

## JOURNAL OF THE HOUSE

## Fifty-fifth Legislative Assembly

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Bismarck, February 27, 1997

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

The prayer was offered by Pastor Bradley Edin, Dazey-Rogers Lutheran Church, Dazey.

The roll was called and all members were present except Representatives DeKrey, Gunter, and Hawken.

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 Thirtieth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 447, line 28, replace "director" with "directors"

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

**THE HOUSE RECOGNIZED THE PRESENCE OF:**

Former Representative Bert Miller.

**ANNOUNCEMENT BY THE SPEAKER**

**SPEAKER TIMM ANNOUNCED** that the following letters received from the family of Rep. Clarence Martin would be printed in the Journal:

To members and staff of the House of Representatives: The family of Clarence Martin would like to express our appreciation to all who reached out to us with telephone calls, letters, cards, memorials, and your presence at the funeral service.

To Clarence, this group was his "other" family. He had love and respect for everyone in this chamber. It was nice to come home on weekends, but by Sunday noon he was packed and ready to go back. He always had something to prepare for the next day and he so looked forward to seeing his friends.

We thank you so much for your being here for him and for us. You will always be remembered as special. May God bless you all. (Viola Martin, Francis and Cindy Martin, Laurie and Dan Haag, and Lynne and Kurt Ridl)

To employees of the North Dakota House of Representatives: Our family would like to express our heartfelt appreciation for the lovely bouquet of flowers you sent in memory of Clarence.

They were a reminder of your caring and concern. You meant so much to him. (Viola Martin, Francis and Cindy Martin, Laurie and Dan Haag, and Lynne and Kurt Ridl)

**MOTION**

**REP. R. KELSCH MOVED** that SB 2031, which is on the Fourteenth order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. R. Kelsch's motion, SB 2031 was rereferred.

**MOTION**

**REP. POOLMAN MOVED** that SB 2383 be returned to the House floor from the **Political Subdivisions Committee** and be rereferred to the **Industry, Business and Labor Committee**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2055:** A BILL for an Act to amend and reenact section 50-11.1-13.1 of the North Dakota Century Code, relating to a penalty for providing certain childhood services.

**ROLL CALL**

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

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

Engrossed SB 2055 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2059:** A BILL for an Act to amend and reenact section 25-03.1-43 of the North Dakota Century Code, relating to making confidential commitment records of the department of human services available to law enforcement in limited circumstances.

**ROLL CALL**

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

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

SB 2059 passed and the title was agreed to.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION  
AND SENATE CONCURRENT RESOLUTION ON CONSENT CALENDAR**

**HCR 3042:** A concurrent resolution directing the Legislative Council to study the department of human services.

**SCR 4001:** A concurrent resolution directing the Legislative Council to monitor mental health and foster care services.

**ROLL CALL**

The question being on the final adoption of the resolutions, which have been read, the roll was called and there were 94 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

HCR 3042 and Engrossed SCR 4001 were declared adopted on a recorded roll call vote.

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**MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)**  
**MADAM PRESIDENT:** The House has passed unchanged: SB 2044, SB 2077, SB 2085, SB 2162, SB 2205, SB 2334.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**  
**MR. SPEAKER:** The Senate has passed unchanged: HCR 3006.

#### MOTION

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

#### MOTION

**REP. FREIER MOVED** that the House be on the Fifth order of business and at the conclusion of that order, the House stand adjourned until 1:00 p.m., Friday, February 28, 1997, which motion prevailed.

#### REPORT OF STANDING COMMITTEE

**SB 2058, as engrossed: Political Subdivisions Committee (Rep. Poolman, Chairman)** recommends **DO NOT PASS** (8 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2058 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2090, as engrossed: Transportation Committee (Rep. Skarphol, Chairman)** recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2090 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2092, as engrossed: Political Subdivisions Committee (Rep. Poolman, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2092 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2130: Political Subdivisions Committee (Rep. Poolman, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2130 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2155: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO PASS** (10 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING). SB 2155 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2156: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2156 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2170: Political Subdivisions Committee (Rep. Poolman, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2170 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2190: Political Subdivisions Committee (Rep. Poolman, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2190 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2195, as engrossed: 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). Engrossed SB 2195 was placed on the Sixth order on the calendar.

Page 1, line 8, after "body" insert ", or for any combination of those purposes."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2204, as engrossed: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO NOT PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2204 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2219: Government and Veterans Affairs Committee (Rep. Wardner, Chairman)** recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2219 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2303, as engrossed: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2303 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2398, as engrossed: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO PASS** (10 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING). Engrossed SB 2398 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3041: Government and Veterans Affairs Committee (Rep. Wardner, Chairman)** recommends **DO NOT PASS** (11 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HCR 3041 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3044: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3044 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3049: Government and Veterans Affairs Committee (Rep. Wardner, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3049 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3050: Government and Veterans Affairs Committee (Rep. Wardner, Chairman)** recommends **DO NOT PASS** (8 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). HCR 3050 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3051: Government and Veterans Affairs Committee (Rep. Wardner, Chairman)** recommends **DO NOT PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3051 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3052: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3052 was placed on the Tenth order on the calendar.

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

**ROY GILBREATH, Chief Clerk**