

JOURNAL OF THE HOUSE

Fifty-fourth Legislative Assembly

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Bismarck, January 10, 1995

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

The prayer was offered by Keith Schulte, member of the Spiritual Assembly of the Bahai's of Bismarck.

The roll was called and all members were present except Representative Bernstein.

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. DROVDAL, Chairman) has carefully re-examined the Journal of the Third Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 93, line 38, replace "Judiciary" with "Natural Resources"

Page 93, line 45, replace "Natural Resources" with "Finance and Taxation"

Page 93, line 51, replace "Finance and Taxation" with "Government and Veterans Affairs"

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

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 2077, SB 2119, SB 2120, SB 2156, SCR 4008.

SIXTH ORDER OF BUSINESS

The amendments to HB 1092 and HB 1113 were adopted on a voice vote.

HB 1092 and HB 1113, as amended, were placed on the Eleventh order on the calendar for the next legislative day.

SECOND READING OF HOUSE BILL

HB 1075: A BILL for an Act to amend and reenact section 15-28-03 of the North Dakota Century Code, relating to the terms of office of school board members.

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; 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, D.; 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: Bernstein

HB 1075 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1099: A BILL for an Act to amend and reenact subsection 1 of section 49-17.1-02 of the North Dakota Century Code, relating to the state intermodal transportation team.

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; 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; Hagie; Hanson; Hausauer; Henegar, D.; 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: Bernstein

HB 1099 passed and the title was agreed to.

MOTION

REP. FREIER MOVED that the absent member 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., Wednesday, January 11, 1995, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1025: Agriculture Committee (Rep. Nicholas, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (9 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1025 was placed on the Sixth order on the calendar.

Page 1, line 20, after "contract" insert "between a contractor and a producer"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1033: Human Services Committee (Rep. Svedjan, Chairman) recommends DO NOT PASS (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1033 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1034: Human Services Committee (Rep. Svedjan, Chairman) recommends DO NOT PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1034 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1049: Political Subdivisions Committee (Rep. Soukup, Chairman) recommends DO NOT PASS (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1049 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1065: Finance and Taxation Committee (Rep. Timm, Chairman) recommends DO NOT PASS (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1065 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1067: Political Subdivisions Committee (Rep. Soukup, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1067 was placed on the Sixth order on the calendar.

Page 1, line 3, after "officers" insert "and employees"

Page 1, line 7, remove "and elected"

Page 1, line 8, after "officers" insert "and employees"

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1080: Government and Veterans Affairs Committee (Rep. Wardner, Chairman) recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1080 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1119: Government and Veterans Affairs Committee (Rep. Wardner, Chairman) recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1119 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1134: Finance and Taxation Committee (Rep. Timm, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1134 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1136: Finance and Taxation Committee (Rep. Timm, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1136 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1138: Political Subdivisions Committee (Rep. Soukup, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1138 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1143: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1143 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1144: Finance and Taxation Committee (Rep. Timm, Chairman) recommends DO PASS (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1144 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1153: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **DO NOT PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1153 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1158: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1158 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1159: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **DO PASS** (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1159 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1160: Human Services Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1160 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3002: Human Services Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3002 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3003: Human Services Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3003 was placed on the Eleventh order on the calendar.

FIRST READING OF HOUSE BILLS

Reps. Sveen, Froseth and Sen. O'Connell introduced:

HB 1313: A BILL for an Act to create and enact a new section to chapter 4-19 of the North Dakota Century Code, relating to the powers of the state forester; to amend and reenact sections 4-19-01, 4-19-02, and 4-19-03 of the North Dakota Century Code, relating to the duties of the state forester, the state nursery, and the distribution of planting stock; and to repeal sections 4-19-01.1 and 4-19-04 of the North Dakota Century Code, relating to the qualifications of district foresters and assistance provided by the state forester.

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

Rep. Hagle and Sen. Kelsh introduced:

HB 1314: A BILL for an Act to create and enact a new section to chapter 23-09 of the North Dakota Century Code, relating to food salvage operations; and to amend and reenact subsections 2, 5, and 7 of section 23-09-01, sections 23-09.1-02.1, and 23-10-04 of the North Dakota Century Code, relating to definitions for purposes of the regulation of hotels, lodginghouses, restaurants, and boardinghouses and inspections of bed and breakfast facilities and mobile home parks, trailer parks, and campgrounds.

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

Reps. Gorman, Koppelman introduced:

HB 1315: A BILL for an Act to amend and reenact section 51-12-09 of the North Dakota Century Code, relating to representation as to worth or value as false advertising.

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

Reps. Rydell, Mutzenberger, Hagle and Sens. Kringstad, Freborg, DeMers introduced:

HB 1316: A BILL for an Act to create and enact a new chapter to title 23 of the North Dakota Century Code, relating to regulation of access of minors to tobacco; to amend and reenact sections 12.1-31-03 and

57-36-04 of the North Dakota Century Code, relating to the sale of tobacco products to minors and licensure for the sale of tobacco products; and to provide a penalty.

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

Reps. Belter, Gerntholz, Aarsvold and Sens. Heitkamp, Urlacher, Traynor introduced:

HB 1317: A BILL for an Act to create and enact chapter 61-35 of the North Dakota Century Code, relating to rural water district organization, finance, bond issuance, special assessments, and projects.

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

FIRST READING OF SENATE BILLS

SB 2077: A BILL for an Act to repeal section 2 of chapter 565 of the 1993 Session Laws, relating to the expiration date for the sales and use tax exemption for recycling machinery and equipment; and to declare an emergency.

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

SB 2119: A BILL for an Act to repeal section 27-05-18 of the North Dakota Century Code, relating to judges holding consecutive jury terms.

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

SB 2120: A BILL for an Act to amend and reenact section 29-01-01 of the North Dakota Century Code, relating to prosecution of crimes; and to declare an emergency.

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

SB 2156: A BILL for an Act to amend and reenact section 55-02-06 of the North Dakota Century Code, relating to the location of state historical museums.

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

FIRST READING OF SENATE CONCURRENT RESOLUTION

SCR 4008: A concurrent resolution directing the Legislative Council to study the state's investment process and the investment of state funds.

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

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

ROY GILBREATH, Chief Clerk