Investment Board and the Board of University and School Lands.

HCR 3014: A concurrent resolution urging Congress to enact legislation to allow an exception to the requirement that parents relinquish custody in order to receive out-of-home treatment services for children with serious emotional disorders.

ROLL CALL

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

YEAS: Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; 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; 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: Byerly; Fairfield

HCR 3002 and HCR 3014 were declared adopted on a recorded roll call vote.

SECOND READING OF HOUSE BILL

HB 1095: A BILL for an Act to amend and reenact subsections 1 and 4 of section 39-10-46 and sections 39-21-18 and 39-21-27 of the North Dakota Century Code, relating to schoolbus strobe lights.

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 77 YEAS, 19 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Berg; Bernstein; Boucher; Brandenburg; Callahan; Carlisle; Christenson; Christopherson; Clark; Coats; Delmore; Devlin; Dorso; 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; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martin; Martinson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Price; Rose; Sabby; Sandvig; Schmidt; Soukup; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Wald; Wardner; Warner; Wentz; Wilkie; Speaker Timm

NAYS: Belter; Boehm; Brown; Brusegaard; Carlson; Dalrymple; DeKrey; Delzer; Drovda; Klein; Kliniske; Mickelson; Poolman; Renner; Rennerfeldt; Skarphol; Stenehjem; Torgerson; Weisz

ABSENT AND NOT VOTING: Byerly; Fairfield

Engrossed HB 1095 passed and the title was agreed to.

MOTION

REP. FREIER MOVED that the House waive the reading of the title to HB 1143, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1143: A BILL for an Act to create and enact two new sections to chapter 15-39.1 of the North Dakota Century Code, relating to correction of errors in teachers' fund for retirement benefit calculations; to amend and reenact subsections 10 and 11 of section 15-39.1-04, sections 15-39.1-08, 15-39.1-14, 15-39.1-15, 15-39.1-19.1, 15-39.1-20, 15-39.1-23, and 15-39.1-24 of the North Dakota Century Code, relating to definitions, compensation of board members, mandatory retirement, return to teaching, withdrawal, failure to make required reports and payments, military service credit, and acceptance of rollovers from other qualified plans under the teachers' fund for retirement; 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 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovda; 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; 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: Byerly; Fairfield

Engrossed HB 1143 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1173: A BILL for an Act to create and enact a new section to chapter 39-13 of the North Dakota Century Code, relating to a sign logo franchise program.

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 50 YEAS, 47 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Brandenburg; Brown; Brusegaard; Callahan; Christenson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grumbo; Gunter; Jacobs; Kerzman; Klein; Kliniske; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Martin; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Rennerfeldt; Rose; Sabby; Soukup; Stenehjem; Thompson; Torgerson; Wald; Wardner; Warner; Wilkie

NAYS: Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Carlisle; Carlson; Christopherson; Dorso; Fairfield; Grande; Grosz; Gulleeson; Hanson; Hausauer; Hawken; Henegar; Huether; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kilzer; Koppelman; Maragos; Martinson; Mickelson; Monson; Murphy; Poolman; Price; Renner; Sandvig; Schmidt; Skarphol; Svedjan; Sveen; Thoreson; Thorpe; Tollefson; Weisz; Wentz; Speaker Timm

ABSENT AND NOT VOTING: Byerly

Engrossed HB 1173 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1200: A BILL for an Act to create and enact a new subsection to section 20.1-03-11 of the North Dakota Century Code, relating to deer hunting by residents who are seventy years of age or older.

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 35 YEAS, 61 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; Brandenburg; Brusegaard; Callahan; Christenson; Coats; DeKrey; Devlin; Fairfield; Gulleeson; Johnson, D.; Kelsh, S.; Kerzman; Koppelman; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Nelson; Nicholas; Nichols; Niemeier; Oban; Poolman; Rennerfeldt; Rose; Sandvig; Schmidt; Stenehjem; Thorpe; Warner; Weisz; Wilkie

NAYS: Axtman; Belter; Berg; Bernstein; Boehm; Brown; Carlisle; Carlson; Christopherson; Clark; Dalrymple; Delmore; Delzer; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Kelsch, R.; Kempenich; Kilzer; Klein; Kliniske; Kretschmar; Martin; Martinson; Mickelson; Monson; Murphy; Nottestad; Olson; Price; Renner; Sabby; Skarphol; Soukup; Svedjan; Sveen; Thompson; Thoreson; Tollefson; Torgerson; Wald; Wardner; Wentz; Speaker Timm

ABSENT AND NOT VOTING: Byerly; Keiser

Engrossed HB 1200 was declared lost.

SECOND READING OF HOUSE BILL

HB 1007: A BILL for an Act to provide an appropriation for defraying the expenses of the office of the labor commissioner; and to amend and reenact section 34-05-01.2 of the North Dakota Century Code, relating to the salary of the labor commissioner.

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; 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; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; 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: Byerly; Keiser

HB 1007 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1018: A BILL for an Act to provide an appropriation to the tax commissioner for payment of state reimbursement under the homestead tax.

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 80 YEAS, 17 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Aarsvold; Boucher; Callahan; Christenson; Coats; Glassheim; Grumbo; Gulleson; Hanson; Kelsh, S.; Kerzman; Niemeier; Oban; Rose; Sandvig; Thorpe; Warner

ABSENT AND NOT VOTING: Byerly

HB 1018 passed and the title was agreed to.

MOTION

REP. DORSO MOVED that HB 1081, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1150: A BILL for an Act to amend and reenact sections 11-10.2-01 and 11-10.2-02 of the North Dakota Century Code, relating to elections to approve county officer combination, separation, or redesignation plans.

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, 91 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Freier; Galvin; Huether; Kretschmar; Sveen; Wilkie

NAYS: Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Froseth; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kroepin; 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; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Speaker Timm

ABSENT AND NOT VOTING: Byerly

HB 1150 was declared lost.

MOTION

REP. BRUSEGAARD MOVED that the vote by which HB 1173 passed be reconsidered and the motion to reconsider be laid on the table.

REQUEST

REP. BERG REQUESTED a recorded roll call vote on the motion that the vote by which HB 1173 passed be reconsidered and the motion to reconsider be laid on the table, which request was granted.

ROLL CALL

The question being on the motion that the vote by which HB 1173 passed be reconsidered and the motion to reconsider be laid on the table, the roll was called and there were 37 YEAS, 60 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Brusegaard; Callahan; Carlson; Christenson; Clark; Coats; Dalrymple; Delmore; Gerntholz; Glassheim; Gorder; Grumbo; Hawken; Huether; Johnsen, C.; Johnson, D.; Kelsh, S.; Kerzman; Klein; Kliniske; Nichols; Niemeier; Nottestad; Oban; Olson; Rennerfeldt; Rose; Sabby; Schmidt; Soukup; Thompson; Thorpe; Torgerson; Wald; Wardner; Wilkie

NAYS: Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Carlisle; Christopherson; DeKrey; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Grande; Grosz; Gulleson; Gunter; Hanson; Hausauer; Henegar; Jacobs; Jensen; Keiser; Kelsch, R.; Kempenich; Kilzer; Koppelman; Kretschmar; Kroepin; Kunkel; Lloyd; Mahoney; Maragos; Martin; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Poolman; Price; Renner; Sandvig; Skarphol; Stenehjem; Svedjan; Sveen; Thoreson; Tollefson; Warner; Weisz; Wentz; Speaker Timm

ABSENT AND NOT VOTING: Byerly

So the motion that the vote by which HB 1173 passed be reconsidered and the motion to reconsider be laid on the table failed.

SECOND READING OF HOUSE BILL

HB 1175: A BILL for an Act to amend and reenact section 34-07-12 of the North Dakota Century Code, relating to the contents of employment certificates.

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

YEAS: Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; 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; Henegar; Huether; 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; 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: Olson

ABSENT AND NOT VOTING: Byerly

HB 1175 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1177: A BILL for an Act to create and enact a new section to chapter 24-01 of the North Dakota Century Code, relating to no-mow agreements by 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 85 YEAS, 12 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Berg; Boehm; Carlisle; Hanson; Henegar; Johnsen, C.; Keiser; Monson; Oban; Olson; Renner; Soukup

ABSENT AND NOT VOTING: Byerly

HB 1177 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1211: A BILL for an Act to amend and reenact subsection 1 of section 32-03-45 and subdivision a of subsection 1 of section 32-03-46 of the North Dakota Century Code, relating to civil immunity for certain volunteers.

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

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

NAYS: Glassheim; Grande; Kretschmar

ABSENT AND NOT VOTING: Byerly; Rose

HB 1211 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1217: A BILL for an Act to create and enact a new section to chapter 47-19 of the North Dakota Century Code, relating to recording the drafter of an instrument affecting real property.

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 5 YEAS, 89 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Brown; Froseth; Klein; Martin; Wardner

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

ABSENT AND NOT VOTING: Byerly; Grosz; Rose; Wald

HB 1217 was declared lost.

SECOND READING OF HOUSE BILL

HB 1218: A BILL for an Act to create and enact two new sections to chapter 15-39.1 and a new subsection to section 21-10-06 of the North Dakota Century Code, relating to retiree health benefits for teachers; to amend and reenact sections 15-39.1-29, 15-39.1-30, and subdivision b of subsection 1 of section 57-15-14.2 of the North Dakota Century Code, relating to retiree health benefits for teachers; to provide an appropriation; to provide a continuing appropriation; and to provide for application.

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 21 YEAS, 75 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; Callahan; Christenson; Coats; Delmore; Fairfield; Grumbo; Gulleson; Hanson; Kelsh, S.; Kerzman; Mahoney; Nichols; Niemeier; Nottestad; Oban; Rose; Sabby; Sandvig; Wardner

NAYS: Axtman; Belter; Berg; Bernstein; Boehm; Brandenburg; Brown; Brusegaard; Carlisle; Carlson; Christopherson; Clark; Dalrymple; DeKrey; Delzer; Devlin; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Gunter; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kempenich; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroepelin; Kunkel; Lloyd; Maragos; Martin; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Olson; Poolman; Price; Renner; Rennerfeldt; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Warner; Weisz; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Byerly; Wald

HB 1218 was declared lost.

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 1073, HB 1083, HB 1084, HB 1094, HB 1117, HB 1118, HB 1122, HB 1161, HB 1181, HB 1186, HB 1203, HB 1232, HB 1242, HB 1246, HB 1254, HB 1320.

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 8:30 a.m., Thursday, January 30, 1997, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1089: Judiciary Committee (Rep. Kretschmar, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1089 was placed on the Sixth order on the calendar.

Page 1, line 14, after the first "the" insert "remaining"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1323: Judiciary Committee (Rep. Kretschmar, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1323 was placed on the Sixth order on the calendar.

Page 1, line 12, replace ", but need not do so by furnishing an abstract of title" with "that is the subject of the judgment"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1324: Judiciary Committee (Rep. Kretschmar, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1324 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 28-21-06 of the North Dakota Century Code, relating to the contents of writs of execution.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 28-21-06 of the North Dakota Century Code is amended and reenacted as follows:

28-21-06. Issuance and contents of execution. The writ of execution must be issued in the name of the state of North Dakota, attested in the name of the judge of the court that entered the judgment, sealed with the seal of the court, subscribed by the clerk of that court, and directed and delivered to a sheriff as provided in section 28-21-05. It must refer intelligibly to the judgment, stating the date and time the judgment was filed with the clerk, the courts and counties to which the judgment has been transcribed, ~~and~~ the names of the parties, the last known address of the judgment debtor, and the date of birth of the judgment debtor. If the execution is against the property of a judgment debtor, the execution must also state the amount of money the judgment ordered the debtor to pay to the judgment creditor, the date and time the judgment was docketed by the clerk, the rate of interest to be used in calculating interest due on the judgment pursuant to section 28-20-34, the amount of the costs accruing on the judgment as of the date of issuance of the execution, and if the execution is being issued to a sheriff of a county other than that of the county of the issuing writ, the date and time the judgment was docketed in the county of the sheriff to whom the execution is being issued. If the execution is for the delivery of the possession of real or personal property, the execution must also particularly describe the property to be delivered, specify the value of the property, identify the party entitled to possession of the property, and, if the same judgment orders the party against whom

the judgment was rendered to pay any costs, damages, or rents or profits to the party entitled to possession of the property, list the amounts of the costs, damages, or rents or profits payable as of the date of issuance of the execution. Upon receipt of an execution the sheriff shall:

1. If the execution is against the property of the judgment debtor, satisfy the judgment with interest and accruing costs, which include sheriff and county costs, out of the personal property of the debtor, and, if sufficient personal property cannot be found, out of the real property belonging to the debtor on the day when the judgment was docketed in the county or at any time thereafter. If real or personal property of the debtor is in the hands of a personal representative, heir, devisee, legatee, tenant of real property, or trustee, the sheriff may satisfy the judgment out of that property; or
2. If the execution is for the delivery of the possession of real or personal property, deliver the possession of the property to the party entitled thereto, and satisfy any costs, damages, or rents or profits recovered by the same judgment out of the personal property of the party against whom it was rendered and, if sufficient personal property cannot be found, out of the real property belonging to the party on the day when the judgment was docketed in the county or at any time thereafter. If delivery of the property cannot be had, the sheriff may satisfy the judgment in the amount of the value of the property out of the real and personal property of the party as if an execution against the property of the party had been issued."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1062: Human Services Committee (Rep. Price, Chairman) recommends **DO NOT PASS** (11 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1062 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1115: Agriculture Committee (Rep. Nicholas, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (10 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1115 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

HB 1195: Judiciary Committee (Rep. Kretschmar, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1195 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1206: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1206 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1207: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO NOT PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1207 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1231: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1231 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1280: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1280 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1367: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO NOT PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1367 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1389: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO PASS** (10 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING). HB 1389 was placed on the Eleventh order on the calendar.

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

Reps. Kempenich, Byerly, Drovdal and Sen. Bowman introduced:

HCR 3018: A concurrent resolution urging Congress to provide funds to widen and provide an attached walkway to the bridge over the Burlington Northern tracks on United States Highway 85 north of Bowman, North Dakota.

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

Reps. Poolman, Dorso introduced:

HCR 3019: A concurrent resolution recognizing North Dakota's commercial relationship with the people of the Republic of China on Taiwan and the record of the Republic of China concerning democratization at home and humanitarian service abroad.

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

Reps. Kempenich, Nelson, Weisz and Sens. Christmann, Fischer, Robinson introduced:

HCR 3020: A concurrent resolution directing the Legislative Council to study airline service in this state.

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

Rep. Kretschmar introduced:

HCR 3021: A concurrent resolution to create and enact a new article IX of the Constitution of North Dakota, relating to school and institutional trust funds and the sale of school or institutional lands; to repeal the present article IX of the Constitution of North Dakota, relating to trust lands; and to provide an effective date.

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

Rep. Kretschmar introduced:

HCR 3022: A concurrent resolution to create and enact two new sections to article VIII of the Constitution of North Dakota, relating to free public education and the state board of public education; to repeal sections 1, 2, 3, 4, and 5 of article VIII of the Constitution of North Dakota, relating to the establishment and maintenance of a system of free public schools, the branches of knowledge to be taught in those schools, and to the support of those schools; and to provide an effective date.

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

Rep. Kretschmar introduced:

HCR 3023: A concurrent resolution for the amendment of section 2 of article IV of the Constitution of North Dakota, relating to the election of representatives; and to provide an effective date.

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

Reps. Oban, Skarphol and Sens. Naaden, Thompson introduced:

HCR 3024: A concurrent resolution for the amendment of section 6 of article VIII of the Constitution of North Dakota, relating to the state board of higher education and the control and administration of the state's educational institutions; and to provide an effective date.

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

Reps. Skarphol, Dorso, Carlson, Wald and Sens. G. Nelson, Grindberg introduced:

HCR 3025: A concurrent resolution urging Congress to take steps to devolve the unemployment compensation program back to the states.

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

Reps. Kempenich, Drovdal, Poolman and Sens. Grindberg, Holmberg introduced:

HCR 3026: A concurrent resolution supporting the de Mores Abattoir Project, the Center for the American West, located in Chimney Park in Medora, North Dakota.

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

Reps. Glassheim, Axtman, Poolman introduced:

HCR 3027: A concurrent resolution urging Congress and state and local government leaders to seek an end to bidding wars among states and local governments for economic develop projects.

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

Reps. Kempenich, Axtman, Klein and Sen. Naaden introduced:

HCR 3028: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing a state department of commerce.

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

Reps. Coats, Christenson, Gorder, Sveen and Sens. Cook, Robinson introduced:

HCR 3029: A concurrent resolution acknowledging the service and sacrifice of the brave Americans, including North Dakotans, who contributed to the historic victory of freedom and democracy over tyranny and oppression.

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

FIRST READING OF SENATE BILLS

SB 2008: A BILL for an Act to provide an appropriation for defraying the expenses of the department of banking and financial institutions.

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

SB 2030: A BILL for an Act to create and enact a new section to chapter 27-20 of the North Dakota Century Code, relating to data collection on certain juvenile offenders.

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

SB 2145: A BILL for an Act to create and enact three new sections to chapter 2-05 of the North Dakota Century Code, relating to cease and desist authority for the aeronautics commission, assessment of civil money penalties by the aeronautics commission, and bond requirements for persons engaged in aerial spraying; to provide a penalty; and to provide an effective date.

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

SB 2168: A BILL for an Act to create and enact a new subsection to section 12.1-20-09 of the North Dakota Century Code, relating to testimony in divorce proceedings.

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

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

ROY GILBREATH, Chief Clerk