

## JOURNAL OF THE HOUSE

## Fifty-fifth Legislative Assembly

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Bismarck, February 12, 1997

The House convened at 8:00 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 Representative Dorso.

A quorum was declared 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 2204, SB 2207, SB 2255, SB 2286, SB 2287, SB 2339, SB 2361, SB 2372, SB 2373, SB 2398.

**HOUSE ENGROSSING REPORT**

The following bills were engrossed: HB 1046, HB 1111, HB 1142, HB 1159, HB 1162, HB 1176, HB 1249, HB 1258, HB 1267, HB 1281, HB 1282, HB 1306, HB 1314, HB 1346, HB 1352, HB 1357, HB 1381, HB 1420, HB 1421, HB 1427, HB 1433, HB 1434, HB 1436, HB 1437, HB 1442, HB 1469, and HB 1472.

**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 1260, HB 1261, HB 1309, HB 1311, HB 1315, HB 1328, HB 1335, HB 1344, HB 1345, HB 1350, HB 1359, HB 1384, HB 1389.

**MOTION**

**REP. FREIER MOVED** that HB 1411, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

**SIXTH ORDER OF BUSINESS**

**REP. FREIER MOVED** that the amendments on the Sixth order of business to HB 1002, HB 1004, HB 1023, HB 1024, HB 1034, HB 1058, HB 1071, HB 1265, HB 1332, HB 1342, HB 1355, HB 1370, and HB 1410 be adopted, which motion prevailed.

HB 1071, HB 1342, and HB 1410, as amended, were rereferred to the **Appropriations Committee**.

HB 1002, HB 1004, HB 1023, HB 1024, HB 1034, HB 1058, HB 1265, HB 1332, HB 1355, and HB 1370, as amended, were placed on the Eleventh order of business on the calendar.

**MOTION**

**REP. FREIER MOVED** that HB 1237, which is on the Eleventh order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Freier's motion, HB 1237 was rereferred.

**SECOND READING OF HOUSE BILL**

**HB 1185:** A BILL for an Act to amend and reenact sections 4-10.4-03, 4-10.4-08, and 4-10.4-12 of the North Dakota Century Code, relating to the state barley council and the tax assessment on barley production.

**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 71 YEAS, 24 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Brandenburg; Brusegaard; Byerly; Carlisle; Carlson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Devlin; Drovdal; Freier; Froseth; Galvin; Gerntholz; Gorder; Grande; Grumbo; Gunter; Hausauer; Hawken; Henegar; Huether; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kempenich; Kliniske; Koppelman; Kretschmar; Kroepflin; Kunkel; Lloyd; Maragos; Martinson; Monson; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Rennerfeldt; Rose; Sabby; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen;

Thompson; Thoreson; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Speaker Timm

**NAYS:** Axtman; Boehm; Boucher; Brown; Callahan; Christenson; Delzer; Fairfield; Grosz; Gullerson; Hanson; Jacobs; Kelsh, S.; Kerzman; Kilzer; Klein; Mahoney; Mickelson; Murphy; Price; Renner; Sandvig; Thorpe; Wilkie

**ABSENT AND NOT VOTING:** Dorso; Glassheim

Engrossed HB 1185 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1307:** A BILL for an Act to create and enact a new section to chapter 40-13 of the North Dakota Century Code, relating to removal of appointive city officers; to amend and reenact sections 40-13-09, 40-14-04, and 40-15-05 of the North Dakota Century Code, relating to appointive city officers; and to repeal sections 40-14-05, 40-15-06, and 40-15-07 of the North Dakota Century Code, relating to terms and removal of appointive city officers.

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

**YEAS:** Aarsvold; Brusegaard; Callahan; Coats; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Mickelson; Oban; Schmidt

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

**ABSENT AND NOT VOTING:** Dorso; Glassheim

Engrossed HB 1307 was declared lost.

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#### SECOND READING OF HOUSE BILL

**HB 1046:** A BILL for an Act to create and enact a new subsection to section 12.1-01-04 and a new subsection to section 50-06-05.1 of the North Dakota Century Code, relating to the definition of risk assessment and the authority of the department of human services to establish the method of risk assessment; and to amend and reenact subsection 11 of section 12.1-32-02 of the North Dakota Century Code, relating to risk assessments in certain presentence investigations.

#### ROLL CALL

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

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

**ABSENT AND NOT VOTING:** Dorso; Glasheim

Engrossed HB 1046 passed and the title was agreed to.

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#### MOTION

**REP. FREIER MOVED** that the House waive the reading of the titles to HB 1111 and HB 1439, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1111:** A BILL for an Act to create and enact a new section to chapter 27-20 of the North Dakota Century Code, relating to parental attendance at alcohol treatment for a child; and to amend and reenact subsection 7 of section 39-06-32, sections 39-20-01, 39-20-03.1, 39-20-03.2, subsection 1 of section 39-20-04.1, subsections 2, 3, and 5 of section 39-20-05, subsection 3 of section 39-20-07, and section 39-20-09 of the North Dakota Century Code, relating to the illegal level of alcohol and drug concentration for motor vehicle operators under twenty-one years of age.

#### 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 70 YEAS, 26 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Axtman; Belter; Boucher; Brandenburg; Callahan; Carlisle; Christenson; Christopherson; Coats; Dalrymple; DeKrey; Delmore; Drovdal; Fairfield; Froseth; Gerntholz; Glasheim; Gorder; Grande; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Hawken; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Mahoney; Maragos; Martinson; Mickelson; Nicholas; Niemeier; Nottestad; Oban; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Skarphol; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wardner; Warner; Weisz; Wentz

**NAYS:** Berg; Bernstein; Boehm; Brown; Brusegaard; Byerly; Carlson; Clark; Delzer; Devlin; Freier; Galvin; Grosz; Henegar; Kerzman; Lloyd; Monson; Murphy; Nelson; Nichols; Olson; Schmidt; Soukup; Wald; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Dorso

Engrossed HB 1111 passed and the title was agreed to.

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#### ANNOUNCEMENT BY THE SPEAKER

**SPEAKER TIMM ANNOUNCED** that because of concern expressed regarding cutting off debate yesterday, the Speaker would appreciate the members not making a motion that would deny further debate on the bill.

#### MOTION

**REP. HANSON MOVED** that the House reconsider its action whereby HB 1326 failed to pass for want of a Constitutional majority, which motion prevailed on a verification vote.

#### SECOND READING OF HOUSE BILL

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

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 47 YEAS, 49 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Boucher; Brandenburg; Callahan; Christenson; Coats; DeKrey; Delmore; Devlin; Fairfield; Froseth; Galvin; Gerntholz; Glasheim; Grumbo; Gulleson; Hawken; Huether; Jacobs; Jensen; Johnsen, C.; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kilzer; Kretschmar; Kroeplin; Mahoney; Maragos; Martinson; Nichols; Niemeier; Nottestad; Oban; Rose; Sabby; Sandvig; Stenehjem; Sveen; Thoreson; Thorpe; Tollefson; Warner; Weisz; Wentz; Wilkie

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

**ABSENT AND NOT VOTING:** Dorso

Engrossed HB 1326 was declared lost.

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**THE HOUSE RECOGNIZED THE PRESENCE OF:**

Former Representative Ted Maragos.

**SECOND READING OF HOUSE BILL**

**HB 1142:** 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 the composition and administrative authority of the teachers' fund for retirement board; to amend and reenact section 15-39.1-07 and subsection 1 of section 54-07-01.2 of the North Dakota Century Code, relating to vacancies on and appointments to the teachers' fund for retirement board; and to repeal section 15-39.1-05 of the North Dakota Century Code, relating to management of the teachers' fund for retirement.

**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, 1 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; 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; 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:** Dorso

Engrossed HB 1142 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1159:** A BILL for an Act to create and enact a new section to chapter 16.1-12 of the North Dakota Century Code, relating to the time allowed for independent candidates to circulate nominating petitions; to amend and reenact sections 16.1-12-02.2 and 16.1-12-04 of the North Dakota Century Code, relating to election boards counting write-in votes, certificates of write-in candidacy, write-in candidates seeking more than one office, and the secretary of state and county auditors certifying independent nominations to one another; and to repeal section 16.1-12-05 of the North Dakota Century Code, relating to the secretary of state certifying independent nominations to the county auditor.

**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 90 YEAS, 5 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Axtman; Belter; Berg; Bernstein; Boucher; Brandenburg; Brown; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Devlin; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; Gunter; Hanson; 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; 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; Weisz; Wentz; Wilkie; Speaker Timm

**NAYS:** Boehm; Brusegaard; Delzer; Murphy; Olson

**ABSENT AND NOT VOTING:** Dorso; Hausauer

Engrossed HB 1159 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1162:** A BILL for an Act to create and enact three new subsections to section 54-23.4-10 of the North Dakota Century Code, relating to closure of crime victims compensation claims; to amend and reenact sections 54-23.4-01, 54-23.4-03, 54-23.4-06, 54-23.4-11, and 54-23.4-12 of the North Dakota Century Code, relating to definitions, award of benefits, attorney's fees, and subrogation for purposes of crime victims compensation; and to provide an effective date.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO 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; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gullerson; 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; 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:** Brown; Dorso

Engrossed HB 1162 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1176:** A BILL for an Act to provide for damages for defamation of agricultural products and management practices; 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 84 YEAS, 12 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Carlisle; Carlson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Drovdal; Fairfield; Freier; Galvin; Gerntholz; Gorder; Grande; Grumbo; Gullerson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; 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; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wilkie; Speaker Timm

**NAYS:** Byerly; Callahan; Christenson; Delzer; Devlin; Froseth; Glassheim; Grosz; Jacobs; Jensen; Oban; Wentz

**ABSENT AND NOT VOTING:** Dorso

Engrossed HB 1176 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1249:** A BILL for an Act to create and enact a new subsection to section 26.1-39-05 of the North Dakota Century Code, relating to insurance coverage on structures.

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

**ABSENT AND NOT VOTING:** Dorso

Engrossed HB 1249 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1258:** A BILL for an Act to create and enact three new sections to chapter 14-05 of the North Dakota Century Code, relating to custodial education before a divorce.

**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 31 YEAS, 65 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Bernstein; Boucher; Callahan; Christenson; Coats; Glassheim; Gorder; Grande; Grumbo; Gulleeson; Jacobs; Jensen; Kelsh, S.; Kempenich; Kerzman; Klein; Koppelman; Mahoney; Murphy; Nichols; Niemeier; Oban; Poolman; Price; Rose; Sandvig; Thorpe; Warner; Wentz

**NAYS:** Axtman; Berg; Boehm; Brandenburg; Brown; Brusegaard; Byerly; Carlisle; Carlson; Christopherson; Clark; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Grosz; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kilzer; Kliniske; Kretschmar; Kroeplin; Kunkel; Lloyd; Maragos; Martinson; Mickelson; Monson; Nelson; Nicholas; Nottestad; Olson; Renner; Rennerfeldt; Sabby; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Tollefson; Torgerson; Wald; Wardner; Weisz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Dorso

Engrossed HB 1258 was declared lost.

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**MOTION**

**REP. FREIER MOVED** that HB 1267 be moved to the foot of the calendar, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1281:** A BILL for an Act to amend and reenact section 24-01-28 of the North Dakota Century Code, relating to vacating land taken or acquired for highway purposes.

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

Engrossed HB 1281 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1282:** A BILL for an Act to amend and reenact section 36-21.1-09 of the North Dakota Century Code, relating to the use of live beef and dairy cattle as a raffle prize; to provide an effective date; and to declare an emergency.

**ROLL CALL**

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

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

**ABSENT AND NOT VOTING:** Dorso; Fairfield

Engrossed HB 1282 passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF HOUSE BILL**

**HB 1306:** A BILL for an Act to amend and reenact subdivision b of subsection 1 of section 27-20-34 of the North Dakota Century Code, relating to transfers from juvenile to adult court.

**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 84 YEAS, 12 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

Lloyd; Maragos; Martinson; Mickelson; Monson; Nelson; Nicholas; Nichols; Nottestad; Olson; Poolman; Price; Renner; Rennerfeldt; Sabby; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**NAYS:** Callahan; Christenson; Delzer; Drovdal; Gulleson; Mahoney; Murphy; Niemeier; Oban; Rose; Sandvig; Thorpe

**ABSENT AND NOT VOTING:** Dorso

Engrossed HB 1306 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1314:** A BILL for an Act to designate the training facility located at Camp Grafton (South) as the Major General C. Emerson Murry regional live fire and maneuver training center.

### 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, 1 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; 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; 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:** Dorso

Engrossed HB 1314 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1346:** A BILL for an Act to create and enact a new section to chapter 39-04 of the North Dakota Century Code, relating to issuance of distinctive motor vehicle license plates to individuals eligible for interment in the North Dakota veterans' cemetery.

### 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, 1 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; 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; 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:** Dorso

Engrossed HB 1346 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1352:** A BILL for an Act to create and enact a new section to chapter 50-11.1 of the North Dakota Century Code, relating to the duties of an advisory committee to the department of human services concerning early childhood services.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 30 YEAS, 65 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Boucher; Brandenburg; Callahan; Christenson; Coats; Dalrymple; Delmore; Fairfield; Glassheim; Grumbo; Guleson; Hawken; Jensen; Kelsh, S.; Kempenich; Kerzman; Kroeplin; Mahoney; Maragos; Murphy; Nichols; Niemeier; Nottestad; Oban; Rose; Schmidt; Thompson; Warner; Wilkie

**NAYS:** Axtman; Belter; Berg; Bernstein; Boehm; Brown; Brusegaard; Byerly; Carlisle; Carlson; Christopherson; Clark; DeKrey; Delzer; Devlin; Drovda; Freier; Froseth; Galvin; Gerntholz; Gorder; Grande; Grosz; Gunter; Hanson; Hausauer; Henegar; Huether; Jacobs; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Lloyd; Martinson; Mickelson; Monson; Nelson; Nicholas; Olson; Poolman; Price; Renner; Rennerfeldt; Sabby; Sandvig; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Weisz; Wentz; Speaker Timm

**ABSENT AND NOT VOTING:** Dorso; Kunkel

Engrossed HB 1352 was declared lost.

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**MOTION**

**REP. FREIER MOVED** that House Rule 329(4), with reference to the deadline date for rereferring House bills to the **Appropriations Committee**, be suspended until Friday, February 14, 1997, for the following bills: HB 1041, HB 1047, HB 1050, HB 1226, HB 1295, HB 1312, HB 1393, HB 1415, HB 1458, HB 1476, and HB 1340, which motion prevailed.

**HOUSE ENGROSSING REPORT**

The following bills were engrossed: HB 1002, HB 1004, HB 1023, HB 1024, HB 1034, HB 1058, HB 1071, HB 1265, HB 1332, HB 1342, HB 1355, HB 1370, and HB 1410.

**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 1001, HB 1016, HB 1022, HB 1074, HB 1146, HB 1225, HB 1227, HB 1294, HB 1358, HB 1360, HB 1405, HB 1412.

**MOTION**

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

**MOTION**

**REP. FREIER MOVED** that the House be on the Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 8:00 a.m., Thursday, February 13, 1997, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1223: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1223 was placed on the Sixth order on the calendar.

Page 1, line 1, after "Act" insert "to create and enact a new section to chapter 6-08 of the North Dakota Century Code, relating to the return of instruments issued without sufficient funds; and"

Page 1, line 2, remove "costs"

Page 1, line 17, remove the overstrike over "~~fifteen~~"

Page 1, line 18, remove "twenty-five" and after "holder" insert ", or its agent or representative,"

Page 1, line 19, remove ", or its agent"

Page 1, line 20, remove "or representative."

Page 2, line 25, remove the overstrike over "~~fifteen~~" and remove "twenty-five"

Page 3, line 26, remove the overstrike over "~~fifteen~~"

Page 3, line 27, remove "twenty-five"

Page 4, line 8, remove the overstrike over "~~fifteen~~"

Page 4, line 9, remove "twenty-five"

Page 4, line 19, after the second comma insert "or its agent or representative."

Page 5, line 10, remove the overstrike over "~~fifteen~~" and remove "twenty-five"

Page 5, after line 13, insert:

**"SECTION 3.** A new section to chapter 6-08 of the North Dakota Century Code is created and enacted as follows:

**Return of paid checks to the issuer.** When the holder, or its agent or representative, of a check receives full payment for the amount of a check issued without sufficient funds or credit, or without account, the check must be returned to the issuer of the check if a request is made and upon the payment of any civil penalty assessed."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1266: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1266 was placed on the Sixth order on the calendar.

Page 1, line 12, remove the overstrike over "~~and~~"

Page 1, line 15, remove the first underscored comma, after "has" insert "either", and remove the second underscored comma

Page 1, line 16, remove "has"

Page 1, line 18, replace "delayed" with "prevented"

Page 1, line 19, after "claim" insert "in a timely manner"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1392: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1392 was placed on the Sixth order on the calendar.

Page 2, replace lines 12 through 19 with:

- "a. The name of the real estate investment trust which may not be the same or deceptively similar to the name of any other real estate investment trust registered with the secretary of state, or any corporation, limited liability company, limited partnership, limited liability partnership, or any name that is in some manner reserved with the secretary of state, that is a fictitious trade name registered in the manner provided in chapter 45-11, or that is a trade name registered in the manner provided in chapter 47-25 unless there is filed with the secretary of state a written consent of the holder of the similar trade name to use the name proposed by the real estate investment trust. The name may not contain the word "corporation", "company", "incorporated", "limited liability company", or any abbreviation of these words."

Page 7, line 16, replace "and subjects" with ". A real estate investment trust is subject to chapter 10-06.1."

Page 7, remove line 17

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1467: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1467 was placed on the Sixth order on the calendar.

Page 2, line 3, after the underscored period insert "Notwithstanding any other provision of law, taxes paid on reclassified real property under this section must be paid to the county treasurer and allocated by the county treasurer in the manner provided for allocation of coal severance tax revenues within the county under subsection 2 of section 57-62-02. Notwithstanding section 57-60-14, taxes paid under this chapter by the operator of a facility reclassified as real property under this section must be allocated entirely to the state general fund."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1338: Human Services Committee (Rep. Price, Chairman)** recommends **DO NOT PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1338 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1478: Human Services Committee (Rep. Price, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1478 was placed on the Eleventh order on the calendar.

#### FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

Reps. Brandenburg, Guleson, Kroeplin, Nicholas and Sens. Christmann, Wanzek introduced:

**HCR 3039:** A concurrent resolution directing the Legislative Council to study the relationship between state general fund revenue gains from economic growth and losses from providing income tax incentives for investment in value-added agricultural processing.

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

Reps. Christenson, Grande introduced:

**HCR 3040:** A concurrent resolution directing the Legislative Council to study the truancy laws of this state and whether there are sufficient options and alternatives available to schools and school districts that have high incidences of truancy.

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

#### FIRST READING OF SENATE BILLS

**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.

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

**SB 2207:** A BILL for an Act to create and enact a new section to chapter 26.1-36 of the North Dakota Century Code, relating to required coverages in health plans.

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

**SB 2255:** A BILL for an Act relating to the enforcement of real estate covenants prohibiting the running-at-large of dangerous animals.

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

**SB 2286:** A BILL for an Act to create and enact a new chapter to title 51 of the North Dakota Century Code, relating to assistive technology device warranties; and to provide a penalty.

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

**SB 2287:** A BILL for an Act to amend and reenact subsection 6 of section 6-01-07.1 of the North Dakota Century Code, relating to access to records held by the department of banking and financial institutions; and to repeal section 6-01-20 of the North Dakota

Century Code, relating to access by the Bank of North Dakota to bank, savings and loan, and credit union records.

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

**SB 2339:** A BILL for an Act to amend and reenact section 57-06-17.1 of the North Dakota Century Code, relating to the property tax exemption for carbon dioxide pipelines.

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

**SB 2361:** A BILL for an Act to amend and reenact subsection 1 of section 23-09.1-01 of the North Dakota Century Code, relating to the definition of bed and breakfast facility.

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

**SB 2372:** A BILL for an Act to amend and reenact section 24-07-03 of the North Dakota Century Code, relating to section lines as public roads.

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

**SB 2373:** A BILL for an Act to create and enact a new chapter to title 30 of the North Dakota Century Code, relating to investment in community development corporations by banks.

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

**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 I of subsection 1 of section 28-32-01 of the North Dakota Century Code, relating to the definition of an administrative agency.

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

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

**ROY GILBREATH, Chief Clerk**