

JOURNAL OF THE HOUSE

Fifty-fifth Legislative Assembly

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Bismarck, January 22, 1997

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

The prayer was offered by the Rev. Philip Petrasek, Living Water Lutheran Church, Mandan.

The roll was called and all members were present except Representatives Aarsvold, Brown, and Fairfield.

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 examined the Journal of the Sixth, Eleventh, and Twelfth days and recommends that they be corrected as follows and when so corrected, recommends that they be approved:

Page 98, line 52, replace "Weisz" with "Wentz"

Page 132, line 14, replace "9" with "10" and replace "4" with "3"

Page 145, line 20, replace "**FREIER**" with "**SVEEN**"

REP. GLASSHEIM 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 2033, SB 2056, SB 2072, SB 2101, SB 2114, SB 2126, SB 2130, SB 2143, SCR 4007.

SIXTH ORDER OF BUSINESS

REP. DORSO MOVED that the amendments on the Sixth order of business to HB 1042, HB 1049, HB 1092, HB 1093, HB 1119, HB 1125, and HCR 3008 be adopted, which motion prevailed.

HB 1042, HB 1049, HB 1092, HB 1093, HB 1119, HB 1125, and HCR 3008, as amended, were placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1097: A BILL for an Act to create and enact section 1-03-12 of the North Dakota Century Code, relating to the designation of Four Chaplains Sunday; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 42 YEAS, 53 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Boucher; Brandenburg; Callahan; Christenson; Coats; Delmore; Galvin; Glassheim; Gorder; Grumbo; Guleson; Hanson; Hausauer; Jensen; Johnsen, C.; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Koppelman; Kretschmar; Kroeplin; Mahoney; Maragos; Martinson; Murphy; Nichols; Niemeier; Oban; Rose; Sandvig; Schmidt; Stenehjem; Thompson; Thoreson; Thorpe; Tollefson; Wald; Wardner; Warner; Wentz; Wilkie

NAYS: Axtman; Belter; Berg; Bernstein; Boehm; Brusegaard; Byerly; Carlisle; Carlson; Christopherson; Clark; Dalrymple; DeKrey; Delzer; Devlin; Dorso; Drovda; Freier; Froseth; Gertholz; Grande; Grosz; Gunter; Hawken; Henegar; Huether; Jacobs; Johnson, D.; Keiser; Kilzer; Klein; Kliniske; Kunkel; Lloyd; Martin; Mickelson; Monson; Nelson; Nicholas; Nottestad; Olson; Poolman; Price; Renner; Rennerfeldt; Sabby; Skarphol; Soukup; Svedjan; Sveen; Torgerson; Weisz; Speaker Timm

ABSENT AND NOT VOTING: Aarsvold; Brown; Fairfield

Engrossed HB 1097 was declared lost.

MOTION

REP. WARDNER MOVED that HB 1378 be returned to the House floor from the **Government and Veterans Affairs Committee** and be rereferred to the **Industry, Business and Labor Committee**, which motion prevailed. Pursuant to Rep. Wardner's motion, HB 1378 was rereferred.

SECOND READING OF HOUSE BILL

HB 1102: A BILL for an Act to amend and reenact section 61-32-03 of the North Dakota Century Code, relating to drainage permits.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 54 YEAS, 40 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Axtman; Berg; Boucher; Brandenburg; Brusegaard; Callahan; Carlisle; Carlson; Christenson; Christopherson; Coats; DeKrey; Delmore; Devlin; Dorso; Gerntholz; Glassheim; Gorder; Grumbo; Hausauer; Henegar; Jacobs; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Kretschmar; Kroepflin; Kunkel; Lloyd; Mahoney; Martinson; Mickelson; Murphy; Nelson; Nicholas; Niemeier; Oban; Poolman; Price; Renner; Rose; Sabby; Schmidt; Stenehjem; Thompson; Warner; Weisz; Wentz

NAYS: Belter; Bernstein; Boehm; Byerly; Clark; Dalrymple; Delzer; Drovdal; Freier; Froseth; Galvin; Grosz; Guleson; Gunter; Hanson; Hawken; Huether; Jensen; Johnsen, C.; Koppelman; Maragos; Martin; Monson; Nichols; Nottestad; Olson; Rennerfeldt; Sandvig; Skarphol; Soukup; Svedjan; Sveen; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Aarsvold; Brown; Fairfield; Grande

Engrossed HB 1102 passed and the title was agreed to.

MOTION

REP. DORSO MOVED that HB 1132, which is on the Eleventh order, be rereferred to the **Natural Resources Committee**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1032: A BILL for an Act to amend and reenact section 48-01.1-06 of the North Dakota Century Code, relating to the multiple prime bid requirement for public improvement contracts.

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 71 YEAS, 24 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Axtman; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brusegaard; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Devlin; Drovdal; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grosz; Grumbo; Guleson; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Johnson, D.; Keiser; Kelsh, S.; Kempenich; Kerzman; Koppelman; Kroepflin; Kunkel; Lloyd; Mahoney; Monson; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wilkie; Speaker Timm

NAYS: Belter; Byerly; Delzer; Dorso; Freier; Grande; Gunter; Jensen; Johnsen, C.; Kelsch, R.; Kilzer; Klein; Kliniske; Kretschmar; Maragos; Martin; Martinson; Mickelson; Murphy; Poolman; Price; Soukup; Stenehjem; Wentz

ABSENT AND NOT VOTING: Aarsvold; Brown; Fairfield

HB 1032 passed and the title was agreed to.

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 1075, HB 1082, HB 1149, HB 1152, HB 1156.

HOUSE ENROLLING REPORT

The following bill was enrolled: HB 1104.

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, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 9:00 a.m., Thursday, January 23, 1997, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1145: Judiciary Committee (Rep. Kretschmar, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1145 was placed on the Sixth order on the calendar.

Page 1, line 7, replace "12.1-27" with "12.1-27.2"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1011: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **DO PASS** (22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1011 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1020: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **DO PASS** (20 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1020 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1051: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **DO PASS** (16 YEAS, 3 NAYS, 4 ABSENT AND NOT VOTING). HB 1051 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1221: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO NOT PASS** (12 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1221 was placed on the Eleventh order on the calendar.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

Reps. Drovdal, Kempenich, Warner and Sen. Bowman introduced:

HCR 3015: A concurrent resolution urging Congress to provide funds to replace the Four Bears Bridge.

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

FIRST READING OF SENATE BILLS

SB 2033: A BILL for an Act to provide for a postsecondary enrollment options program; and to amend and reenact subdivision q of subsection 1 of section 28-32-01 of the North Dakota Century Code, relating to the rulemaking authority of the superintendent of public instruction.

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

SB 2056: A BILL for an Act to amend and reenact subsection 1 of section 54-06-09 of the North Dakota Century Code, relating to mileage and travel expense of state officers and employees.

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

SB 2072: A BILL for an Act to create and enact a new subsection to section 57-40.2-02.1 of the North Dakota Century Code, relating to the imposition of a use tax on natural gas; to amend and reenact subsection 6 of section 57-39.2-04 and section 57-40.3-05.1 of the

North Dakota Century Code, relating to a sales tax exemption for a political subdivision of another state and the requirement for a seller's certificate under the motor vehicle excise tax; and to repeal sections 57-37.1-12, 57-37.1-13, and 57-37.1-14 of the North Dakota Century Code, relating to inventory of safety deposit boxes upon the death of the lessor, the notice of transfer of a decedent's assets, and penalties for violating the duties of a depository.

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

SB 2101: A BILL for an Act to amend and reenact subsection 1 of section 52-11-01 of the North Dakota Century Code, relating to job service North Dakota and national guard retirement programs.

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

SB 2114: A BILL for an Act to create and enact two new sections to chapter 54-44.3 and a new subsection to section 54-44.3-12 of the North Dakota Century Code, relating to federal grants for merit systems, agencies subject to the state merit system, and the rules for merit system compliance; to amend and reenact sections 39-03-03, 39-03-13, 52-02-01, 52-02-06, 54-44.3-06, 54-44.3-09, 57-01-05, and 65-02-01 of the North Dakota Century Code, relating to appeals of highway patrol disciplinary actions, job service North Dakota merit appointments, personnel board meetings, duties of the central personnel division director with respect to the merit system, tax commissioner merit appointments, and workers' compensation merit appointments; and to repeal chapter 54-42 of the North Dakota Century Code, relating to the merit system council.

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

SB 2126: A BILL for an Act to amend and reenact sections 39-18-01 and 39-22.1-01 of the North Dakota Century Code, relating to mobile home and trailer dealer licensing fees.

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

SB 2130: A BILL for an Act to amend and reenact section 18-02-07 of the North Dakota Century Code, relating to cooperation of the state forester with rural fire departments and rural fire protection districts; and to repeal sections 18-02-01, 18-02-02, 18-02-03, 18-02-04, 18-02-05, 18-02-06, 18-02-08, and 18-02-09 of the North Dakota Century Code, relating to forest fire wardens.

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

SB 2143: A BILL for an Act to amend and reenact sections 34-13-01, 34-13-02, and subsection 1 of section 34-13-13.1 of the North Dakota Century Code, relating to employment agencies.

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

FIRST READING OF SENATE CONCURRENT RESOLUTION

SCR 4007: A concurrent resolution urging the Secretary of the Interior and the United States Fish and Wildlife Service to open the waterfowl hunting season by September 15 of each year.

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

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bill: HB 1104.

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

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1104.

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

ROY GILBREATH, Chief Clerk