

JOURNAL OF THE HOUSE

Fifty-fifth Legislative Assembly

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Bismarck, January 10, 1997

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

The prayer was offered by the Rev. Stephen D. Eastin, First Presbyterian Church, Mandan.

The roll was called and all members were present except Representatives Dalrymple, Gerntholz, Gunter, Lloyd, Martin, and Martinson.

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 Third Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 75, line 1, insert the following:

MOTION

REP. FREIER MOVED that the remarks of Mr. Russell "Buddy" Mason be printed in the Journal, which motion prevailed.

Page 75, after line 20, insert first readings not entered due to computer mishap.

FIRST READING OF HOUSE BILLS

Reps. Rennerfeldt, Wardner, Brusegaard, Clark and Sens. Grindberg, Solberg introduced:

HB 1173: A BILL for an Act to amend and reenact section 39-13-09 of the North Dakota Century Code, relating to directional signs.

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

Reps. Brandenburg, Guleson, Kroeplin, Nicholas and Sens. Kelsh, Thane introduced:

HB 1174: A BILL for an Act to create and enact a new subsection to section 57-38-30.3 and chapter 57-38.6 of the North Dakota Century Code, relating to an agricultural cooperative investment income tax credit; and to provide an effective date.

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

Reps. Clark, Kelsch, Mickelson introduced:

HB 1175: A BILL for an Act to amend and reenact section 34-07-12 of the North Dakota Century Code, relating to the contents of employment certificates.

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

Reps. Nicholas, Nichols, Olson and Sens. Nalewaja, Wanzek, Tomac introduced:

HB 1176: A BILL for an Act to provide for damages for defamation of agricultural products and management practices; and to provide a penalty.

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

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

MOTION

REP. DORSO MOVED that HB 1124, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

MOTION

REP. CARLSON MOVED that House Rules 201 and 204 (5) and (6) be amended as follows, which motion prevailed.

PROPOSED AMENDMENTS TO HOUSE RULES 201 AND 204(5) AND(6)

SECTION 1. AMENDMENT. House Rule 201 is amended as follows:

201. DUTIES OF SPEAKER. The Speaker shall:

1. Preside over the House. The Speaker is charged with all the powers and duties pertaining to the position of presiding officer.
2. Preserve order and decorum. In case of disorderly conduct or disturbance in the galleries or the corridors, the Speaker or the chairman of the Committee of the Whole may order the galleries or corridors to be cleared.
3. Appoint House committees, except as provided by House Rule 501 or when otherwise provided by vote of the House.
4. Sign all acts, addresses, resolutions, writs, warrants, and subpoenas of or issued by order of the House and, while the Legislative Assembly is in session, all vouchers for payment of money out of the appropriation for the Legislative Assembly.

SECTION 2. AMENDMENT. Subsections 5 and 6 of House Rule 204 are amended as follows:

5. The permanent journals must be bound in hard covers. Two of these sets must be deposited with the Secretary of State, who shall preserve these sets and attach the Secretary of State's certificate thereto showing the date of delivery and attesting that the copies are identical and official journals as delivered to the Secretary of State. The Secretary of State shall ~~retain four sets and shall~~ forward one set to the Supreme Court Library, one set to the Law School Library at the University of North Dakota, eight sets to the State Library, one set to the Lieutenant Governor, two sets to the Attorney General, ~~three~~ seven sets to the Legislative Council, one set to the Chief Clerk, and one set to each judicial district as determined by the presiding judge of the district.
6. The Chief Clerk shall compile ~~five~~ two sets of the daily journals. The Secretary of State ~~shall distribute these sets of the journal as prescribed by the Legislative Council. Of the remaining sets not distributed as prescribed by the Legislative Council, the Secretary of State may distribute these sets to public officials upon their request if in the discretion of the Secretary of State the public official needs the journals to carry on the functions of office. The Secretary of State may dispose of any of these sets not distributed by the time the next Legislative Assembly convenes.~~

SECOND READING OF HOUSE BILL

HB 1114: A BILL for an Act to amend and reenact subsections 1 and 3 of section 5-02-07.2 of the North Dakota Century Code, relating to registration and marketing of beer sold in kegs.

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

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

ABSENT AND NOT VOTING: Aarsvold; Lloyd

HB 1114 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1066: A BILL for an Act to amend and reenact section 6-09-29 of the North Dakota Century Code, relating to the audit of the Bank of North Dakota.

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

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

ABSENT AND NOT VOTING: Aarsvold; Lloyd

HB 1066 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1070: A BILL for an Act to amend and reenact section 57-02-27.2 of the North Dakota Century Code, relating to assessed valuation of irrigated cropland; 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 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Aarsvold; Lloyd

HB 1070 passed and the title was agreed to.

MOTION

REP. DORSO MOVED that HB 1128 be placed at the top of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1128: A BILL for an Act to amend and reenact section 53-01-07 of the North Dakota Century Code, relating to license fees for boxing officials; 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 97 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gullerson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Mahoney; Maragos; Martin; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Acting Speaker Timm

ABSENT AND NOT VOTING: Lloyd

HB 1128 passed, the title was agreed to, and the emergency clause was declared carried.

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 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 and Ninth orders of business and at the conclusion of those orders, the House stand adjourned until 9:00 a.m., Monday, January 13, 1997, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1069: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1069 was placed on the Sixth order on the calendar.

Page 4, line 3, after "2000" insert "and thereafter"

Renumber accordingly

FIRST READING OF HOUSE BILLS

Reps. Skarphol, Byerly introduced:

HB 1194: A BILL for an Act to amend and reenact subdivision i of subsection 1 of section 38-08-04 of the North Dakota Century Code, relating to oil and gas production reports; and to provide a penalty.

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

Reps. Stenehjem, Wentz, Delmore and Sens. Heitkamp, Thane, Watne introduced:

HB 1195: A BILL for an Act to amend and reenact subsection 6 of section 12.1-32-01, subsection 1 of section 27-09.1-07, sections 40-05-06, and 40-18-14 of the North Dakota Century Code, relating to misdemeanor monetary penalties.

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

Reps. Nichols, Olson, Wilkie and Sens. Cook, Mutzenberger introduced:

HB 1196: A BILL for an Act to amend and reenact section 20.1-08-04.5 of the North Dakota Century Code, relating to hunting deer with muzzleloading firearms.

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

Reps. Poolman, Kelsch and Sens. Grindberg, B. Stenehjem introduced:

HB 1197: A BILL for an Act to amend and reenact section 34-06-15 of the North Dakota Century Code, relating to issuing special licenses to employ at less than minimum wage.

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

Reps. Sandvig, Rose, Gorder and Sens. Andrist, Mutzenberger, Thane introduced:

HB 1198: A BILL for an Act to create and enact a new section to chapter 23-12 of the North Dakota Century Code, relating to smoking restrictions in nonpublic workplaces; to amend and reenact sections 23-12-09, 23-12-10, 23-12-10.1, and 23-12-11 of the North Dakota Century Code, regarding restrictions on smoking in places of public access and nonpublic workplaces; and to provide a penalty.

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

Reps. Nicholas, Gerntholz and Sens. Andrist, Robinson introduced:

HB 1199: A BILL for an Act to amend and reenact sections 4-10.2-03, 4-10.2-05, and 4-10.2-08 of the North Dakota Century Code, relating to the North Dakota oilseed council, its members, member compensation, and commodity assessments.

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

Reps. Nichols, Olson, Schmidt and Sen. Kinnoin introduced:

HB 1200: A BILL for an Act to create and enact a new subsection to section 20.1-03-11 of the North Dakota Century Code, relating to deer hunting by residents who are seventy years of age or older.

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

Reps. Wardner, Hanson, Brown introduced:

HB 1201: A BILL for an Act to amend and reenact subsection 7 of section 20.1-03-11 and section 20.1-08-04.6 of the North Dakota Century Code, relating to landowner preference licenses to hunt elk and the governor's proclamation concerning the hunting of elk.

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

Reps. Brown, Carlson, Hanson, Kempenich and Sens. O'Connell, Traynor introduced:

HB 1202: A BILL for an Act to amend and reenact subsection 7 of section 20.1-03-11 of the North Dakota Century Code, relating to landowner preference licenses to hunt elk.

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

Rep. Grosz introduced:

HB 1203: A BILL for an Act to amend and reenact section 57-43.1-12 of the North Dakota Century Code, relating to assignment of motor vehicle fuel tax refund claims.

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

Reps. Martinson, Wald, Gerntholz and Sens. Naaden, St. Aubyn, Solberg introduced:

HB 1204: A BILL for an Act relating to tuition assistance for national guard members attending out-of-state colleges or universities; and to provide for retroactive application.

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

Reps. Martinson, Murphy, Wald, Brandenburg and Sens. Solberg, Wanzek introduced:

HB 1205: A BILL for an Act to provide for an appropriation for the maintenance and repair of city-owned armories.

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

Rep. Carlson introduced:

HB 1206: A BILL for an Act to amend and reenact section 54-35-01 of the North Dakota Century Code, relating to the composition of the North Dakota legislative council; and to provide an effective date.

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

Reps. Carlson, Klein and Sen. B. Stenehjem introduced:

HB 1207: A BILL for an Act to amend and reenact sections 15-08-19, 40-25-09, 57-24-22, 57-24-24, subsection 1 of section 57-27-02, sections 57-28-01, 57-28-05, 57-28-07, and 57-45-11 of the North Dakota Century Code, relating to the length of time a tax sale certificate must be held before presentation to the county auditor for service of notice of expiration of the period of redemption; and to provide an effective date.

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

Rep. Carlson and Sen. B. Stenehjem introduced:

HB 1208: A BILL for an Act to create and enact a new section to chapter 20.1-01 of the North Dakota Century Code, relating to roadside hunting.

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

Reps. Aarsvold, Belter, Wardner and Sens. G. Nelson, Robinson, Kelsh introduced:

HB 1209: A BILL for an Act to create and enact a new section to chapter 15-40.1 of the North Dakota Century Code, relating to per student payments for newly cooperating and reorganized school districts; to amend and reenact sections 15-40.1-07.3 and 15-40.1-07.4 of the North Dakota Century Code, relating to per student payments for reorganized and cooperating school districts; to provide an effective date; and to declare an emergency.

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

Reps. Tollefson, Soukup, Thoreson, Coats and Sen. Redlin introduced:

HB 1210: A BILL for an Act to create and enact a new section to chapter 43-04 of the North Dakota Century Code, relating to continuing education of barbers; and to amend and

reenact sections 43-04-07 and 43-04-42 of the North Dakota Century Code, relating to the state board of barber examiners and fees.

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

Reps. Wald, Price, Hawken and Sens. Krebsbach, Nalewaja introduced:

HB 1211: A BILL for an Act to amend and reenact subsection 1 of section 32-03-45 and subdivision a of subsection 1 of section 32-03-46 of the North Dakota Century Code, relating to civil immunity for certain volunteers.

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

Reps. Martinson, Carlisle introduced:

HB 1212: A BILL for an Act to create and enact a new section to chapter 26.1-40 and a new section to chapter 51-07 of the North Dakota Century Code, relating to automobile insurance repair coverage and automobile repair; to amend sections 26.1-40-01, 51-08.1-01, and 51-08.1-03 of the North Dakota Century Code, relating to the definition of automobile repair and price fixing; and to provide a penalty.

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

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

ROY GILBREATH, Chief Clerk