

Third Day of  
Legislative Organizational Session

JOURNAL OF THE HOUSE

Fifty-first Legislative Assembly

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Bismarck, December 8, 1988

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

The prayer was offered by Chaplain Burnie Kunz, Medcenter One, Bismarck, North Dakota.

ROLL CALL

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

A quorum was declared by the Speaker.

CORRECTION and REVISION of the JOURNAL (Rep. V. Olson, Chairman)

MR. SPEAKER: Your Committee on Correction and Revision of the Journal has carefully examined the Journal of the Second Day of the Organizational Session and finds it to be correct.

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

REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER: Your procedural Committee on House and Joint Rules (Rep. Kretschmar, Chairman), appointed to recommend legislative rules, has had the same under consideration and recommends that the House and Joint Rules of the Fiftieth Legislative Assembly as adopted on Wednesday, January 7, 1987, and amended on Monday, January 12, 1987, with the following new rules and amendments, be adopted as the permanent rules of the House for the Fifty-first Legislative Assembly, and that the reading of this report be dispensed with:

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

105. SMOKING IN CHAMBER. ~~There may be no smoking~~ No person may smoke in the House chamber while the House is in session. "Smoke" includes the carrying of a lighted cigarette, lighted cigar, lighted pipe, or any other lighted smoking equipment.

SECTION 2. AMENDMENT. Subsection 5 of House Rule 203 is hereby amended to read as follows:

5. Keep secure all records and papers belonging to the House. The Chief Clerk shall report all missing bills, resolutions, and papers to the Speaker. ~~He~~ The Chief Clerk shall have general supervision of all clerical duties appertaining to the business of the House. He The Chief Clerk shall perform under the direction of the Speaker all duties pertaining to the office, and shall also keep a ~~book~~ record showing the situation and progress actions taken on and status of all the bills, memorials, and resolutions; including a complete record of all actions taken thereon. ~~He.~~ The Chief Clerk shall prepare and

present to the Legislative Council such information as is necessary for the preparation of the daily calendar to reflect the action taken and pending on all measures and shall provide for the distribution of the completed calendars.

SECTION 3. AMENDMENT. Subsection 3 of House Rule 205 is hereby amended to read as follows:

3. The Sergeant-at-Arms shall clear the floor of the House chamber in front of the railing of all persons, except legislators, legislative employees, legislative guests, and members properly identified representatives of the press media, during the time period commencing thirty minutes before the House convenes on any legislative day until the House recesses for that calendar day.

SECTION 4. Joint Rule 802 is hereby created to read as follows:

802. IDENTIFICATION OF REPRESENTATIVES OF THE MEDIA.

The Legislative Council may provide identification badges for individuals identified as representatives of the media by the North Dakota Newspaper Association and the North Dakota Broadcasters Association before a regular session or by the statehouse correspondent of the Associated Press during a legislative session. The statehouse correspondent of the Associated Press shall distribute the badges to the appropriate individuals for use during the session to obtain access to the floor of the chamber as permitted by the Senate and House. The statehouse correspondent of the Associated Press shall notify the President of the Senate and the Speaker of the House with respect to identification badges issued during the session.

SECTION 5. House Rule 312.2 is hereby created to read as follows:

312.2. DISPOSITION OF QUESTION LAID ON THE TABLE

A question laid on the table is deemed finally disposed of whenever a motion to adjourn without fixing a time for reconvening is approved.

SECTION 6. AMENDMENT. House Rule 334 is hereby amended to read as follows:

334. RECORDED ROLL CALL VOTES

No Except as provided in Rule 312.2, no action by the House which may result in final disposition of a bill, or resolution proposing a constitutional amendment, shall be taken except by a recorded roll call vote, and the vote of each member, or a record of his absence or failure to vote, shall be recorded in the journal. As used in this rule, "final disposition" includes any procedure which, barring reconsideration, results in the House being unable to give further consideration during that legislative session to the particular measure which was under consideration.

SECTION 7. AMENDMENT. Subsection 1 of House Rule 315 is hereby amended to read as follows:

1. The following questions require a majority vote of the members of the House present and voting:
  - a. Adoption of amendments, as provided in House Rule 601.

- b. Reconsideration of the adoption of an amendment, as provided by in House Rule 341.
- c. Order to a chairman to report a measure back from committee, as provided in House Rule 508.
- d. Action, other than referrals or rereferrals to Appropriations Committee on certain measures, as authorized in House Rule 326.
- e. To have Speaker refuse to sign any bill ~~which~~ the Senate refuses to return, as provided in House Rule 343.
- f. Adoption of propositions of a divided question, as provided in House Rule 316.
- g. Adoption of conference committee reports, as provided in House Rule 605.
- h. Any question for which another vote is not required by the Constitution or another rule.

SECTION 8. 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 the conference committee report on the calendar for final action on the same day the conference committee report is received by a majority vote of the members present. 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.

SECTION 9. AMENDMENT. House Rule 325 is hereby amended to read as follows:

**325. REFERENCE TO BILLS IN JOURNAL**

All references in the journal to House and Senate bills shall be by number only, except that on first and second readings such references shall be by number and ~~short~~ title.

SECTION 10. AMENDMENT. Subsection 1 of House Rule 402 is hereby amended to read as follows:

1. No bill shall be introduced after the ~~fifteenth~~ fourteenth legislative day and no member other than the majority and minority leaders shall introduce more than three bills as prime sponsor after the ~~tenth~~ ninth legislative day, nor shall any resolution, except those resolutions hereinafter provided for, be introduced after the eighteenth legislative day, except upon approval of a majority of the Committee on Delayed Bills or upon two-thirds vote of the House.

SECTION 11. AMENDMENT. Subsections 2, 3, and 7 of House Rule 404 are hereby amended to read as follows:

2. Each bill and resolution shall have typed on it the name of the member, or members, but no more than five from the House, nor more than three from each house on jointly sponsored bills or resolutions, or committee introducing the same.
3. The enacting clause of a bill shall be as follows: "BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY ~~OF THE STATE~~ OF NORTH DAKOTA".
7. The Chief Clerk shall, after compliance with this rule and after first reading, distribute the copies of a bill or resolution received as follows: The original and one copy shall be delivered to the chairman of the committee to which the measure is referred; one copy shall be delivered to the Speaker; three copies shall be delivered to the Legislative Council; one copy shall remain in the custody of the Chief Clerk until otherwise directed by the House; one copy two copies shall, except in the case of bills or resolutions printed on order of the Legislative Council pursuant to House Rule 406, be delivered to the printer having the contract for printing of bills; three copies shall be available for representatives of news media; and one copy shall be given to the prime sponsor. Any statewide organization or association may be provided a copy of each introduced bill or resolution for the payment of a subscription fee established ~~by the director of the legislative Council for the 1983 session and by the Legislative Procedure and Arrangements Committee for subsequent legislative sessions.~~ Orders and payments for such bills or resolutions must be placed with the Legislative Council prior to January third for the 1983 session and prior to December fifteenth for subsequent sessions preceding the regular session.

SECTION 12. AMENDMENT. House Rule 408 is hereby amended to read as follows:

#### 408. CONSTITUTIONAL AMENDMENTS - STATEMENT OF INTENT

Every resolution proposing a change in the Constitution of North Dakota shall contain a statement setting forth in clear and precise language the legislative purpose and intent of the proposed change ~~the~~. The statement shall clearly represent the substance and effect of the proposed change.

SECTION 13. AMENDMENT. Subsections 1, 2, 4, and 5 of House Rule 501 are hereby amended to read as follows:

#### 1. Appropriations: (23 members)

All bills calling for appropriations in excess of five thousand dollars. Except for the committee chairman, each member of the committee shall be appointed to one of the following subcommittees divisions of the committee:

- a. Education and Environment.
- b. Human Resources.
- c. Government Operations.

#### Group A-1

#### 2. Education: (~~16~~ 16 members)

Public Schools; Libraries; and Institutions of Higher Learning.

4. Judiciary: (+5 16 members)

Elections and Election Privileges; Judiciary.

5. Industry, Business and Labor: (+6 17 members)

Banks and Banking; Corporations; Insurance; Matters pertaining to Private Business and Industry; Workmen's Compensation; Unemployment Compensation; Labor Laws and kindred subjects.

SECTION 14. AMENDMENT. House Rule 506 is hereby amended to read as follows:

506. NOTICE OF HEARINGS

On Wednesday of each week, with respect to the committees which that meet on Monday through Wednesday, and on Friday of each week, with respect to the Appropriations Committee and those the committees which that meet on Thursday and Friday, each chairman shall deliver to the Chief Clerk a notice of the time and place of the meetings of his the chairman's committee for the following week, including a list of the bills and resolutions to be considered. This rule, however, shall not prevent a change in such schedule as to time, place, or bill, if circumstances may so require. The decision of the chairman in this regard shall be final. The Clerk shall cause the same to be posted on the bulletin board.

SECTION 15. Joint Rule 209 is hereby created to read as follows:

209. RETURN OF VETOED BILLS WITH OBJECTIONS

When the Governor vetoes a bill that must be returned within three days, Sundays excepted, after presentation, the bill must be returned to the Secretary of the Senate if a Senate bill or to the Chief Clerk of the House of Representatives if a House bill, together with the objections to the bill. The Secretary of the Senate and Clerk of the House of Representatives may each designate an employee of the respective chamber for receipt of vetoed bills and objections. If the Secretary of the Senate or Chief Clerk of the House of Representatives or the designated legislative employee, as appropriate, is not available to receive the vetoed bill and objections, the director of the Legislative Council or a Legislative Council employee designated by the director may receive the vetoed bill and the objections as the representative of the appropriate house. As used in this rule, "within three days" means within three calendar days, Sundays excepted, after the day of presentation to the Governor.

SECTION 16. AMENDMENT. Subsection 2 of Joint Rule 301 is hereby amended to read as follows:

2. The committees so appointed shall meet within two legislative days of appointment at such hour and place as shall be agreed on by the chairmen; and the chairmen shall have the time and place of the meeting posted on the bulletin board prior to the meeting, or the chairmen shall announce the time and place of the meeting to their respective houses.

SECTION 17. Joint Rule 803 is hereby created to read as follows:

803. USE OF COMMITTEE ROOMS

During a legislative session, committee rooms under the jurisdiction of the Senate or House and hearing rooms under the jurisdiction of the Legislative Assembly may be used only for the functions and activities of the legislative branch, except as otherwise provided by this rule. A state agency may be granted permission by the Secretary of the Senate or Chief Clerk of the House, individually with respect to a room under the jurisdiction of the Senate or House, respectively, or jointly with respect to a room under the jurisdiction of the Legislative Assembly, to use a room at times and under conditions not interfering with the use of the room by the legislative branch.

REP. KLOUBEC MOVED that the report be adopted, which motion prevailed on a roll call vote.

## ROLL CALL

The question being on the adoption of the report of the procedural Committee on House and Joint Rules, the roll was called and there were 94 YEAS, 4 NAYS, 8 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Bernstein; Carlson; Christman; Clayburgh; Dalrymple; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; O'Shea; Oban; Olsen, D.; Olson, A.; Olson, V.; Peterson; Ring; Rydell; Schatz; Scherber; Schmidt; Schneider; Shaft; Shide; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Brokaw; DeMers, J.; Hokana; Skjerven

ABSENT AND NOT VOTING: Berg, G.; Berg, R.; Gerl; Larson, D.; Murphy; Payne; Schindler; Shockman

## MOTION

REP. KLOUBEC MOVED that the House stand in recess until 11:00 a.m., which motion prevailed.

THE HOUSE RECONVENED pursuant to recess taken, with Speaker Kretschmar presiding.

## ANNOUNCEMENT

SPEAKER KRETCHMAR ANNOUNCED the following appointments of members to Standing Committees:

APPOINTMENT OF STANDING COMMITTEES  
HOUSE OF REPRESENTATIVES

Appropriations

Chairman - Peterson, J.  
Vice Chairman - Hausauer, R.

Dalrymple, J.  
Gerntholz, J.  
Gunsch, R.  
Hanson, O.  
Jensen, R.  
Kingsbury, H.  
Payne, D.  
Smette, B.  
Sorensen, B.  
Thompson, K.  
Wald, F.

Graba, J.  
Hoffner, S.  
Kelly, T.  
Laughlin, B.  
Mertens, C.  
Nowatzki, R.  
O'Shea, R.  
Solberg, R.  
Stofferahn, S.  
Watne, G.

Finance and Taxation

Chairman - Hausauer, A.  
Vice Chairman - Goetz, W.

Anderson, R.  
Belter, W.  
Gorman, S.  
Haugen, J.  
Kneill, G.  
Martin, C.  
Olson, A.  
Timm, M.

Berg, G.  
DeMers, J.  
DeMers, P.  
Hokana, J.  
Scherber, K.  
Tomac, S.  
Williams, W.

Judiciary

Chairman - Wentz, J.  
Vice Chairman - Shaft, G.

Aas, L.  
Howard, J.  
Kouba, R.  
Larson, D.  
Murphy, J.  
Stenehjem, A.  
Urlacher, H.

Kaldor, L.  
Kolbo, K.  
Nelson, J.  
Ring, J.  
Shockman, K.  
Ulmer, D.  
Williams, A.

Industry, Business and Labor

Chairman - Whalen, J.  
Vice Chairman - Dorso, J.

Haugland, B.  
Lang, T.  
Larson, R.  
Shide, D.  
Soukup, A.  
Tokach, D.  
Tollefson, B.  
Vander Vorst, W.

Enget, J.  
Frey, K.  
Gerhardt, D.  
Gerl, J.  
Oban, B.  
Skjerven, W.  
Starke, W.

## Education

Chairman - Gates, M.

Vice Chairman - Schindler, O.

Berg, R.  
 Christman, Q.  
 Myrdal, R.  
 Olsen, D.  
 Olson, V.  
 Rydell, C.  
 Schmidt, R.

Aarsvold, O.  
 Brokaw, J.  
 Flaagan, O.  
 Halmrast, G.  
 Hanson, L.  
 Ness, D.  
 Wilkie, G.

## State and Federal Government

Chairman - Martinson, B.

Vice Chairman - Melby, A.

Bernstein, L.  
 Clayburgh, R.  
 Lindgren, J.  
 Nicholas, E.  
 Schatz, M.  
 Trautman, H.

Anderson, B.  
 Carlson, S.  
 Gilmore, K.  
 Huether, B.  
 Marks, D.  
 Thompson, V.

## Political Subdivisions

Chairman - Lindgren, J.

Vice Chairman - Olson, V.

Gorman, S.  
 Haugen, J.  
 Hausauer, A.  
 Howard, J.  
 Lang, T.  
 Shaft, G.  
 Wentz, J.

Brokaw, J.  
 Carlson, S.  
 Enget, J.  
 Flaagan, O.  
 Gerl, J.  
 Skjervén, W.

## Human Services and Veterans Affairs

Chairman - Haugland, B.

Vice Chairman - Larson, R.

Clayburgh, R.  
 Gates, M.  
 Myrdal, R.  
 Olsen, D.  
 Rydell, C.  
 Stenehjem, A.  
 Trautman, H.

DeMers, J.  
 DeMers, P.  
 Kolbo, K.  
 Oban, B.  
 Scherber, K.  
 Ulmer, D.  
 Williams, A.

## Transportation

Chairman - Timm, M.

Vice Chairman - Belter, W.

Anderson, R.  
 Bernstein, L.  
 Christman, Q.  
 Dorso, J.  
 Kneil, G.  
 Larson, D.  
 Urlacher, H.

Anderson, B.  
 Gerhardt, D.  
 Hokana, J.  
 Huether, B.  
 Kaldor, L.  
 Ness, D.  
 Thompson, V.

Agriculture

Chairman - Nicholas, E.  
Vice Chairman - Vander Vorst, W.

Kouba, R.  
Melby, A.  
Schmidt, R.  
Shide, D.  
Soukup, A.  
Tokach, D.  
Whalen, J.

Aarsvold, O.  
Frey, K.  
Gilmore, K.  
Marks, D.  
Shockman, K.  
Starke, W.  
Wilkie, G.

Natural Resources

Chairman - Olson, A.  
Vice Chairman - Murphy, J.

Aas, L.  
Berg, R.  
Goetz, W.  
Martin, C.  
Martinson, B.  
Schatz, M.  
Schindler, O.  
Tollefson, B.

Berg, G.  
Halmrast, G.  
Hanson, L.  
Nelson, J.  
Ring, J.  
Tomac, S.  
Williams, W.

Joint Constitutional Revision

Chairman - Martin, C.

Shaft, G.  
Wentz, J.

Kaldor, L.  
Oban, B.

MOTIONS

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

REP. KLOUBEC MOVED that the House stand adjourned until 12:00 noon, Wednesday, January 4, 1989, which motion prevailed.

ROY GILBREATH, Chief Clerk