

JOURNAL OF THE HOUSE

Fifty-fourth Legislative Assembly

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Bismarck, January 12, 1995

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

The prayer was offered by Chaplain Darrel Aleson, St. Alexius Medical Center, Bismarck.

The roll was called and all members were present except Representatives D. Henegar, Nicholas, and Rydell.

A quorum was declared by the Speaker.

**LEGISLATIVE CHAPLAINCY SCHEDULE
OF DATES FOR THE HOUSE OF REPRESENTATIVES
JANUARY**

| <u>Date</u> | <u>Church/Institution</u> |
|-------------------------|-------------------------------------|
| 16 Rev. Ken Nyhus Moen | Pontoppidon Lutheran, Fargo |
| 17 Rev. Ken Schlock | Evangelical Church, Jamestown |
| 18 Rev. Jeff Franko | Lord of Life Lutheran, Bismarck |
| 19 Rev. Art Wetzel | Zoar Congregational Church, Mott |
| 20 Rev. Angela Monson | First Lutheran, Mandan |
| 23 Father Phil Ackerman | Holy Spirit Church, Fargo |
| 24 Rev. Mark Bayert | First Presbyterian, Bismarck |
| 25 Rev. Lisa Ahlness | Lord of Life Lutheran, Bismarck |
| 26 Rev. James Baneck | Messiah Lutheran, Mandan |
| 27 Rev. Jim McEachran | Bethel Assembly of God, Mandan |
| 30 Rev. Greg Odell | Salvation Army Field Rep., Bismarck |
| 31 Rev. Dale McClaflin | Church of the Nazarene, Bismarck |

HOUSE ENGROSSING REPORT

The following bills were engrossed: HB 1025 and HB 1067

MOTION

REP. FREIER MOVED that HB 1058, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

SIXTH ORDER OF BUSINESS

The amendments to HB 1069, HB 1085, and HB 1137 were adopted.

HB 1069, HB 1085, and HB 1137, as amended, were placed at the bottom of the Eleventh order on today's 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: SB 2117, SB 2125, SB 2128.

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 4017.

SECOND READING OF HOUSE BILL

HB 1025: A BILL for an Act relating to contracts for the production of 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 NOT PASS, the roll was called and there were 8 YEAS, 89 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Coats; Hagle; Kaldor; Laughlin; Maragos; Nichols; Sitz

NAYS: Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Lloyd; Mahoney; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Skarphol; Soukup; Stenehjøm; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Henegar, D.

Engrossed HB 1025 was declared lost.

SECOND READING OF HOUSE BILL

HB 1067: A BILL for an Act to create and enact a new subsection to section 11-11-14 of the North Dakota Century Code, relating to the authority of boards of county commissioners to establish minimum business hours for county officers and employees.

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 2 YEAS, 94 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Byerly; Laughlin

NAYS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjøm; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Henegar, D.; Kunkel

Engrossed HB 1067 was declared lost.

SECOND READING OF HOUSE BILL

HB 1065: A BILL for an Act to create and enact a new subsection to section 57-39.2-04 of the North Dakota Century Code, relating to a sales and use tax exemption for purchases from a nonprofit secondhand store; and to provide an effective date.

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, 95 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Wald; Speaker Martin

NAYS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjelm; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Walker; Wardner; Wentz; Wilkie

ABSENT AND NOT VOTING: Henegar, D.

HB 1065 was declared lost.

SECOND READING OF HOUSE BILL

HB 1080: A BILL for an Act to amend and reenact section 55-08-05 of the North Dakota Century Code, relating to charges for special technical assistance services by the parks and recreation department.

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 97 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjelm; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Henegar, D.

HB 1080 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1119: A BILL for an Act to amend and reenact section 46-04-19 of the North Dakota Century Code, relating to disposition of laws by the secretary of state.

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, 1 NAY, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark;

Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

NAYS: Glassheim

ABSENT AND NOT VOTING: Henegar, D.

HB 1119 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1134: A BILL for an Act to amend and reenact section 57-43.1-03.1 of the North Dakota Century Code and section 6 of chapter 404 of the 1991 Session Laws, relating to reductions of refunds of motor vehicle fuels taxes on fuel used for agricultural purposes and the duration of motor vehicle registration fees; to provide an effective date; to provide an expiration date; 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 92 YEAS, 5 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Belter; Berg; Bernstein; Boucher; Brown; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

NAYS: Bateman; Boehm; Byerly; Drovdal; Retzer

ABSENT AND NOT VOTING: Henegar, D.

HB 1134 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1136: A BILL for an Act to amend and reenact subsection 3 of section 57-38-62 of the North Dakota Century Code, relating to penalties for the nonpayment, underpayment, or late payment of estimated tax; and to provide an effective date.

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 97 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleon; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Henegar, D.

HB 1136 passed and the title was agreed to.

MOTION

REP. NICHOLAS MOVED that HB 1135 be returned to the House floor from the Agriculture Committee for the purpose of withdrawal, which motion prevailed.

REQUEST

REP. NICHOLAS REQUESTED the unanimous consent of the House to withdraw HB 1135. There being no objection, it was so ordered by the Speaker.

HOUSE ENGROSSING REPORT

The following bills were engrossed: HB 1069, HB 1085, and HB 1137.

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

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1092, HB 1104, HB 1113.

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 8:30 a.m., Friday, January 13, 1995, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1116: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1116 was placed on the Sixth order on the calendar.

Page 3, line 14, after "container" insert "in substantial conformity with standards 54 and 58 of the national fire protection association."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1162: Human Services Committee (Rep. Svedjan, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1162 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "amend and reenact section 50-06-06.11 of the North Dakota Century Code, relating to child care provider payments; and to"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Section 50-06-06.11 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

50-06-06.11. Child care provider reimbursement payments. Within the limits of federal regulations, the department of human services, at the election of the early childhood facility, shall directly reimburse pay early childhood facilities monthly under child care assistance programs administered by the department."

ReNUMBER accordingly

FIRST READING OF HOUSE BILLS

Reps. Froseth, Galvin, Coats and Sen. O'Connell introduced:

HB 1328: A BILL for an Act to create and enact section 10-25-06.1 of the North Dakota Century Code, relating to the merger of North Dakota nonprofit corporations with foreign nonprofit corporations.

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

Reps. Skarphol, Wald, Oban, Clark and Sens. Kinnoin, Robinson introduced:

HB 1329: A BILL for an Act to amend and reenact sections 65-04-12, 65-04-13, 65-04-14, 65-04-19, 65-04-23, 65-04-24, 65-04-26.1, 65-04-27, 65-04-27.1, 65-09-01, 65-09-02, 65-09-03, and 65-09-04 of the North Dakota Century Code, relating to penalties for failure to obtain workers' compensation coverage and submit payroll reports, penalties for refusal to permit inspection of books, penalties for filing false payroll reports, calculation of premium due, penalties for default in payments to the workers compensation bureau, actions for collection of delinquent premium, corporate officer liability, payment of claims for employees of employers who are in default, and injunctions against employers; and to provide a penalty.

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

Rep. Froseth introduced:

HB 1330: A BILL for an Act to create and enact sections 45-10.1-07.1 and 45-11-03.1 of the North Dakota Century Code, relating to the registration of a general partner of a limited partnership and registration of a general partner filing a fictitious name certificate.

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

Rep. Froseth introduced:

HB 1331: A BILL for an Act to amend and reenact sections 47-25-01 and 47-25-02 of the North Dakota Century Code, relating to registration of trade names.

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

Rep. Froseth introduced:

HB 1332: A BILL for an Act to create and enact a new section to chapter 10-28 of the North Dakota Century Code, relating to annual reports for nonprofit corporations; to amend and reenact sections 10-24-09, 10-27-09, and subsection 15 of section 10-28-01 of the North Dakota Century Code, relating to registered agents of North Dakota nonprofit corporations and change of fees paid by nonprofit corporations for annual reports; and to provide an effective date.

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

Reps. Brown, DeKrey and Sens. Traynor, Yockim introduced:

HB 1333: A BILL for an Act to amend and reenact subsection 1 of section 57-15-06.3 and subsection 17 of section 57-15-06.7 of the North Dakota Century Code, relating to the tax levy for county road programs of farm-to-market and federal-aid roads.

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

Reps. Christopherson, K. Henegar, Rydell, Aarsvold and Sens. Solberg, O'Connell introduced:

HB 1334: A BILL for an Act relating to the killing or injury of police dogs; and to provide a penalty.

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

Rep. Rydell introduced:

HB 1335: A BILL for an Act to amend and reenact subsection 3 of section 43-32-20 of the North Dakota Century Code, relating to licensure qualifications for psychologists.

Was read the first time and referred to the **Human Services Committee**.

Reps. Delmore, Christenson, Kretschmar and Sens. Heinrich, Redlin, W. Stenehjem introduced:

HB 1336: A BILL for an Act to provide for immunity from liability and confidentiality of records and proceedings relating to critical incident stress management.

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

Reps. Svedjan, Stenehjem, Kaldor and Sens. Solberg, Robinson, Urlacher introduced:

HB 1337: A BILL for an Act to create and enact a new section to chapter 57-38 of the North Dakota Century Code, relating to gains for income tax purposes of stock of a corporation that has relocated to this state; and to provide an effective date.

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

FIRST READING OF SENATE BILLS

SB 2117: A BILL for an Act to amend and reenact sections 14-03-10, 14-03-11, 14-03-17, 14-03-19, 14-03-20, 14-03-21, 14-03-22, 14-03-24, 30.1-02-06, and 57-37.1-12 of the North Dakota Century Code, relating to clerk of district court duties concerning marriage licenses, probate matters, and access to safety deposit boxes.

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

SB 2125: A BILL for an Act to amend and reenact section 15-09-04 of the North Dakota Century Code, relating to the valuation and sale of school lands for public purposes.

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

SB 2128: A BILL for an Act to create and enact a new section to chapter 39-04 of the North Dakota Century Code, relating to a staggered registration system for certain vehicles; and to amend and reenact section 39-04-06 of the North Dakota Century Code, relating to checks for registration fees returned to the department of transportation.

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

FIRST READING OF SENATE CONCURRENT RESOLUTION

SCR 4017: A concurrent resolution directing the Legislative Council to study the coroner system in the state, the issuance of death certificates, and whether certain information in death certificates should be exempt from open records requirements.

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

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

ROY GILBREATH, Chief Clerk