

## JOURNAL OF THE HOUSE

## Fifty-sixth Legislative Assembly

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Bismarck, January 22, 1999

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

The prayer was offered by Reverend Darrel Aleson, Chaplain at St. Alexius Hospital, Bismarck.

The roll was called and all members were present except Representatives Galvin, Nicholas, and Wentz.

A quorum was declared by the Speaker.

## REQUESTS

**REP. WENTZ REQUESTED** that the record show that she was present, which request was granted.

**REP. GALVIN REQUESTED** that the record show that he was present, which request was granted.

## MOTION

**REP. FROSETH MOVED** that HB 1368 be returned to the House floor from the **Political Subdivisions Committee** and be rereferred to the **Agriculture Committee**, which motion prevailed. Pursuant to Rep. Froseth's motion, HB 1368 was rereferred.

## MOTION

**REP. BELTER MOVED** that HB 1478 be returned to the House floor from the **Finance and Taxation Committee** and be rereferred to the **Human Services Committee**, which motion prevailed. Pursuant to Rep. Belter's motion, HB 1478 was rereferred.

## MOTION

**REP. PRICE MOVED** that HB 1474 be returned to the House floor from the **Human Services Committee** and be rereferred to the **Finance and Taxation Committee**, which motion prevailed. Pursuant to Rep. Price's motion, HB 1474 was rereferred.

## MOTION

**REP. BERG MOVED** that HB 1265 be returned to the House floor from the **Industry, Business and Labor Committee** for the purpose of withdrawal, which motion prevailed.

## REQUEST

**REP. ROSE REQUESTED** the unanimous consent of the House to withdraw HB 1265. There being no objection, it was so ordered by the Speaker.

## SIXTH ORDER OF BUSINESS

**REP. DORSO MOVED** that the amendments on the Sixth order of business to HB 1042, HB 1064, HB 1271, and HB 1296 be adopted, which motion prevailed.

HB 1042, HB 1064, HB 1271, and HB 1296, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

## SECOND READING OF HOUSE BILL

**HB 1209:** A BILL for an Act to create and enact a new subsection to section 26.1-05-19 of the North Dakota Century Code, relating to an insurance company's authorized investment of funds in a North Dakota low-risk incentive fund; to amend and reenact sections 26.1-50-06 and 26.1-50-07 of the North Dakota Century Code, relating to tax credits available to a North Dakota low-risk incentive fund and the admitted assets of insurers; and to provide a penalty.

## 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 97 YEAS, 0 NAYS, 0 EXCUSED, 1 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; 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; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefanowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** Nicholas

Engrossed HB 1209 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1216:** A BILL for an Act to create and enact a new chapter to title 39 of the North Dakota Century Code, relating to low-speed vehicles; to amend and reenact section 57-40.3-01 of the North Dakota Century Code, relating to the motor vehicle excise tax; to provide a penalty; 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 95 YEAS, 2 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; 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; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefanowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** Byerly; Drovdal

**ABSENT AND NOT VOTING:** Nicholas

Engrossed HB 1216 passed, the title was agreed to, and the emergency clause was declared carried.

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### SECOND READING OF HOUSE BILL

**HB 1269:** A BILL for an Act to amend and reenact subsection 1 of section 52-06-02 of the North Dakota Century Code, relating to disqualification from unemployment compensation benefits.

### 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 83 YEAS, 14 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Cleary; Eckre; Ekstrom; Fairfield; Grumbo; Gulleson; Hanson; Hoffner; Huether; Kelsh, S.; Rose; Stefonowicz; Thorpe; Winrich

**ABSENT AND NOT VOTING:** Nicholas

Engrossed HB 1269 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1270:** A BILL for an Act to create and enact a new subsection to section 6-05-08 of the North Dakota Century Code, relating to the corporate powers of a state-chartered trust company.

### 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 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; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** Maragos; Nicholas

Engrossed HB 1270 passed and the title was agreed to.

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### CONFLICT OF INTEREST

**REP. DORSO MOVED** that all representatives who had a conflict of interest on HB 1258 be granted permission to vote, which motion prevailed.

### SECOND READING OF HOUSE BILL

**HB 1258:** A BILL for an Act to amend and reenact subdivisions l and r of subsection 1 of section 57-38-01.2 of the North Dakota Century Code, relating to the maximum individual long-form income tax deduction for military and federal retirement benefits; 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 NOT PASS, the roll was called and there were 41 YEAS, 54 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Boucher; Brandenburg; Cleary; DeKrey; Delmore; Disrud; Eckre; Fairfield; Galvin; Glassheim; Grumbo; Gulleson; Gunter; Haas; Hoffner; Huether; Kelsch, R.; Kelsh, S.; Kerzman; Klein; Lemieux; Lundgren; Mahoney; Maragos; Metcalf; Meyer; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Rose; Sandvig; Solberg; Stefonowicz; Thorpe; Weisz; Winrich; Speaker Wald

**NAYS:** Belter; Berg; Bernstein; Boehm; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Dalrymple; Delzer; Devlin; Dorso; Drovda; Froelich; Froseth; Gorder; Grande; Grosz; Hanson; Hawken; Henegar; Herbel; Jensen; Johnson, D.; Johnson, N.; Keiser; Kempenich; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lloyd; Martinson; Mickelson; Monson; Mueller; Nelson; Nichols; Price; Renner; Rennerfeldt; Severson; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Warner; Wentz; Wikenheiser

**ABSENT AND NOT VOTING:** Ekstrom; Nicholas; Schmidt

HB 1258 was declared lost.

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**SECOND READING OF HOUSE BILL**

**HB 1292:** A BILL for an Act to create and enact a new section to chapter 54-52.1 of the North Dakota Century Code, relating to uniform group insurance program coverage for annual physical examinations for women.

**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 0 YEAS, 97 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**NAYS:** 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; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** Nicholas

HB 1292 was declared lost.

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**SECOND READING OF HOUSE BILL**

**HB 1297:** A BILL for an Act to amend and reenact sections 26.1-36-09.1 and 54-52.1-04.4 of the North Dakota Century Code, relating to health insurance and public employee retirement system coverage of mammograms.

**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 62 YEAS, 34 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Boucher; Brekke; Carlisle; Clark; Cleary; Dalrymple; Delmore; Disrud; Drovda; Eckre; Ekstrom; Fairfield; Froelich; Glassheim; Gorder; Grumbo; Gulleson; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Mickelson; Mueller; Nichols; Niemeier; Nottestad; Nowatzki; Poolman; Rose; Sandvig; Schmidt; Solberg; Stefonowicz; Sveen; Thoreson, L.; Thorpe; Tollefson; Warner; Wentz; Wikenheiser; Winrich

**NAYS:** Belter; Berg; Bernstein; Boehm; Brandenburg; Brusegaard; Byerly; Carlson; DeKrey; Delzer; Devlin; Dorso; Froseth; Galvin; Grande; Grosz; Gunter; Johnson, N.; Kempenich; Klein; Lloyd; Monson; Nelson; Pollert; Porter; Price; Renner; Rennerfeldt; Severson; Svedjan; Thoreson, B.; Timm; Weisz; Speaker Wald

**ABSENT AND NOT VOTING:** Meyer; Nicholas

HB 1297 passed and the title was agreed to.

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**MOTION**

**REP. HOFFNER MOVED** that the vote by which HB 1297 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed on a verification vote.

**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 1059, HB 1065, HB 1082, HB 1139, HB 1157, HB 1166, HB 1181, HB 1203, HB 1242, HB 1297.

**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 2054, SB 2065, SB 2104, SB 2157, SB 2158.

**MOTION**

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

**MOTION**

**REP. MONSON MOVED** that the House be on the Fifth order of business and at the conclusion of that order, the House stand adjourned until 8:30 a.m., Monday, January 25, 1999, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1025: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (10 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1025 was rereferred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**HB 1032: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO NOT PASS** (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1032 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1068: Transportation Committee (Rep. Keiser, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). HB 1068 was placed on the Sixth order on the calendar.

Page 1, line 7, after the first comma insert "a cane."

Page 1, line 13, replace "six" with "seven"

Page 1, line 14, replace "six months" with "thirty days"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1120: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO NOT PASS** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1120 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1132: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1132 was placed on the Sixth order on the calendar.

Page 1, line 20, remove the overstrike over "~~one hundred~~" and replace "ninety" with "twenty"

Page 1, line 21, after "adopted" insert "and filed with the office of the legislative council"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1133: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). HB 1133 was placed on the Sixth order on the calendar.

Page 1, line 2, after "gambling" insert "; and to provide an expiration date"

Page 1, line 14, replace "others" with "professionals"

Page 1, after line 17, insert:

**"SECTION 2. EXPIRATION DATE.** This Act is effective through July 31, 2001, and after that date is ineffective."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1195: Natural Resources Committee (Rep. Grosz, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1195 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1208: Government and Veterans Affairs Committee (Rep. Klein, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1208 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1214: Natural Resources Committee (Rep. Grosz, Chairman)** recommends **DO NOT PASS** (11 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1214 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1218: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1218 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1222: Political Subdivisions Committee (Rep. Froseth, Chairman)** recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1222 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1229: Transportation Committee (Rep. Keiser, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1229 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1234: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (11 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). HB 1234 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1244: Natural Resources Committee (Rep. Grosz, Chairman)** recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1244 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1259: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **DO PASS** (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1259 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1278: Government and Veterans Affairs Committee (Rep. Klein, Chairman)** recommends **DO NOT PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1278 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1287: Government and Veterans Affairs Committee (Rep. Klein, Chairman)** recommends **DO NOT PASS** (11 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1287 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3011: Government and Veterans Affairs Committee (Rep. Klein, Chairman)** recommends **DO PASS** (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HCR 3011 was placed on the Eleventh order on the calendar.

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

**LANCE HAGEN, Chief Clerk**