

JOURNAL OF THE HOUSE

Fifty-third Legislative Assembly

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Bismarck, January 29, 1993

The House convened at 12:15 p.m., with Speaker R. Berg presiding.

The prayer was offered by Rep. Ben Tollefson.

The roll was called and all members were present except Representatives Bateman, Bernstein, Dobrinski, Froseth, and Henegar.

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. DeWitz, Chairman) has carefully examined the Journal of the Eighteenth Day and reexamined the Journal of the Sixteenth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 282, line 2, replace "97" with "98"

Page 282, line 3, replace "1" with "0"

Page 319, line 23, delete "HB 1023"

Page 319, line 13, insert: "The following bill was reengrossed: HB 1023."

Page 319, delete lines 32 through 36 and insert on page 320, after line 3.

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

LEGISLATIVE CHAPLAINCY SCHEDULE
OF DATES FOR THE HOUSE OF REPRESENTATIVES
FEBRUARY

<u>Date</u>	<u>Church/Institution</u>
1 Rev. Allan Monson	Our Savior Lutheran Church, Dickinson
2 Father Robert E. Feeney	St. Joseph Catholic Church, Mandan
3 Rev. A. Benjamin Dove (Retired)	Presbyterian Church, Mandan
4 Reserved	For House Chamber Member who may wish to give prayer.
5 Pastor Sheldon Scott	Bible Restoration Fellowship, Minot
8 Rev. Garry Crites	Peace United Church of Christ, New Salem
9 Rev. Daryl Dacktkler	Hillside Baptist Church, Dickinson
10 Rev. Mark Bayert	First Presbyterian, Bismarck
11 Reserved	For House Chamber Member who may wish to give prayer.
12 Rev. John Monson	Salem Lutheran Church, Longville, MN
15 Rev. Patrick O'Brian	St. John Lutheran Church, Oakes
16 Rev. Bob Nordvall	Charity Lutheran Church, Bismarck
17 Rev. Stephen D. Eastin	First Presbyterian Church, Mandan
18 Pastor Marty Toepke	United Methodist Church, Linton
19 Pastor Elwyn Nissen	Tri-County Ministries, Cooperstown
22 Deacon Edward Johnson	United Tribes Tech. College, Bismarck
23 Rev. Earl Thornton	Evangel Temple, Bismarck
24 Father Stephen Zastoupil	Corpus Christi Catholic Church, Bismarck
25 Rev. Ray Martin	First United Methodist Church, Mandan
26 Rev. Greg Odell	Salvation Army Service, Bismarck

HOUSE ENROSSING AND ENROLLING REPORT

The following bills were engrossed: HB 1019, HB 1027, HB 1083, HB 1116, HB 1237, HB 1252, HB 1448.

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2049, SB 2058, SB 2071, SB 2079, SB 2126, SB 2137, SB 2151, SB 2186, SB 2195, SB 2242, SB 2247, SB 2255, SB 2264, SB 2281, SCR 4008.

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 1011, HB 1082, HB 1096, HB 1140, HB 1141, HB 1165, HB 1183, HB 1184, HB 1208, HB 1209, HB 1291, HB 1306, HB 1309, HB 1362, HB 1394.

SIXTH ORDER OF BUSINESS

REP. FREIER MOVED that the rules be suspended and that the House consider all the amendments on the Sixth order of business in one motion, with the exception of HB 1372, which motion prevailed.

REP. FREIER MOVED that the rules be suspended and that the amendments on the Sixth order of business to HB 1021, HB 1111, HB 1225, HB 1254, HB 1286, HB 1313, HB 1344, HB 1402, HB 1419, and HCR 3020 be adopted, which motion prevailed.

HB 1313, as amended, was rereferred to the **Appropriations Committee**.

HB 1021, HB 1111, HB 1225, HB 1254, HB 1286, HB 1344, HB 1402, HB 1419, and HCR 3020, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SIXTH ORDER OF BUSINESS

HB 1372: REP. DALRYMPLE (Appropriations Committee) MOVED that the amendments on HJ pages 332-333 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed on a verification vote.

MOTION

REP. GERNTHOLZ MOVED that the information delivered to the desk regarding block grants be printed in the Journal, which motion prevailed.

MR. SPEAKER: On Tuesday, January 19, 1993, the House Appropriations Committee, Government Operations Division, held a hearing on the Community Services Block Grant moneys anticipated by the Office of Management and Budget during the period beginning October 1, 1993, and ending September 30, 1995. If any member of the Legislative Assembly desires copies of the minutes and testimony presented to the House Appropriations Committee during the block grant hearing, the House Appropriations Committee Clerk will make copies available to you. I inform you about the availability of the information at this time, since your approval or disapproval of the appropriation for the Office of Management and Budget includes the legislative action regarding the use of the federal block grant funds.

MOTION

REP. FREIER MOVED that the House waive the reading of the title to HB 1088, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1088: A BILL for an Act to amend and reenact sections 23-13-15, 39-18-08, and subsection 12 of section 57-02-01 of the North Dakota Century Code, relating to smoke detection systems, the definition of mobile home park, and residential property tax application; and to repeal section 19-02.1-24, chapters 19-08, 23-09, 23-09.1, 23-09.2, and 23-10 of the North Dakota Century Code, relating to the registration of beverages and the licensing and inspecting of vending machines, hotels, motels, restaurants, bed and breakfast facilities, mobile home parks, trailer parks, and campgrounds.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 2 YEAS, 91 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Oban; Ring

NAYS: Aarsvold; Allmaras; Austin; Belter; Berg, J.; Bodine; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzenk; Wardner; Wentz; Wilkie; Speaker R. Berg,

ABSENT AND NOT VOTING: Bateman; Bernstein; Boehm; Dobrinski; Henegar

HB 1088 was declared lost.

SECOND READING OF HOUSE BILL

HB 1244: A BILL for an Act to amend and reenact section 11-15-08 of the North Dakota Century Code, relating to commissions collected by a sheriff.

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, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Belter; Berg, J.; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzenk; Wardner; Wentz; Wilkie; Speaker R. Berg,

ABSENT AND NOT VOTING: Bateman; Bernstein; Dobrinski; Henegar

HB 1244 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1283: A BILL for an Act to provide for restrictions on no mow areas in the rights of way of the state highway system.

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 93 YEAS, 1 NAY, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Belter; Berg, J.; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg,

NAYS: Ring

ABSENT AND NOT VOTING: Bateman; Bernstein; Dobrinski; Henegar

HB 1283 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1453: A BILL for an Act to amend and reenact subsection 3 of section 28-22-03.1 of the North Dakota Century Code, relating to exemptions from judicial process.

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 93 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Belter; Berg, J.; Bodine; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg,

ABSENT AND NOT VOTING: Bateman; Bernstein; Boehm; Dobrinski; Henegar

HB 1453 passed and the title was agreed to.

REQUEST

REP. FROSETH REQUESTED that the record show that he was present, which request was granted.

MOTION

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

MOTION

REP. FREIER MOVED that the House be on the Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Monday, February 1, 1993, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1072, as engrossed: Government and Veterans Affairs Committee (Rep. D. Olsen, Chairman) recommends DO PASS (10 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). Engrossed HB 1072 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1136: Industry, Business and Labor Committee (Rep. Dorso, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1136 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "and subsection 1 of"

Page 1, line 2, remove "section 65-05-28"

Page 1, line 3, remove "and unauthorized"

Page 1, line 4, remove "doctor's reports"

Page 1, line 21, replace "health care provider or physician" with "doctor"

Page 1, line 22, replace "health care provider or physician" with "doctor"

Page 3, remove lines 1 through 19

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1138: Industry, Business and Labor Committee (Rep. Dorso, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1138 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "an effective date" with "for application of this Act"

Page 1, line 22, after the period insert "Any person providing binding dispute resolution services under this section is exempt from civil liability relating to the binding dispute resolution process and decision."

Page 2, line 1, replace "EFFECTIVE DATE" with "APPLICATION OF ACT" and replace "is effective for all managed care" with "applies to all managed care recommendations that occur after the adoption of administrative rules providing for the procedures for dispute resolution. Final administrative rules must be adopted by January 1, 1994."

Page 2, remove line 2

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1143: Natural Resources Committee (Rep. A. Olson, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1143 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1178: Government and Veterans Affairs Committee (Rep. D. Olsen, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1178 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1186: Government and Veterans Affairs Committee (Rep. D. Olsen, Chairman)

recommends **DO NOT PASS** (10 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING).
HB 1186 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1204: Natural Resources Committee (Rep. A. Olson, Chairman) recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1204 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1228: Government and Veterans Affairs Committee (Rep. D. Olsen, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1228 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1233: Government and Veterans Affairs Committee (Rep. D. Olsen, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1233 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1250: Natural Resources Committee (Rep. A. Olson, Chairman) recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1250 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1255: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **DO NOT PASS** (17 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1255 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1302: Political Subdivisions Committee (Rep. Martin, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1302 was placed on the Sixth order on the calendar.

Page 2, line 15, remove "governing body of a city, or the", replace "county commissioners for" with "directors of", and replace "county" with "public"

Page 2, line 16, remove the underscored comma

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1321: Natural Resources Committee (Rep. A. Olson, Chairman) recommends **DO NOT PASS** (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1321 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1322: Natural Resources Committee (Rep. A. Olson, Chairman) recommends **DO NOT PASS** (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1322 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1335: Industry, Business and Labor Committee (Rep. Dorso, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1335 was placed on the Sixth order on the calendar.

Page 1, line 16, after "less" insert "either the"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1355: Natural Resources Committee (Rep. A. Olson, Chairman) recommends **DO**

PASS (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1355 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1379: Agriculture Committee (Rep. Nicholas, Chairman) recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1379 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1405: Transportation Committee (Rep. Belter, Chairman) recommends DO PASS (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1405 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1412: Agriculture Committee (Rep. Nicholas, Chairman) recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1412 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1425: Appropriations Committee (Rep. Dalrymple, Chairman) recommends DO NOT PASS (18 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). HB 1425 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1431: Transportation Committee (Rep. Belter, Chairman) recommends DO NOT PASS (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1431 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1432: Transportation Committee (Rep. Belter, Chairman) recommends DO NOT PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1432 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1433: Transportation Committee (Rep. Belter, Chairman) recommends DO NOT PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1433 was placed on the Eleventh order on the calendar.

ANNOUNCEMENT BY THE CHIEF CLERK

THE CHIEF CLERK ANNOUNCED that the deadline for resolutions except amendments to the United States Constitution and study resolutions (HR 402) would be extended until 1:45 p.m., today.

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

Reps. Nicholas, Dobrinski and Sens. Freborg, Kelsh introduced:

HCR 3039: A concurrent resolution urging the Secretary of Agriculture to increase commodity loan rates, implement the Target Option Payment program, appropriately index target prices, increase acceptance rates by the Farmer Owned Reserve, adjust milk marketing orders, study the relationship between support levels, production costs, and farm income, and review current regulations governing commodity support programs.

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

Reps. Drovdal, Froseth, Kempenich introduced:

HCR 3040: A concurrent resolution directing the Legislative Council to study the problems caused by and associated with severed mineral interests.

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

FIRST READING OF SENATE BILLS

SB 2067: A BILL for an Act to amend and reenact section 54-52-06.2 and subsection 4 of section 54-52-17 of the North Dakota Century Code, relating to the employer contribution and retirement benefits for national guard security officers and firefighters under the public employees retirement system; and to provide for application of this Act.

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

SB 2174: A BILL for an Act to create and enact nine new sections to chapter 39-06.2, and a new subdivision to subsection 1 of section 39-06.2-10 of the North Dakota Century Code, relating to alcohol-related offenses in a commercial motor vehicle, implied consent requirements, hearings, sanctions, judicial appeals, temporary driver permits, out-of-service orders, and operating a commercial motor vehicle while having an alcohol concentration of four one-hundredths of one percent by weight or greater; and to amend and reenact subsections 4 and 7 of section 39-06-32, subsection 2 of section 39-06.2-04, section 39-06.2-11, and subsection 1 of section 39-20-07 of the North Dakota Century Code, relating to sanctions for violating the implied consent laws of another state stemming from the operation of a commercial motor vehicle in another state, employer's notification of certain traffic offenses, providing a class D driver's license when a commercial driver's license is suspended, revoked, or disqualified, and alcohol concentration and its application to commercial drivers' licensing.

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

SB 2187: A BILL for an Act to amend and reenact sections 15-40.2-01, 15-40.2-02, and 15-40.2-04 of the North Dakota Century Code, relating to when school districts may admit nonresident students without the payment of tuition from the district of residence.

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

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

ROY GILBREATH, Chief Clerk