

JOURNAL OF THE HOUSE

Fiftieth Legislative Assembly

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FIFTH DAY

Bismarck, January 12, 1987

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

The prayer was offered by Sandra Beltran, First Lutheran Church, Harvey, North Dakota.

ROLL CALL

The roll was called and all Representatives were present, except Representatives Schneider and Shockman.

A quorum was declared by the Speaker.

CORRECTION AND REVISION OF THE JOURNAL

MR. SPEAKER: Your Committee on Correction and Revision of the Journal has carefully examined the Journal of the Fourth Day and finds the same to be correct.

REP. THOMPSON, Chairman

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

FIFTEENTH ORDER OF BUSINESS

UNFINISHED BUSINESS

REP. KRETSCHMAR PRESENTED Proposed Amendments to House Rules 605, 341, 351, and 105 for instruction to the Rules Committee by the House as a whole as to what the House desires.

PROPOSED AMENDMENT TO HOUSE RULE 605

SECTION 1. AMENDMENT. House Rule 605 is hereby amended to read as follows:

605. CONFERENCE COMMITTEE REPORTS, EXCEPTION TO HOUSE RULES 601 AND 332

The provisions of House Rules 601 and 332 shall not prohibit the reading of a conference committee report and adoption or rejection of any recommended amendments, nor the placing of any bill or resolution affected by such the conference committee report on the calendar for final action on the same day the conference committee report is received. If the conference committee report is to adopt recommended amendments, adoption of the report is adoption of the amendments. If the conference committee report is to reject recommended amendments, adoption of the report is rejection of the amendments.

PROPOSED AMENDMENT TO SUBSECTION 4 OF HOUSE RULE 341

SECTION 1. AMENDMENT. Subsection 4 of House Rule 341 is hereby amended to read as follows:

4. The vote by which any measure passed or failed to pass may not be reconsidered more than once in any natural day. For purposes of this rule, a clincher motion that fails is not a motion to reconsider.

PROPOSED AMENDMENT TO HOUSE RULE 351

SECTION 1. AMENDMENT. House Rule 351 is hereby amended to read as follows:

351. INTRODUCTION OF GUESTS LIMITED - COURTESY OF THE
HOUSE - FLOOR GUESTS

1. Introduction of guests in the House of Representatives shall be limited to those persons called on to address that body and former members of the Legislative Assembly.
2. No person shall be admitted to the floor of the House except state officers; judges of the Supreme Court and district courts; present and former members of Congress; present and former members of the Legislative Assembly; present officers and officials; all employees of both houses of the Legislative Assembly; reporters for newspapers; and any other person granted admission by the Speaker.
3. No member shall have more than one guest seated with the member on the floor at any one time.
4. No legislative guests may be on the floor of the House during the eleventh or fourteenth order of business.
5. For the purposes of this rule, the floor of the House is hereby defined as all of the first floor of the House chamber in front of the railing.

PROPOSED AMENDMENT TO HOUSE RULE 105

SECTION 1. House Rule 105 is hereby created to read as follows:

105. SMOKING IN CHAMBER

No person may smoke on the floor of the House chamber in front of the railing. "Smoke" includes the carrying of a lighted cigarette, lighted cigar, or lighted pipe.

VERIFICATION VOTES ON PROPOSED AMENDMENTS
TO HOUSE RULES

The Proposed Amendment to House Rule 605, on a verification vote, was recommended to the House Rules Committee for adoption.

The Proposed Amendment to subsection 4 of House Rule 341, on a verification vote, was recommended to the House Rules Committee for adoption.

The Proposed Amendment to House Rule 351, on a verification vote, was not recommended to the House Rules Committee for adoption.

REP. W. WILLIAMS PRESENTED the following proposed amendment to House Rule 351 for instruction to the Rules Committee by the House as a whole as to what the House desires.

PROPOSED AMENDMENT TO HOUSE RULE 351

SECTION 1. AMENDMENT. House Rule 351 is hereby amended to read as follows:

351. INTRODUCTION OF GUESTS LIMITED - COURTESY OF THE
HOUSE - FLOOR GUESTS

1. Introduction of guests in the House of Representatives shall be limited to those persons called on to address that body and former members of the Legislative Assembly.
2. No person shall be admitted to the floor of the House except state officers; judges of the Supreme Court and district courts; present and former members of Congress; present and former members of the Legislative Assembly; present officers and officials; all employees of both houses of the Legislative Assembly; reporters for newspapers; and any other person granted admission by the Speaker.
3. No member shall have more than one guest seated with the member on the floor at any one time.
4. No Representative may have more than one guest on the floor of the House on any given day.
5. For the purposes of this rule, the floor of the House is hereby defined as all of the first floor of the House chamber in front of the railing.

The Proposed Amendment to House Rule 351, as presented by Rep. W. Williams, was recommended to the House Rules Committee for adoption on a verification vote.

MOTION

REP. STRINDEN MOVED that the House reconsider the verification vote by which the Proposed Amendment to House Rule 351, as presented by Rep. W. Williams, was recommended to the House Rules Committee for adoption, which motion prevailed.

The Proposed Amendment to House Rule 351 as presented by Rep. W. Williams was not recommended to the House Rules Committee for adoption on a verification vote.

The Proposed Amendment to House Rule 105, on a verification vote, was not recommended to the House Rules Committee for adoption.

REP. J. DEMERS PRESENTED the following Proposed Amendment to House Rule 105 for instruction to the Rules Committee by the House as a whole as to what the House desires.

PROPOSED AMENDMENT TO HOUSE RULE 105

SECTION 1. House Rule 105 is hereby created to read as follows:

105. SMOKING IN CHAMBER.

No person may smoke on the floor of the House Chamber in front of the railing while the House is in session. "Smoke" includes the carrying of a lighted cigarette, lighted cigar, or lighted pipe.

REP. GUNSCH PRESENTED the following Proposed Amendment to House Rule 105 for instruction to the Rules Committee by the House as a whole as to what the House desires.

PROPOSED AMENDMENT TO HOUSE RULE 105

SECTION 1. House Rule 105 is hereby created to read as follows:

105. SMOKING IN CHAMBER

There may be no smoking in the House chambers while the House is in session.

REQUEST

REP. STRINDEN REQUESTED that the House take a verification vote on the Proposed Amendment of Rep. Gunsch before considering the Proposed Amendment by Rep. J. DeMers.

RULING BY THE SPEAKER

SPEAKER KLOUBEC RULED that pursuant to the request of Rep. Strinden, the House would take a verification vote on the Proposed Amendment to House Rule 105 as recommended by Rep. Gunsch first. If that verification vote was in the majority, it would be unnecessary to take a verification vote on the Proposed Amendment as presented by Rep. J. DeMers.

The Proposed Amendment to House Rule 105, as presented by Rep. Gunsch, was recommended to the House Rules Committee for adoption on a verification vote.

MOTION

REP. MERTENS MOVED that the House reconsider the verification vote by which the Proposed Amendment to House Rule 105, as presented by Rep. Gunsch, was recommended to the House Rules Committee for adoption, which motion prevailed.

The Proposed Amendment to House Rule 105, as presented by Rep. Gunsch, was recommended to the House Rules Committee for adoption on a verification vote.

MOTION

REP. KRETSCHMAR MOVED that the Proposed Amendments to House Rules 605, 341, and 105 as recommended by a verification vote be adopted as the Permanent Rules of the Fiftieth Legislative Assembly, which motion prevailed.

ROLL CALL

The question being on the adoption of the Permanent Rules of the Fiftieth Legislative Assembly, as amended, the roll was called and there were 100 YEAS, 3 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Kuchera; Lang; Larson; Laughlin; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Peterson; Rice; Riehl; Rydell; Scherber; Schindler; Shaft; Shaw; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Starke; Stofferahn; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Kingsbury; Meyer; Ulmer

ABSENT AND NOT VOTING: Lautenschlager; Schneider; Williams, A.

The Permanent Rules of the Fiftieth Legislative Assembly, as amended, were adopted.

MOTION

REP. GATES MOVED that HB 1191 be returned to the House floor from the Committee on Education for the purpose of withdrawal, which motion prevailed.

REQUEST

REP. A. OLSON REQUESTED the unanimous consent of the House to withdraw HB 1191. There being no objection, it was so ordered by the Speaker.

MESSAGE TO THE SENATE
HOUSE CHAMBER

MR. PRESIDENT: I have the honor to transmit herewith the following which the House has passed and your favorable consideration is requested on:

HB 1106, HB 1126, HB 1143, HB 1144, HB 1154

ROY GILBREATH, Chief Clerk

SIXTH ORDER OF BUSINESS

REP. ANDERSON MOVED that the amendments to HB 1100 as recommended by the Committee on Transportation as printed on page 206 of the House Journal be adopted, and when so adopted, recommends that HB 1100 DO PASS, which motion prevailed.

HB 1100 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. NICHOLAS MOVED that the amendments to HB 1111 as recommended by the Committee on Agriculture as printed on pages 203-204 of the House Journal be adopted, and when so adopted, recommends that HB 1111 DO PASS, which motion prevailed.

HB 1111 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MOTIONS

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

REP. GOETZ MOVED that the House be on the Fifth order of business, and at the conclusion of the Fifth order, the House be on the Ninth order of business, and at the conclusion of the Ninth order, the House stand adjourned until 2:00 p.m., Tuesday, January 13, 1987, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER: Your Committee on State and Federal Government to which was referred HB 1029 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. MARTINSON, Chairman

HB 1029 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government to which was referred HB 1040 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. MARTINSON, Chairman

HB 1040 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor to which was referred HB 1042 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. WHALEN, Chairman

HB 1042 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government to which was referred HB 1056 has had the same under consideration and recommends by a vote of 13 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. MARTINSON, Chairman

HB 1056 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Natural Resources to which was referred HB 1108 has had the same under consideration and recommends by a vote of 11 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. A. OLSON, Chairman

HB 1108 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor to which was referred HB 1110 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. WHALEN, Chairman

HB 1110 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government to which was referred HB 1124 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. MARTINSON, Chairman

HB 1124 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation to which was referred HB 1132 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 13, remove the overstrike over the word "may" and delete the word "shall"

And renumber the lines and pages accordingly

REP. ANDERSON, Chairman

HB 1132 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor to which was referred HB 1157 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

REP. WHALEN, Chairman

HB 1157 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Human Services and Veterans Affairs to which was referred HB 1164 has had the same under consideration and recommends by a vote of 9 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 17, delete the word "appoint" and insert in lieu thereof the words "designate a qualified"

On page 1, line 18, delete the word "toxicologists" and insert in lieu thereof the word "toxicologist"

On page 1, line 19, delete the words "Any appointed" and insert in lieu thereof the word "The"

And renumber the lines accordingly

REP. HAUGLAND, Chairman

HB 1164 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Human Services and Veterans Affairs to which was referred HB 1179 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. HAUGLAND, Chairman

HB 1179 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government to which was referred HB 1180 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. MARTINSON, Chairman

HB 1180 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government to which was referred HB 1186 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. MARTINSON, Chairman

HB 1186 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Human Services and Veterans Affairs to which was referred HB 1189 has had the same under consideration and recommends by a vote of 12 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2, line 17, remove the overstrike over the word "~~nonintoxicating~~" and after the word "beverages," insert the words "except as provided in subsection 6,"

And renumber the lines accordingly

REP. HAUGLAND, Chairman

HB 1189 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Natural Resources to which was referred HB 1206 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

REP. A. OLSON, Chairman

HB 1206 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Human Services and Veterans Affairs to which was referred HB 1212 has had the same under consideration and recommends by a vote of 14 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. HAUGLAND, Chairman

HB 1212 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor to which was referred HB 1223 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. WHALEN, Chairman

HB 1223 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Finance and Taxation to which was referred HB 1229 has had the same under consideration and recommends by a vote of 10 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. A. HAUSAUER, Chairman

HB 1229 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Finance and Taxation to which was referred HCR 3004 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. A. HAUSAUER, Chairman

HCR 3004 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

FIRST READING OF HOUSE BILLS

Reps. Rydell, L. Hanson, Koland and Sens. Bakewell, Stromme, Shea introduced:

HB 1272: A BILL for an Act to create and enact two new sections to chapter 23-12 of the North Dakota Century Code, relating to enforcement of public smoking restrictions; and to amend and reenact sections 23-12-09, 23-12-10, and 23-12-11 of the North Dakota Century Code, relating to designated smoking areas in places of public assembly.

Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

Reps. Strinden, Kelly, Kloubec, Shaft introduced:

HB 1273: A BILL for an Act to create and enact a new subsection to section 15-10-17 of the North Dakota Century Code, relating to the powers and duties of the board of higher education.

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

Reps. Kloubec, Knell, Goetz, Gunsch introduced:

HB 1274: A BILL for an Act to amend and reenact sections 57-60-01 and 57-60-03 of the North Dakota Century Code, relating to definitions for purposes of the privilege tax on coal facilities, to exempt byproducts of the coal gasification process from the gross receipts tax on coal conversion facilities, and relating to annual reporting by the operator of a coal gasification plant of the quantity

of byproducts produced; to provide an effective date; and to provide an expiration date.

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

Rep. Hamerlik introduced:

HB 1275: A BILL for an Act to amend and reenact section 15-27.3-19 of the North Dakota Century Code, relating to changes in approved school district reorganization proposals.

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

Rep. Hamerlik introduced:

HB 1276: A BILL for an Act to amend and reenact section 15-28-02 of the North Dakota Century Code, relating to the election of rural members to school boards.

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

Reps. Trautman, Marks introduced:

HB 1277: A BILL for an Act to amend and reenact section 39-12-05 of the North Dakota Century Code, relating to weight limitations for certain motor vehicles.

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

Reps. O'Connell, Kolbo, Myrdal and Sens. Kelly, Heinrich, Peterson introduced:

HB 1278: A BILL for an Act to amend and reenact section 15-22-23, subsection 1 of section 15-28-03, and sections 15-28-04 and 15-28-07 of the North Dakota Century Code, relating to the date of school district elections.

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

Reps. Dorso, Shaft introduced:

HB 1279: A BILL for an Act to amend and reenact sections 26.1-40-13, 26.1-40-14, and 26.1-40-15 of the North Dakota Century Code, relating to uninsured motor vehicle insurance and underinsured motor vehicle insurance.

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

Rep. Ulmer introduced:

HB 1280: A BILL for an Act to amend and reenact section 53-06.1-08 of the North Dakota Century Code, relating to charitable gambling jars and punchboards.

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

Rep. Ulmer introduced:

HB 1281: A BILL for an Act to amend and reenact section 53-06.1-03 of the North Dakota Century Code, relating to local authorization of certain games of chance.

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

Rep. Ulmer introduced:

HB 1282: A BILL for an Act to amend and reenact subsection 6 of section 53-06.1-01 of the North Dakota Century Code, relating to allowable uses of proceeds from games of chance.

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

Rep. Ulmer introduced:

HB 1283: A BILL for an Act to amend and reenact section 53-06.1-11 of the North Dakota Century Code, relating to issuance of prizes and to expense limitations with respect to charitable gambling.

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

Reps. Belter, Lindgren and Sen. D. Meyer introduced:

HB 1284: A BILL for an Act to amend and reenact sections 20.1-03-01.1 and 20.1-03-01.3 of the North Dakota Century Code, relating to bowhunter safety requirements.

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

MESSAGE FROM THE SENATE
SENATE CHAMBER

MR. SPEAKER: I have the honor to transmit herewith the following which the Senate has passed and your favorable consideration is requested on:

SB 2119, SB 2120, SB 2217

PERRY GROTBERG, Secretary

The House stood adjourned pursuant to Representative Goetz' motion.

ROY GILBREATH, Chief Clerk