

JOURNAL OF THE HOUSE

Fifty-fifth Legislative Assembly

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Bismarck, March 28, 1997

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

The prayer was offered by Pastor Jim McEachran, Bethel Assembly of God, Mandan.

The roll was called and all members were present except Representatives Gorder and Kempenich.

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 Fifty-seventh Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1157, line 36, replace "Rep. Wentz and Rep. Jensen" with "the members"

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

HOUSE ENGROSSING AND ENROLLING REPORT

The following bills were engrossed and enrolled: HB 1189, HB 1210, HB 1259, HB 1267, HB 1324, HB 1339, HB 1344, HB 1346, HB 1351, HB 1362, HB 1364, HB 1368, HB 1399, HB 1418, and HB 1445.

HOUSE ENROLLING REPORT

The following bills were enrolled: HB 1115, HB 1191, and HB 1216.

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

MADAM PRESIDENT: The House has amended and failed to pass: SB 2232.

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

MADAM PRESIDENT: The House has failed to pass: SB 2244.

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

MADAM PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2011, SB 2016, SB 2017.

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2002, SB 2004, SB 2005, SB 2007, SB 2012, SB 2014, SB 2018, SB 2020, SB 2214, SB 2338, SB 2353.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2202 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2202: Sens. W. Stenehjem; Watne; C. Nelson

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

MR. SPEAKER: The Senate has failed to pass: HB 1031, HB 1427.

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

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2083, SB 2113, SB 2115, SB 2147, SB 2238, SB 2239, SB 2272, SB 2279, SB 2281, SB 2323, SB 2331, SB 2333, SB 2339, SB 2343.

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

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2361, SB 2368, SB 2384, SCR 4007, SCR 4016.

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1055.

SENATE AMENDMENTS TO HOUSE BILL NO. 1055

Page 1, line 2, after "conferences" insert "; and to declare an emergency"

Page 1, after line 16, insert:

"SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1014, HB 1036, HB 1116.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1014

Page 1, line 10, replace "2,110,787" with "2,134,598"

Page 1, line 12, replace "700,000" with "723,811"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 360 - PROTECTION AND ADVOCACY PROJECT

SENATE - This amendment provides for an increase of \$23,811 to restore a .5 FTE administrative secretary.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1036

In lieu of the amendments adopted by the Senate as printed on page 743 of the Senate Journal, Engrossed House Bill No. 1036 is amended as follows:

Page 1, line 11, overstrike "Before" and insert immediately thereafter "If" and overstrike "may be" and insert immediately thereafter "is"

Page 1, line 12, overstrike "that" and insert immediately thereafter "as to whether"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1116

In lieu of the amendments to Engrossed House Bill No. 1116 as printed on pages 804 and 805 of the Senate Journal, Engrossed House Bill No. 1116 is amended as follows:

Page 1, line 1, replace "five" with "six"

Page 3, line 11, after "rehabilitation" insert "allowance"

Page 3, line 13, remove "accrue and"

Page 3, line 14, after the underscored period insert "If the director of the department of corrections and rehabilitation and the bureau determine that an inmate who suffers a compensable injury under this chapter is in need of vocational rehabilitation services while the inmate is incarcerated, the penitentiary and the bureau may provide vocational rehabilitation services to the inmate."

Page 4, line 13, after the underscored period insert "This modified workers' compensation coverage is not effective unless coverage or reinsurance is in place."

Page 4, after line 24, insert:

"SECTION 8. A new section to chapter 65-06.2 of the North Dakota Century Code is created and enacted as follows:

Safety and performance audit. The bureau shall perform a safety audit of the roughrider industries work programs covered under this chapter and a performance audit of the program of modified workers' compensation coverage. The bureau shall submit a report with recommendations based on the safety and performance audit to an

interim committee designated by the legislative council no later than thirty days before the commencement of each regular session of the legislative assembly."

Page 4, line 25, replace "1999" with "2003"

Renumber accordingly

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)
MR. SPEAKER: The Senate has passed unchanged: HB 1262, HCR 3025.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)
MR. SPEAKER: The Senate has passed unchanged: HCR 3012, HCR 3015, HCR 3049.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)
MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2290, SB 2359.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)
MR. SPEAKER: The President has appointed as a conference committee to act with a like committee from the House on:

HB 1007: Sens. Solberg; Lips; Tallackson
HB 1010: Sens. Naaden; Lips; Robinson
HB 1359: Sens. Traynor; W. Stenehjem; C. Nelson
HB 1456: Sens. Wanzek; Cook; Wogsland

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)
MR. SPEAKER: The Senate has overridden the Governor's veto on SB 2201. The vote was 34 YEAS, 13 NAYS, 2 ABSENT AND NOT VOTING, and your favorable consideration is requested.

MOTION

REP. DORSO MOVED that SB 2201 be reconsidered pursuant to Article V, Section 9, of the Constitution of the State of North Dakota for the purpose of overriding the Governor's veto and that SB 2201 be placed on the Fourteenth order of business, which motion prevailed.

MOTION

REP. DORSO MOVED that SB 2201, which is on the Fourteenth order, be laid over one legislative day until Monday, March 31, 1997, which motion prevailed.

SIXTH ORDER OF BUSINESS

SB 2064, as engrossed: REP. DALRYMPLE (Appropriations Committee) MOVED that the amendments on HJ pages 1168-1185 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2064: A BILL for an Act to provide an appropriation for defraying the expenses of the office of management and budget, extension service, northern crops institute, upper great plains transportation institute, and the experiment centers; to provide a contingent appropriation; to provide for an interim legislative council study; to create and enact six new sections to chapter 4-05.1 and a new section to chapter 4-22 of the North Dakota Century Code, relating to the state board of agricultural research and the duties of the extension service; to amend and reenact sections 4-05.1-01, 4-05.1-02, 4-05.1-03, 4-05.1-04, 4-22-02, 4-22-03, 4-22-04, 4-22-06, 4-22-22, 4-22-47, and 4-22-48 of the North Dakota Century Code, relating to the state agricultural experiment station and state soil conservation committee; to repeal section 4-22-05 of the North Dakota Century Code, relating to employees of the state soil conservation committee; 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 92 YEAS, 3 NAYS, 0 EXCUSED, 2 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; Grande; Grosz; Grumbo; Gulleeson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kilzer; Klein; Kliniske; Koppelman;

Kretschmar; Kroepflin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Wentz; Wilkie; Speaker Timm

NAYS: Murphy; Skarphol; Weisz

ABSENT AND NOT VOTING: Gorder; Kempenich

Engrossed SB 2064, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

SEVENTH ORDER OF BUSINESS

MOTION

REP. HUETHER MOVED that the report of the Minority be substituted for the report of the Majority on Reengrossed SB 2019.

REQUEST

REP. BOUCHER REQUESTED a recorded roll call vote on the motion that the report of the Minority be substituted for the report of the Majority on Reengrossed SB 2019, which request was granted.

REP. BOUCHER REQUESTED that the Speaker explain the discussion on both the Minority Report and the Majority Report.

RULING BY THE SPEAKER

SPEAKER TIMM RULED that discussion on both reports was germane to the bill.

ROLL CALL

The question being on the motion that the report of the Minority be substituted for the report of the Majority on Reengrossed SB 2019, the roll was called and there were 32 YEAS, 63 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; Brandenburg; Callahan; Christenson; Coats; DeKrey; Delmore; Fairfield; Glassheim; Grumbo; Guleson; Hanson; Huether; Johnson, D.; Kelsh, S.; Kerzman; Kroepflin; Lloyd; Mahoney; Maragos; Nelson; Nichols; Niemeier; Oban; Rose; Sandvig; Schmidt; Thorpe; Warner; Weisz; Wilkie

NAYS: Axtman; Belter; Berg; Bernstein; Boehm; Brown; Brusegaard; Byerly; Carlisle; Carlson; Christopherson; Clark; Dalrymple; Delzer; Devlin; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Grande; Grosz; Gunter; Hausauer; Hawken; Henegar; Jacobs; Jensen; Johnsen, C.; Keiser; Kelsch, R.; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kunkel; Martinson; Mickelson; Monson; Murphy; Nicholas; Nottestad; Olson; Poolman; Price; Renner; Rennerfeldt; Sabby; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Tollefson; Torgerson; Wald; Wardner; Wentz; Speaker Timm

ABSENT AND NOT VOTING: Gorder; Kempenich

The motion that the report of the Minority be substituted for the report of the Majority failed.

MOTION

REP. DALRYMPLE MOVED that the Majority Report on Reengrossed SB 2019, as printed on HJ pages 1160 through 1164, be adopted, which motion prevailed on a verification vote. Reengrossed SB 2019, with the Majority Report amendments, was placed on the Sixth order of business on the calendar.

SIXTH ORDER OF BUSINESS

SB 2019, as reengrossed: REP. DALRYMPLE (Appropriations Committee) MOVED that the amendments on HJ pages 1160-1164 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2019: A BILL for an Act to provide appropriations for defraying the expenses of the department of economic development and finance and to the agricultural products

utilization commission for grants; to provide for transfers of funds; to provide for the reallocation of funds; to amend and reenact sections 4-14.1-04 and 57-43.1-03.1 of the North Dakota Century Code, relating to the agricultural products utilization commission and tax refunds for fuel used for agricultural purposes; and to provide for application.

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 55 YEAS, 40 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Axtman; Belter; Berg; Bernstein; Boehm; Brown; Brusegaard; Byerly; Carlisle; Christopherson; Clark; Dalrymple; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Grande; Gunter; Hausauer; Hawken; Henegar; Huether; Jacobs; Johnsen, C.; Johnson, D.; Kilzer; Klein; Kliniske; Kretschmar; Kunkel; Lloyd; Maragos; Martinson; Monson; Murphy; Nelson; Nicholas; Olson; Renner; Rennerfeldt; Sabby; Skarphol; Soukup; Stenehjem; Sveen; Thompson; Thoreson; Tollefson; Torgerson; Wald; Wardner; Wentz; Speaker Timm

NAYS: Aarsvold; Boucher; Brandenburg; Callahan; Carlson; Christenson; Coats; DeKrey; Delmore; Delzer; Devlin; Fairfield; Glassheim; Grosz; Grumbo; Guleson; Hanson; Jensen; Keiser; Kelsch, R.; Kelsch, S.; Kerzman; Koppelman; Kroeplin; Mahoney; Mickelson; Nichols; Niemeier; Nottestad; Oban; Poolman; Price; Rose; Sandvig; Schmidt; Svedjan; Thorpe; Warner; Weisz; Wilkie

ABSENT AND NOT VOTING: Gorder; Kempenich

Reengrossed SB 2019, as amended, passed and the title was agreed to.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2202: Reps. Stenehjem, Nottestad, Fairfield.

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

MADAM PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2064.

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2019, SB 2318.

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

MADAM PRESIDENT: The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2202: Reps. Stenehjem; Nottestad; Fairfield

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

MR. SPEAKER: The Senate has passed unchanged: HB 1051.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolutions were delivered to the Secretary of State for his filing at the hour of 10:36 a.m., March 28, 1997: HCR 3031, HCR 3040, HCR 3042, HCR 3043, HCR 3047.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2255 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2255: Sens. Christmann; Fischer; Thompson

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

MR. SPEAKER: The President has appointed as a conference committee to act with a like committee from the House on:

HB 1337: Sens. Freborg; Cook; Wogsland

MOTION

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

MOTION

REP. FREIER MOVED that the House be on the Seventh and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 9:00 a.m., Monday, March 31, 1997, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

HB 1182, as engrossed: Your conference committee (Sens. Freborg, Christmann, Kelsh and Reps. DeKrey, Nottestad, S. Kelsh) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 1006 and place HB 1182 on the Seventh order.

Engrossed HB 1182 was placed on the Seventh order of business on the calendar.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills: SB 2023, SB 2052, SB 2054, SB 2056, SB 2070, SB 2071, SB 2072, SB 2089, SB 2091, SB 2099, SB 2106, SB 2117, SB 2118, SB 2128, SB 2157, SB 2175, SB 2198, SB 2200, SB 2260, SB 2369, SB 2379.

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

MADAM PRESIDENT: The Speaker has signed: SB 2023, SB 2052, SB 2054, SB 2056, SB 2070, SB 2071, SB 2072, SB 2089, SB 2091, SB 2099, SB 2106, SB 2117, SB 2118, SB 2128, SB 2157, SB 2175, SB 2198, SB 2200, SB 2260, SB 2369, SB 2379.

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

MR. SPEAKER: The President has signed: HB 1063, HB 1138, HB 1147, HB 1158, HB 1159.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2029, SB 2083, SB 2101, SB 2113, SB 2115, SB 2147, SB 2208, SB 2210, SB 2221, SB 2235, SB 2238, SB 2239, SB 2272, SB 2279, SB 2281, SB 2323, SB 2331, SB 2333, SB 2339, SB 2343, SB 2361, SB 2368, SB 2384, SCR 4007, SCR 4016.

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

ROY GILBREATH, Chief Clerk