

JOURNAL OF THE HOUSE

Fifty-fifth Legislative Assembly

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Bismarck, March 5, 1997

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

The prayer was offered by the Rev. George Walker, Evangelical Free Church, Bismarck.

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

A quorum was declared by the Speaker.

HOUSE ENROLLING REPORT

The following bills were enrolled: HB 1005, HB 1056, HB 1094, HB 1118, HB 1133, HB 1254, and HB 1281.

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

MR. SPEAKER: The President has signed: HB 1102, HB 1144, HB 1247, HB 1250, HB 1272, HB 1282, HB 1284, HB 1328, HB 1366, HCR 3014.

MOTION

REP. KRETSCHMAR MOVED that Engrossed HCR 3021, which is on the Eleventh order, be rereferred to the **Judiciary Committee**, which motion prevailed. Pursuant to Rep. Kretschmar's motion, Engrossed HCR 3021 was rereferred.

MOTION

REP. R. KELSCH MOVED that Engrossed SB 2336, which is on the Fourteenth order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. R. Kelsch's motion, Engrossed SB 2336 was rereferred.

MOTION

REP. DORSO MOVED that SB 2196, which is on the Fourteenth order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Dorso's motion, SB 2196 was rereferred.

ANNOUNCEMENT BY THE SPEAKER

SPEAKER TIMM ANNOUNCED that the following letter would be read by the Chief Clerk and printed in the Journal.

Members of the House
House Chambers
Bismarck, ND

Dear Members:

After Representative Clarence F. Martin of the 36th District passed away on Sunday, February 9, 1997, his name was removed from the House voting roll on Monday, February 10, 1997. The question was then raised about what number of votes would constitute a majority of House members to pass bills and resolutions and what number of votes would constitute a two-thirds majority of members.

I have studied the issue very thoroughly and have come to the following conclusions. Authority can be found on both sides of the question of whether "members elected" refers to an unchanging number reflecting members who received certificates of election or depends on circumstances existing at the time of the vote on an issue. There are court cases on both sides of the issue and a 1971 opinion of the Attorney General which concluded a vacancy did not mean a reduction in the number required. The North Dakota Supreme Court has not decided the issue. However, a strong argument can be made that a vacancy caused by the death of a member is not to be included in computing the number of members-elect. Section 501(1) of Mason's provides a quorum consists of the majority of the members remaining qualified after subtracting vacancies. If vacancies are not subtracted, the ability of the Legislative Assembly to declare emergency measures, take action on vetoes, and even pass bills becomes increasingly dependent on action by an official of the executive branch, who alone has the power to call special elections to fill vacancies.

I have concluded that the ruling I made earlier will stand and that there will be 49 votes required to pass bills and measures and that there will be 65 votes required to constitute a two-thirds majority as per our House Rule No. 318.

Sincerely,

Rep. Mike Timm
Speaker of the House

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3013: A concurrent resolution to create and enact a new section to article I of the Constitution of North Dakota, relating to the right of parents to direct the upbringing and education of their children.

ROLL CALL

The question being on the adoption of the amended resolution, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 36 YEAS, 59 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Belter; Bernstein; Boehm; Brown; Brusegaard; Carlson; DeKrey; Delzer; Devlin; Froseth; Galvin; Gorder; Grande; Grosz; Jacobs; Johnsen, C.; Kelsh, S.; Kerzman; Kilzer; Klein; Koppelman; Lloyd; Murphy; Nelson; Renner; Rennerfeldt; Sandvig; Schmidt; Skarphol; Soukup; Thompson; Tollefson; Wald; Wardner; Weisz; Speaker Timm

NAYS: Aarsvold; Axtman; Berg; Boucher; Brandenburg; Byerly; Callahan; Carlisle; Christenson; Christopherson; Clark; Coats; Dalrymple; Delmore; Dorso; Drovdal; Fairfield; Freier; Gerntholz; Grumbo; Guleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jensen; Johnson, D.; Keiser; Kelsch, R.; Kempenich; Kliniske; Kretschmar; Kroeplin; Kunkel; Mahoney; Maragos; Mickelson; Monson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Rose; Sabby; Stenehjem; Svedjan; Sveen; Thoreson; Thorpe; Torgerson; Warner; Wentz; Wilkie

ABSENT AND NOT VOTING: Glassheim; Martinson

Engrossed HCR 3013 was declared lost.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3022: A concurrent resolution to create and enact a new section to article VIII of the Constitution of North Dakota, relating to free 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.

ROLL CALL

The question being on the adoption of the amended resolution, 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, 1 ABSENT AND NOT VOTING.

NAYS: 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; 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: Glassheim

Engrossed HCR 3022 was declared lost.

SECOND READING OF SENATE BILL

SB 2070: A BILL for an Act to amend and reenact subdivision a of subsection 3 of section 57-02-08.3, subsection 2 of section 57-09-01, and subsection 2 of section 57-11-01 of the North Dakota Century Code, relating to when interest on a lien for homestead credit for special assessments begins to accrue and making the township clerk of city assessor responsible for publishing the notice of the annual meeting of the township board of equalization and of the annual meeting of the city board of equalization.

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; Dorso; 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: Glassheim

Engrossed SB 2070, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2091: A BILL for an Act to amend and reenact section 44-04-18.5 of the North Dakota Century Code, relating to open records exemptions for computer software programs developed by a state agency and authorizing agreements for licensing of computer software programs; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 96 YEAS, 0 NAYS, 0 EXCUSED, 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; 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: Glassheim

Engrossed SB 2091, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2112: A BILL for an Act to provide for extradition proceedings regarding those subject to tribal arrest warrants; 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 88 YEAS, 8 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Belter; Berg; Bernstein; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Devlin; Dorso; Fairfield; Freier; Froseth; Galvin; Gerntholz; 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; Kroepflin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie

NAYS: Boehm; Delzer; Drovdal; Grosz; Klein; Price; Skarphol; Speaker Timm

ABSENT AND NOT VOTING: Glassheim

Engrossed SB 2112, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2213: A BILL for an Act to create and enact a new section to chapter 54-03 of the North Dakota Century Code, relating to fees for the use of computer equipment and associated software by legislators.

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 53 YEAS, 43 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; Brandenburg; Callahan; Christenson; Christopherson; DeKrey; Delmore; Devlin; Dorso; Fairfield; Froseth; Galvin; Gerntholz; Gulleson; Hanson; Hausauer; Hawken; Huether; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kunkel; Mahoney; Maragos; Monson; Murphy; Nelson; Nicholas; Niemeier; Oban; Olson; Poolman; Price; Rose; Sabby; Sandvig; Schmidt; Stenehjem; Svedjan; Sveen; Wardner; Weisz; Wentz; Speaker Timm

NAYS: Axtman; Belter; Berg; Bernstein; Boehm; Brown; Brusegaard; Byerly; Carlisle; Carlson; Clark; Coats; Dalrymple; Delzer; Drovdal; Freier; Gorder; Grande; Grosz; Grumbo; Gunter; Henegar; Jacobs; Kempenich; Kerzman; Kroepflin; Lloyd; Martinson; Mickelson; Nichols; Nottestad; Renner; Rennerfeldt; Skarphol; Soukup; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Warner; Wilkie

ABSENT AND NOT VOTING: Glassheim

Engrossed SB 2213, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2279: A BILL for an Act to create and enact a new section to chapter 35-20 of the North Dakota Century Code, relating to liens for unpaid earned property or casualty insurance premiums; and to amend and reenact section 35-20-16 and subsection 3 of section 41-09-46 of the North Dakota Century Code, relating to entering liens for unpaid earned property or casualty insurance premiums in the central notice system.

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 91 YEAS, 5 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: 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; 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; Kroepflin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner;

Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjøm; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Wentz; Wilkie; Speaker Timm

NAYS: Aarsvold; DeKrey; Gulleeson; Murphy; Weisz

ABSENT AND NOT VOTING: Glassheim

SB 2279, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2143: A BILL for an Act to amend and reenact sections 34-13-01, 34-13-02, and subsection 1 of section 34-13-13.1 of the North Dakota Century Code, relating to employment agencies.

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; Dorso; Drovda; Fairfield; Freier; Froseth; Galvin; Gerntholz; 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; Kroepelin; 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; Stenehjøm; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Glassheim

Engrossed SB 2143 passed and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4008: A concurrent resolution urging Congress to require the Environmental Protection Agency to use Canadian data in its registration of crop protection chemicals appropriate for canola.

The question being on the adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

Engrossed SCR 4008 was declared adopted on a voice vote.

SECOND READING OF SENATE BILL

SB 2073: A BILL for an Act to repeal sections 65-04-04.1, 65-04-08, and 65-04-09 of the North Dakota Century Code, relating to the determination of the average weekly wage for premium for veteran-on-the-job trainees, county auditor reports to the workers compensation bureau, and reporting public contracts to the workers compensation bureau.

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, 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; Drovda; Fairfield; Freier; Froseth; Galvin; Gerntholz; 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: Glassheim

SB 2073 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2110: A BILL for an Act to create and enact a new section to chapter 65-03 of the North Dakota Century Code, relating to workers compensation bureau rules regarding certification of mine foremen; and to repeal chapter 65-11 of the North Dakota Century Code, relating to the appointment and duties of a safety engineer.

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 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; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; 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; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Glassheim; Wald

SB 2110 passed and the title was agreed to.

THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative S.F. "Buckshot" Hoffner.

SECOND READING OF SENATE BILL

SB 2125: A BILL for an Act to create and enact a new section to chapter 65-05 of the North Dakota Century Code, relating to additional benefits for recipients of workers' compensation disability benefits; to amend and reenact section 65-05-09.3 of the North Dakota Century Code, relating to discontinuance of workers' compensation benefits upon retirement; to provide for retroactive application; and to declare an emergency.

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, 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; 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: Glassheim

Engrossed SB 2125 passed, the title was agreed to, and the emergency clause was declared carried.

POINT OF PERSONAL PRIVILEGE

REP. CLARK: Mr. Speaker: I rise on a point of personal privilege.

REMARKS

Mr. Speaker: I wish to express disappointment at yesterday's failure of the Balanced Budget Amendment in the United States Senate. The people of North Dakota and its legislature have repeatedly spoken in favor of this amendment and, as such, it is with equal disappointment that I note that both North Dakota's Senators were among the minority that blocked the amendment. Either one of them could have assured its passage. Every man, woman, child, and baby born into this country inherits an average \$20,000 worth of debt because of irresponsible federal spending. I can only ask, "When will this country finally get enough United States Senators with the courage to vote to end this legacy of debt and deficit?"

MOTION

REP. FREIER MOVED that the remarks of Representative Clark be printed in the Journal, which motion prevailed.

MOTION

REP. FREIER MOVED that all House Concurrent Resolutions passed on the Thirty-ninth Legislative Day be messaged to the Senate immediately, which motion prevailed.

MOTION

REP. FREIER MOVED that with reference to HCR 3021, the rule that all House Concurrent Resolutions be messaged to the Senate by the Fortieth Legislative Day be suspended, which motion prevailed.

MOTION

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

MOTION

REP. FREIER MOVED that the House be on the Fifth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Thursday, March 6, 1997, which motion prevailed.

REPORT OF STANDING COMMITTEE

HCR 3021, as engrossed: Judiciary Committee (Rep. Kretschmar, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HCR 3021 was placed on the Sixth order on the calendar.

Page 1, line 3, after the eighth comma insert "and" and remove ", 12, and 13"

Page 1, line 9, after the eighth comma insert "and" and remove ", 12, and 13"

Page 2, line 26, after the eighth comma insert "and" and remove ", 12, and 13"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2067, as engrossed: Political Subdivisions Committee (Rep. Poolman, Chairman) recommends **DO PASS** (10 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2067 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2095: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2095 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2098: Judiciary Committee (Rep. Kretschmar, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2098 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2106: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). SB 2106 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "cost" with "additional fee"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2127, as engrossed: Judiciary Committee (Rep. Kretschmar, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2127 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2135, as engrossed: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2135 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2142, as engrossed: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2142 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2148, as engrossed: Human Services Committee (Rep. Price, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2148 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2167, as engrossed: Judiciary Committee (Rep. Kretschmar, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2167 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2168, as engrossed: Judiciary Committee (Rep. Kretschmar, Chairman) recommends **DO PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed SB 2168 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2171: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **DO PASS** (9 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). SB 2171 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2185, as engrossed: Political Subdivisions Committee (Rep. Poolman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2185 was placed on the Sixth order on the calendar.

Page 1, line 18, after "age" insert "without the written consent of a parent or guardian"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2215: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). SB 2215 was placed on the Sixth order on the calendar.

Page 1, line 8, overstrike "banks" and insert immediately thereafter "financial institutions"

Page 1, line 13, after deposits insert ". An employer may not impose a fee on an employee for the direct deposit of wages"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2312: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2312 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2317: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO PASS** (11 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). SB 2317 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2383, as engrossed: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2383 was placed on the Fourteenth order on the calendar.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4005, SCR 4040.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4046, SCR 4047, SCR 4050, SCR 4051.

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4005: A concurrent resolution for the amendment of section 13 of article VI of the Constitution of North Dakota, relating to the filling of judicial vacancies.
Was read the first time and referred to the **Judiciary Committee**.

SCR 4040: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of implementing a prepaid college tuition program.
Was read the first time and referred to the **Education Committee**.

SCR 4046: A concurrent resolution directing the Legislative Council to study the role of the State Board for Vocational and Technical Education in work force training and retraining, to determine whether the current organizational structure of the board is adequate to ensure continued leadership in readying the state's citizens for a globally competitive marketplace, and to determine the adequacy of funding for the board and for vocational and technical education in this state.
Was read the first time and referred to the **Education Committee**.

SCR 4047: A concurrent resolution directing the Legislative Council to study the short-term and long-term impact of federal education legislation, and other direct and indirect mandates from whatever sources, on the educational goals and fiscal well-being of school districts.
Was read the first time and referred to the **Education Committee**.

SCR 4050: A concurrent resolution directing the Legislative Council to study taxation and regulatory incentives for the lignite industry in order to improve its competitive position in the energy marketplace.
Was read the first time and referred to the **Finance and Taxation Committee**.

SCR 4051: A concurrent resolution directing the Legislative Council to study the desirability of requiring that a core curriculum be taught from kindergarten through grade 12; and if determined to be desirable, to develop a core curriculum or endorse an existing core curriculum for delivery to each North Dakota school child, regardless of where the child resides; and to determine the desirability and feasibility of requiring the state to assume all costs of delivering that core curriculum to each North Dakota school child.
Was read the first time and referred to the **Education Committee**.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills: HB 1005, HB 1056, HB 1094, HB 1118, HB 1133, HB 1254, HB 1281.

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

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1005, HB 1056, HB 1094, HB 1118, HB 1133, HB 1254, HB 1281.

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

MADAM PRESIDENT: The House has passed unchanged: SB 2038, SB 2039, SB 2103, SB 2107, SB 2111, SB 2123, SB 2126, SB 2201, SB 2212, SB 2245, SB 2277, SB 2316, SB 2337.

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

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HCR 3016, HCR 3025, HCR 3040, HCR 3043, HCR 3047.

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

MR. SPEAKER: The President has signed: HB 1005, HB 1056, HB 1094, HB 1118, HB 1133, HB 1254, HB 1281.

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

MR. SPEAKER: The Senate has passed unchanged: HCR 3002.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2024, SB 2025, SB 2035, SB 2048, SB 2049, SB 2069, SB 2075, SB 2079, SB 2164, SCR 4004, SCR 4009, SCR 4017, SCR 4023.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills and resolutions: SB 2024, SB 2025, SB 2035, SB 2048, SB 2049, SB 2069, SB 2075, SB 2079, SB 2164, SCR 4004, SCR 4009, SCR 4017, SCR 4023.

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

MADAM PRESIDENT: The Speaker has signed: SB 2024, SB 2025, SB 2035, SB 2048, SB 2049, SB 2069, SB 2075, SB 2079, SB 2164, SCR 4004, SCR 4009, SCR 4017, SCR 4023.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1057, HB 1073, HB 1110, HB 1235, HB 1280, HB 1288, HB 1309, HB 1341, HB 1390, HB 1420, HB 1421, HB 1451.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1195.

SENATE AMENDMENTS TO HOUSE BILL NO. 1195

Page 1, line 1, replace the first "subsection" with "subsections 5 and"

Page 1, line 5, replace "Subsection" with "Subsections 5 and"

Page 1, line 6, replace "is" with "are"

Page 1, after line 6, insert:

"5. Class A misdemeanor, for which a maximum penalty of one year's imprisonment, a fine of ~~one~~ two thousand dollars, or both, may be imposed."

Renumber accordingly

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

ROY GILBREATH, Chief Clerk