

**JOURNAL OF THE HOUSE**

**Fifty-sixth Legislative Assembly**

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**Bismarck, January 12, 1999**

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

The prayer was offered by Pastor Bob Nordvall, Charity Lutheran Church, Bismarck.

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

A quorum was declared by the Speaker.

**ANNOUNCEMENT**

**THE SPEAKER ANNOUNCED** the following appointments to the Memorial Service Committee: Rep. Carlisle, Chairman, Rep. Kliniske, Cochairman, Rep. Mahoney, Rep. Huether, and Rep. Koppelman.

**MOTION**

**REP. DORSO MOVED** that HB 1080, which is on the Eleventh order, be rereferred to the **Government and Veterans Affairs Committee**, which motion prevailed. Pursuant to Rep. Dorso's motion, HB 1080 was rereferred.

**SECOND READING OF HOUSE BILL**

**HB 1140:** A BILL for an Act to amend and reenact sections 61-35-04, 61-35-07, 61-35-08, and subsection 1 of section 61-35-25 of the North Dakota Century Code, relating to payment of publication costs to create a water district, election of a board of a water district, and notice of dissolution or merger of a rural water corporation or cooperative.

**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:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gullerson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** Schmidt; Thorpe

HB 1140 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1054:** A BILL for an Act to amend and reenact subsection 15 of section 57-02-08 of the North Dakota Century Code, relating to application of the property tax exemption for farm buildings; 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:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gullerson; Gunter; Haas; Hanson; Hawken; Henegar;

Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** Schmidt; Thorpe

HB 1054 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1138:** A BILL for an Act to create and enact a new section to chapter 44-04 of the North Dakota Century Code, relating to confidentiality of patient records at college and university student health services and university system clinics.

### 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:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovda; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glasheim; Gorder; Grande; Grosz; Grumbo; Gullerson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** Schmidt; Thorpe

HB 1138 passed and the title was agreed to.

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### SIXTH ORDER OF BUSINESS

**REP. DORSO MOVED** that the amendments on the Sixth order of business to HB 1066 and HB 1075 be adopted, which motion prevailed on a roll call vote.

### ROLL CALL

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovda; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glasheim; Gorder; Grande; Grosz; Grumbo; Gullerson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** Schmidt; Thorpe

HB 1066 and HB 1075, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

### SECOND READING OF HOUSE CONCURRENT RESOLUTIONS ON CONSENT CALENDAR

**HCR 3006:** A concurrent resolution expressing legislative approval of the actions taken by the State Bar Association of North Dakota Joint Task Force on Family Law to facilitate and promote mediation as a method of addressing family law matters.

**HCR 3007:** A concurrent resolution directing the Legislative Council to continue its study of those provisions of Title 15 of the North Dakota Century Code which relate to elementary and secondary education.

#### ROLL CALL

The question being on the final adoption of the resolutions, which have been read, the roll was called and there were 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovda; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** Schmidt; Thorpe

HCR 3006 and HCR 3007 were declared adopted on a recorded roll call vote.

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#### MOTION

**REP. MONSON MOVED** that the absent member be excused, which motion prevailed.

#### MOTION

**REP. MONSON MOVED** that the House be on the Fifth, Ninth, and Twelfth orders of business and at the conclusion of those orders, the House stand adjourned until 9:00 a.m., Wednesday, January 13, 1999, which motion prevailed.

#### REPORT OF STANDING COMMITTEE

**HB 1112: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1112 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1137: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1137 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1160: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1160 was placed on the Eleventh order on the calendar.

#### FIRST READING OF HOUSE BILLS

Reps. Poolman, Berg, Martinson, Porter and Sens. Klein, Krebsbach introduced:

**HB 1325:** A BILL for an Act to amend and reenact subsections 6 and 7 of section 65-01-16, sections 65-02-06.1, 65-02-27, and 65-02-30 of the North Dakota Century Code, relating to the workers' assistance program and to the independent audit of the workers compensation bureau; to repeal section 65-02-29 of the North Dakota Century Code, section 3 of chapter 612 of the 1995 Session Laws of North Dakota, and section 8 of chapter 542 of the 1997 Session Laws of North Dakota, relating to the independent audit of the workers compensation bureau, the expiration date of the workers' adviser program, and the expiration date of the preacceptance disability benefits provisions; to provide an appropriation; and to provide a continuing appropriation.

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

Reps. Galvin, Grumbo, Klein and Sens. Cook, B. Stenehjem introduced:

**HB 1326:** A BILL for an Act to create and enact a new section to chapter 39-04 of the North Dakota Century Code, relating to proof of insurance for motor vehicle registration.

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

Reps. Hanson, Kroeber, Stefonowicz and Sens. B. Stenehjem, Thompson, Traynor introduced:

**HB 1327:** A BILL for an Act to amend and reenact sections 20.1-06-07 and 20.1-06-08 of the North Dakota Century Code, relating to fishhouses.

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

Reps. Mahoney, Henegar and Sens. O'Connell, Wanzek introduced:

**HB 1328:** A BILL for an Act to amend and reenact section 20.1-01-18 of the North Dakota Century Code, relating to location of game traps; and to provide a penalty.

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

Reps. Wald, Byerly, Meyer and Sens. Kinnoin, Wardner, Watne introduced:

**HB 1329:** A BILL for an Act to create and enact a new section to chapters 27-14 and 30.1-12 of the North Dakota Century Code, relating to delay in settling an estate; and to provide a penalty.

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

Reps. Keiser, Berg, Carlson, Wald introduced:

**HB 1330:** A BILL for an Act to amend and reenact sections 65-01-16 and 65-05-04 of the North Dakota Century Code, relating to workers compensation bureau decisions, disputed decisions, and continuing jurisdiction; to repeal section 7 of chapter 532 of the 1997 Session Laws, relating to the effective date of chapter 532 of the 1997 Session Laws and to provide an effective date.

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

Reps. Keiser, Berg, Wald introduced:

**HB 1331:** A BILL for an Act to create and enact a new section to chapter 65-01 of the North Dakota Century Code, relating to civil liability for intentional work-related injuries; to amend and reenact sections 65-01-05, 65-02-23, 65-04-14, 65-09-01, and 65-09-02 of the North Dakota Century Code, relating to employer and provider fraud and to the liability of a noncomplying employer for work-related injuries; to provide a penalty; and to provide a continuing appropriation.

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

Reps. Keiser, Berg, Wald introduced:

**HB 1332:** A BILL for an Act to amend and reenact section 65-01-02, subsection 4 of section 65-05-28, subsection 1 of section 65-05-28.2, and section 65-07-01 of the North Dakota Century Code, relating to workers compensation definitions, medical treatment, coverage; to repeal section 65-07-04 of the North Dakota Century Code, relating to calculation of the wages of a self-employed person; and to provide an effective date.

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

Reps. Keiser, Berg introduced:

**HB 1333:** A BILL for an Act to amend and reenact sections 65-02-08, 65-02-20, and 65-02-21 of the North Dakota Century Code, relating to workers' compensation medical and hospital fee schedules and workers' compensation managed care; and to repeal sections 65-02-19 and 65-05-07.1 of the North Dakota Century Code, relating to workers' compensation medical and hospital fee schedules and workers' compensation managed care.

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

Reps. Nichols, Drovdal, Nelson, Nicholas and Sens. Kinnoin, Wanzek introduced:

**HB 1334:** A BILL for an Act to create and enact a new section to chapter 63-01.1 of the North Dakota Century Code, relating to certification of agricultural products as free of noxious weeds; and to provide a penalty.

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

Reps. Nichols, Drovdal, Nelson, Nicholas and Sens. Kroeplin, Wanzek introduced:

**HB 1335:** A BILL for an Act to create and enact a new section to chapter 4-35 of the North Dakota Century Code, relating to the presence of chemicals in agricultural products and livestock; and to provide a penalty.

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

Reps. Jensen, S. Kelsh, Sveen and Sen. Thane introduced:

**HB 1336:** A BILL for an Act to amend and reenact section 39-06.1-06 of the North Dakota Century Code, relating to statutory fees for exceeding the speed limit.

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

Reps. Nicholas, Meyer, Belter and Sens. Freborg, Tomac, Wanzek introduced:

**HB 1337:** A BILL for an Act to create and enact a new chapter to title 36 of the North Dakota Century Code, relating to farmed elk; and to amend and reenact section 19-02.1-21, subsection 3 of section 36-01-00.1, subsection 2 of section 36-04-01, section 36-04-02, subsection 2 of section 36-05-01, subsection 2 of section 36-05.1-01, subsection 1 of

section 38-11.1-03, and subsection 1 of section 38-18-05 of the North Dakota Century Code, relating to the inclusion of farmed elk in other provisions regarding livestock.

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

Reps. Nicholas, Nowatzki and Sens. Kinnoin, Wanzek introduced:

**HB 1338:** A BILL for an Act to amend and reenact section 4-09-10 of the North Dakota Century Code, relating to labeling requirements for agricultural seed.

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

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

**HB 1339:** A BILL for an Act to create and enact a new section to chapter 15-04 and a new section to chapter 15-07 of the North Dakota Century Code, relating to public access on original grant lands and nongrant lands; and to amend and reenact section 15-07-20 of the North Dakota Century Code, relating to nongrant land leases.

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

Reps. Kroeber, Maragos, Fairfield, Gulleson introduced:

**HB 1340:** A BILL for an Act to provide an appropriation for contingent per student payments and supplemental salary increases for certain school district employees.

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

**MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)**

**MADAM PRESIDENT:** The House has passed and your favorable consideration is requested on: HB 1079, HB 1086, HB 1117, HB 1119, HB 1124, HB 1125, HB 1126.

**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 2085, SB 2092, SB 2106.

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

**LANCE HAGEN, Chief Clerk**