

## JOURNAL OF THE HOUSE

### Fifty-fifth Legislative Assembly

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**Bismarck, February 5, 1997**

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

The prayer was offered by the Rev. Ronald Gladen, First Lutheran Church, Bismarck.

The roll was called and all members were present except Representative Lloyd.

A quorum was declared by the Speaker.

#### ANNOUNCEMENT BY THE SPEAKER

**SPEAKER TIMM ANNOUNCED** that with reference to the distribution of materials to Representatives by lobbyists and other organizations, all materials for distribution must be presented for delivery at least one-half hour prior to the start of each legislative day's session.

#### 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 2190, SB 2212, SB 2218, SB 2219, SB 2245.

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1059, HB 1108, HB 1113, HB 1126, HB 1148, HCR 3003, HCR 3004, HCR 3005, HCR 3007.

#### HOUSE ENGROSSING REPORT

The following bills were engrossed: HB 1076, HB 1090, HB 1112, HB 1135, HB 1158, HB 1174, HB 1185, HB 1220, HB 1224, HB 1343, HB 1379, and HB 1444.

#### SIXTH ORDER OF BUSINESS

**REP. DORSO MOVED** that the amendments on the Sixth order of business to HB 1028, HB 1103, HB 1134, HB 1160, HB 1190, HB 1196, HB 1210, HB 1285, HB 1330, HB 1341, HB 1369, and HB 1482 be adopted, which motion prevailed.

HB 1028, HB 1103, HB 1134, HB 1160, HB 1190, HB 1196, HB 1210, HB 1285, HB 1330, HB 1341, and HB 1482, as amended, were placed on the Eleventh order of business on the calendar.

HB 1369, as amended, was rereferred to the **Appropriations Committee**.

#### MOTION

**REP. DORSO MOVED** that HB 1146, which is on the Eleventh order, be rereferred to the **Education Committee**, which motion prevailed. Pursuant to Rep. Dorso's motion, HB 1146 was rereferred.

#### SECOND READING OF HOUSE BILL

**HB 1209:** A BILL for an Act to amend and reenact sections 15-40.1-07.3 and 15-40.1-07.4 of the North Dakota Century Code, relating to per student payments for reorganized and cooperating school districts; 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 NOT PASS, the roll was called and there were 0 YEAS, 96 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**NAYS:** Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; 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; 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; 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:** Boucher; Lloyd

Engrossed HB 1209 was declared lost.

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### SECOND READING OF HOUSE BILL

**HB 1349:** A BILL for an Act to amend and reenact sections 23-01-18 and 23-01-19 of the North Dakota Century Code, relating to the control and eradication of rabies.

### 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 78 YEAS, 19 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Berg; Bernstein; Boehm; Boucher; Brandenburg; Callahan; Carlisle; Christenson; Christopherson; Clark; Coats; Dalrymple; Delmore; Dorso; Drovdal; Fairfield; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grumbo; Gulleston; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kilzer; Klein; Kliniske; Kretschmar; Kroepelin; Kunkel; Mahoney; Maragos; Martin; Martinson; Mickelson; Monson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rose; Sabby; Sandvig; Schmidt; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Wentz; Wilkie; Speaker Timm

**NAYS:** Axtman; Belter; Brown; Brusegaard; Byerly; Carlson; DeKrey; Delzer; Devlin; Freier; Froseth; Grosz; Kempenich; Koppelman; Murphy; Nelson; Rennerfeldt; Skarphol; Weisz

**ABSENT AND NOT VOTING:** Lloyd

Engrossed HB 1349 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1366:** A BILL for an Act to amend and reenact section 15-27.2-04 of the North Dakota Century Code, relating to school district annexation proceedings.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 94 YEAS, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Axtman; 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; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroepelin; Kunkel; 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

**NAYS:** Aarsvold; Belter; Nichols

**ABSENT AND NOT VOTING:** Lloyd

Engrossed HB 1366 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1380:** A BILL for an Act to amend and reenact sections 21-03-15 and 21-03-42 of the North Dakota Century Code, relating to payment of the principal and interest on bonds

issued by political subdivisions and termination of tax levies; 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 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; 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; 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

**ABSENT AND NOT VOTING:** Lloyd; Speaker Timm

Engrossed HB 1380 passed and the title was agreed to.

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#### ANNOUNCEMENT BY THE SPEAKER

**SPEAKER TIMM ANNOUNCED** that he intended to vote "Yea" on HB 1380.

#### MOTION

**REP. DORSO MOVED** that HB 1076, which is on the Eleventh order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Dorso's motion, HB 1076 was rereferred.

#### SECOND READING OF HOUSE BILL

**HB 1090:** A BILL for an Act to amend and reenact subsection 2 of section 61-21-01 and sections 61-21-33 and 61-21-34 of the North Dakota Century Code, relating to cooperation on drain projects by political subdivisions.

#### 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 7 YEAS, 90 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Glassheim; Huether; Keiser; Kilzer; Maragos; Oban

**NAYS:** 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; Gorder; Grande; Grosz; Grumbo; Gullerson; Gunter; Hanson; Hausauer; Hawken; Henegar; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Mahoney; Martin; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Lloyd

Engrossed HB 1090 was declared lost.

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#### SECOND READING OF HOUSE BILL

**HB 1112:** A BILL for an Act to create and enact two new sections to chapter 12.1-31 of the North Dakota Century Code, relating to the exploitation of a disabled or vulnerable elderly adult; to amend and reenact section 12.1-31-07 of the North Dakota Century Code, relating to the definition of disabled or vulnerable elderly adult; 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 NOT PASS, the roll was called and there were 66 YEAS, 31 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Axtman; Belter; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Christenson; Clark; Coats; Dalrymple; Delzer; Devlin; Drovdal; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gunter; Hausauer; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kroepelin; Mahoney; Martin; Martinson; Mickelson; Monson; Murphy; Nelson; Nichols; Niemeier; Oban; Olson; Poolman; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Skarphol; Soukup; Svedjan; Tollefson; Torgerson; Wald; Wardner; Warner; Wilkie

**NAYS:** Berg; Brandenburg; Brusegaard; Callahan; Carlson; Christopherson; DeKrey; Delmore; Dorso; Fairfield; Freier; Gulleeson; Hanson; Hawken; Kelsch, R.; Kelsh, S.; Kretschmar; Kunkel; Maragos; Nicholas; Nottestad; Price; Sabby; Stenehjem; Sveen; Thompson; Thoreson; Thorpe; Weisz; Wentz; Speaker Timm

**ABSENT AND NOT VOTING:** Lloyd

Engrossed HB 1112 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1135:** A BILL for an Act to amend and reenact sections 43-17-31, 43-17-32.1, subsection 1 of section 43-17.1-05, and section 43-17.1-05.1 of the North Dakota Century Code, relating to grounds for disciplinary action, suspensions, complaints, and reports under the board of medical examiners; 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 94 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Grosz; Johnsen, C.

**ABSENT AND NOT VOTING:** Lloyd; Nicholas

Engrossed HB 1135 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 1158 and HB 1154, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1158:** A BILL for an Act to create and enact a new subsection to section 28-32-01, and two new sections to chapter 28-32 of the North Dakota Century Code, relating to adjudicative proceedings, specific agency statutes and rules, and emergency adjudicative proceedings; and to amend and reenact sections 23-01-23, 28-32-05, 28-32-05.1, 28-32-06, 28-32-07, 28-32-08, 28-32-08.2, subsection 1 of section 28-32-08.4, sections 28-32-09, 28-32-12, 28-32-12.1, 28-32-12.2, 28-32-13, subsection 1 of section 28-32-17, sections 43-18.2-05, and 43-18.2-06 of the North Dakota Century Code, relating to procedures for adjudicative proceedings.

**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 97 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; Dorso; 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; Kroeplin; Kunkel; 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:** Lloyd

Engrossed HB 1158 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1220:** A BILL for an Act to amend and reenact section 39-21-01 of the North Dakota Century Code, relating to the display of lighted headlamps.

**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 12 YEAS, 83 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Christenson; Coats; Fairfield; Galvin; Klein; Kroeplin; Mahoney; Nottestad; Oban; Rose; Sandvig; Soukup

**NAYS:** Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christopherson; Clark; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Freier; Froseth; 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; Kliniske; Koppelman; Kretschmar; Kunkel; Maragos; Martin; Martinson; Mickelson; Monson; Murphy; Nelson; Nichols; Niemeier; Olson; Poolman; Renner; Rennerfeldt; Sabby; Schmidt; Skarphol; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Lloyd; Nicholas; Price

Engrossed HB 1220 was declared lost.

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**SECOND READING OF HOUSE BILL**

**HB 1224:** A BILL for an Act to create and enact a new section to chapter 39-06.2 of the North Dakota Century Code, relating to commercial drivers transporting agricultural commodities.

**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; 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; Mahoney; Maragos; Martin; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban;

Olson; Poolman; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Lloyd; Price; Wentz

Engrossed HB 1224 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1343:** A BILL for an Act to amend and reenact section 33-06-04 of the North Dakota Century Code, relating to eviction actions.

### 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; 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; 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; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Lloyd; Wentz

Engrossed HB 1343 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1379:** A BILL for an Act to amend and reenact subsections 7, 8, and 9 of section 57-39.2-01 and subsection 1 of section 57-39.2-02.1 of the North Dakota Century Code, relating to sales taxes for playing machines for amusement or entertainment; 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 27 YEAS, 70 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Carlisle; Delzer; Devlin; Grosz; Gulleson; Gunter; Henegar; Jensen; Johnsen, C.; Keiser; Kerzman; Kretschmar; Kroeplin; Kunkel; Maragos; Martin; Martinson; Mickelson; Nicholas; Price; Rennerfeldt; Schmidt; Thompson; Wald; Wardner; Wentz; Speaker Timm

**NAYS:** Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grumbo; Hanson; Hausauer; Hawken; Huether; Jacobs; Johnson, D.; Kelsch, R.; Kelsh, S.; Kempenich; Kilzer; Klein; Kliniske; Koppelman; Mahoney; Monson; Murphy; Nelson; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Renner; Rose; Sabby; Sandvig; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thoreson; Thorpe; Tollefson; Torgerson; Warner; Weisz; Wilkie

**ABSENT AND NOT VOTING:** Lloyd

Engrossed HB 1379 was declared lost.

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**SECOND READING OF HOUSE BILL**

**HB 1444:** A BILL for an Act to provide for family economic security and accountability of economic development entities; to create and enact a new chapter to title 6, a new section to chapter 10-30.4, a new section to chapter 10-30.5, two new sections to chapter 40-57.1, and a new section to chapter 54-34.3 of the North Dakota Century Code, relating to economic development incentives and reimbursement of income tax exemptions granted for new industries; to provide for a transfer of Bank of North Dakota profits; and to provide an appropriation.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 28 YEAS, 69 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Boucher; Brandenburg; Callahan; Christenson; Coats; Delmore; Fairfield; Glasheim; Grumbo; Guleson; Hanson; Huether; Kelsh, S.; Kerzman; Kroepelin; Mahoney; Martin; Murphy; Nichols; Niemeier; Oban; Rose; Sandvig; Schmidt; Thorpe; Warner; Wilkie

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

**ABSENT AND NOT VOTING:** Lloyd

Engrossed HB 1444 was declared lost.

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**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 1132, HB 1147, HB 1238, HB 1274.

**MOTION**

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

**MOTION**

**REP. FREIER MOVED** that the House be on the Fifth and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 8:30 a.m., Thursday, February 6, 1997, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1033: Political Subdivisions Committee (Rep. Poolman, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1033 was placed on the Sixth order on the calendar.

Page 1, line 12, overstrike "is" and insert immediately thereafter "administration and construction observation services are"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1035: Political Subdivisions Committee (Rep. Poolman, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REFERRED** to the **Appropriations Committee** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1035 was placed on the Sixth order on the calendar.

Page 2, line 18, after the period insert "The state librarian may not require a private sector library to submit information relating to the provisions of this subsection."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1036: 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 1036 was placed on the Sixth order on the calendar.

Page 1, line 7, after "establish" insert "in all human service regions"

Page 1, line 9, after "~~disturbed~~" insert "medicaid-eligible"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1308: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1308 was placed on the Sixth order on the calendar.

Page 1, line 7, remove "heavily"

Page 1, line 8, replace "who resides" with "placed in the care of the custodial parent by the court."

Page 1, remove line 9

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1414: Political Subdivisions Committee (Rep. Poolman, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1414 was placed on the Sixth order on the calendar.

Page 1, line 7, replace "project" with "public improvement" and replace "fifty" with "one hundred"

Page 1, line 9, remove ", enlargement, remodeling, renovation, or alteration"

Page 1, remove lines 17 and 18

Page 1, line 19, replace "d" with "c"

Page 2, line 3, remove ", enlargement, remodeling,"

Page 2, line 4, remove "renovation, or alteration"

Page 2, line 7, replace "Construction or renovation projects" with "A public improvement"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1418: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1418 was placed on the Sixth order on the calendar.

Page 1, line 4, replace "When recommending a course of treatment to a" with "A health carrier, as defined in section 26.1-36.3-01, may not restrict a health care provider from informing a patient of medical care options, treatments, programs, or pharmaceuticals that may be available to the patient regardless of whether covered by the patient's health benefit plan."

Page 1, remove lines 5 through 7

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1465: Human Services Committee (Rep. Price, Chairman)** recommends **DO NOT PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1465 was placed on the Eleventh order on the calendar.



**FIRST READING OF SENATE BILLS**

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

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

**SB 2212:** A BILL for an Act to amend and reenact subsection 2 of section 39-06.1-11 of the North Dakota Century Code, relating to temporary restricted motor vehicle operators' licenses.

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

**SB 2218:** A BILL for an Act to amend and reenact section 35-05-01.1 of the North Dakota Century Code, relating to crop mortgages; and to repeal section 35-05-04 of the North Dakota Century Code, relating to security agreements covering specific crops.

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

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

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

**SB 2245:** A BILL for an Act to amend and reenact section 39-05-19 of the North Dakota Century Code, relating to obtaining motor vehicle certificates of title.

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

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

**ROY GILBREATH, Chief Clerk**