

## JOURNAL OF THE HOUSE

## Fifty-fifth Legislative Assembly

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Bismarck, January 15, 1997

The House convened at 9:00 a.m., with Speaker Timm presiding.

The prayer was offered by Pastor Dale Nabben, Heart River Lutheran Church, Mandan.

The roll was called and all members were present except Representatives Kempenich, Nicholas, and Rose.

A quorum was declared by the Speaker.

## CORRECTION AND REVISION OF THE JOURNAL

**MR. SPEAKER:** Your **Committee on Correction and Revision of the Journal (Rep. DeKrey, Chairman)** has carefully reexamined the Journal of the Sixth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 87, remove line 46

Page 87, line 49, replace "Lavita" with "Lavata"

Page 87, line 52, replace "Trista" with "Trisha"

Page 88, line 5, replace "Hoff" with "Huff"

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

## MOTION

**REP. PRICE MOVED** that HB 1315 be returned to the House floor from the **Human Services Committee** and be rereferred to the **Education Committee**, which motion prevailed. Pursuant to Rep. Price's motion, HB 1315 was rereferred.

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

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SB 2010, SB 2035, SB 2104, SB 2105, SB 2107.

## SECOND READING OF HOUSE BILL

**HB 1055:** A BILL for an Act to amend and reenact section 15-47-33 of the North Dakota Century Code, relating to compensatory time for parent-teacher conferences.

## 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; 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; Gernholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Guleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martin; Martinson; Mickelson; Monson; Murphy; Nelson; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjerm; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Kempenich; Nicholas; Rose; Wald

HB 1055 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1105:** A BILL for an Act to amend and reenact section 57-01-13 of the North Dakota Century Code, relating to the collection of delinquent motor vehicle fuels, special fuels, importer for use, aviation fuel, and motor vehicle excise taxes from nonresident taxpayers.

**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 87 YEAS, 8 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleon; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kilzer; Klein; Kliniske; Koppelman; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martin; Martinson; Mickelson; Monson; Murphy; Nelson; Nichols; Niemeier; Nottestad; Oban; Poolman; Price; Renner; Sabby; Sandvig; Skarphol; Soukup; Stenehjelm; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Speaker Timm

**NAYS:** Brown; Drovdal; Kerzman; Kretschmar; Olson; Rennerfeldt; Schmidt; Wilkie

**ABSENT AND NOT VOTING:** Kempenich; Nicholas; Rose

HB 1105 passed and the title was agreed to.

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**MOTION**

**REP. DORSO MOVED** that the rules be suspended and that all bills passed in the House today be messaged to the Senate immediately, which motion prevailed.

**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 1055, HB 1105.

**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 9:00 a.m., Thursday, January 16, 1997, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1044: Judiciary Committee (Rep. Kretschmar, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1044 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1045: Judiciary Committee (Rep. Kretschmar, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1045 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1064: Judiciary Committee (Rep. Kretschmar, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1064 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1079: Judiciary Committee (Rep. Kretschmar, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1079 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1085: Judiciary Committee (Rep. Kretschmar, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1085 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1107: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1107 was placed on the Sixth order on the calendar.

Page 1, line 7, overstrike "require, consistent with the cash management policies of the office of"

Page 1, line 8, overstrike "management and budget, that any taxpayer"

Page 1, line 10, overstrike "shall" and insert immediately thereafter "allow a taxpayer to elect to"

Page 1, line 12, after the period insert "An election to pay the tax under this subdivision is binding until the taxpayer applies to the tax commissioner to rescind the election."

Page 1, line 21, overstrike "If payment is timely made in other than immediately available"

Page 1, overstrike lines 22 through 24

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1120: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1120 was placed on the Eleventh order on the calendar.

**FIRST READING OF HOUSE BILLS**

Reps. Nicholas, Grumbo and Sens. Krauter, Thane introduced:

**HB 1335:** A BILL for an Act to amend and reenact section 50-24.4-15 of the North Dakota Century Code, relating to recapture of depreciation in setting nursing home rates.

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

Reps. Price, Schmidt and Sens. Krebsbach, Lindaas, Tomac introduced:

**HB 1336:** A BILL for an Act to amend and reenact section 6-06-20 of the North Dakota Century Code, relating to the amount that may be borrowed by a director or member of a credit union.

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

Reps. Clark, Huether, Torgerson and Sens. Andrist, Grindberg, Wanzek introduced:

**HB 1337:** A BILL for an Act relating to the provision of guidance and counseling services at the elementary and secondary school level.

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

Reps. Jensen, Kerzman, Sveen and Sens. Mathern, W. Stenehjem introduced:

**HB 1338:** A BILL for an Act to amend and reenact subsection 4 of section 43-41-02 of the North Dakota Century Code, relating to social work designees in hospitals or nursing homes.

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

Reps. Lloyd, Aarsvold and Sens. G. Nelson, Wogsland introduced:

**HB 1339:** A BILL for an Act to amend and reenact sections 4-09-08, 4-09-10, 4-09-14.3, 4-10.3-01, 4-10.3-02, 4-10.3-03, 4-10.3-04, 4-10.3-05, 4-10.3-08, 4-10.3-09, 4-24-09, and 4-24-10 of the North Dakota Century Code, relating to the North Dakota dry bean council and the assessment on dry beans; to provide an effective date; and to declare an emergency.

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

Reps. Sandvig, Koppelman, Boehm and Sens. Christmann, Kelsh, Wanzek introduced:

**HB 1340:** A BILL for an Act to amend and reenact paragraph 5 of subdivision d of subsection 1 of section 57-38-01.2 and subsection 5 of section 57-38-30.3 of the North Dakota Century Code, relating to income tax deductions or credits for adoption expenses; and to provide an effective date.

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

Reps. Nichols, Wardner, Brown and Sen. Kinnoin introduced:

**HB 1341:** A BILL for an Act to amend and reenact section 57-15-01.1 of the North Dakota Century Code, relating to establishing values for property exempt from property taxes.

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

**FIRST READING OF SENATE BILLS**

**SB 2010:** A BILL for an Act to provide an appropriation for defraying the expenses of the council on the arts and an appropriation of funds from the cultural endowment fund.  
Was read the first time and referred to the **Appropriations Committee**.

**SB 2035:** A BILL for an Act to repeal sections 38-14.1-04.1, 38-14.1-04.2, and 38-14.1-04.3 of the North Dakota Century Code, relating to the reclamation research advisory committee.  
Was read the first time and referred to the **Natural Resources Committee**.

**SB 2104:** A BILL for an Act to amend and reenact section 61-02-08 of the North Dakota Century Code, relating to meetings of the state water commission.  
Was read the first time and referred to the **Natural Resources Committee**.

**SB 2105:** A BILL for an Act to amend and reenact section 61-02-64.1 of the North Dakota Century Code, relating to the purpose of the contract fund.  
Was read the first time and referred to the **Natural Resources Committee**.

**SB 2107:** A BILL for an Act to repeal section 38-08-06.1 of the North Dakota Century Code, relating to the industrial commission's responsibilities pursuant to the Natural Gas Policy Act of 1978.  
Was read the first time and referred to the **Natural Resources Committee**.

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

**ROY GILBREATH, Chief Clerk**