

JOURNAL OF THE HOUSE

Fifty-sixth Legislative Assembly

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Bismarck, January 13, 1999

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

The prayer was offered by Reverend Mark Listen, Cornerstone Community Church, Bismarck.

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

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

Page 84, line 36, replace "Grande" with "Gorder"

Page 86, line 6, remove "Kerzman,"

Page 88, line 18, replace "**Finance and Taxation**" with "**Industry, Business and Labor**"

Page 88, line 23, replace "**Political Subdivisions**" with "**Finance and Taxation**"

Page 88, line 28, replace "**Natural Resources**" with "**Political Subdivisions**"

Page 88, line 33, replace "**Education**" with "**Natural Resources**"

Page 88, line 37, replace "**Political Subdivisions**" with "**Education**"

Page 88, line 63, replace "**Agriculture**" with "**Judiciary**"

Page 91, line 45, replace "Sen." with "Sens." and after "Christmann" insert ", Tallackson"

Page 92, line 6, replace "**Judiciary**" with "**Finance and Taxation**"

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

SECOND READING OF HOUSE BILL

HB 1066: A BILL for an Act to amend and reenact section 54-10-01 of the North Dakota Century Code, relating to the authority of the state auditor to conduct audits of the international peace garden.

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

YEAS: Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Carlisle; Clark; Cleary; Dalrymple; 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; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

NAYS: Byerly; Carlson

ABSENT AND NOT VOTING: DeKrey; Thorpe

Engrossed HB 1066 passed and the title was agreed to.

REQUEST

REP. DEKREY REQUESTED that the Journal show that he intended to vote "Yea" on HB 1066, which request was granted.

SECOND READING OF HOUSE BILL

HB 1075: A BILL for an Act to create and enact two new sections to chapter 43-34 of the North Dakota Century Code, relating to continuing education requirements and provisional licenses for nursing home administrators; to amend and reenact sections 43-34-03, 43-34-10, and 43-34-12 of the North Dakota Century Code, relating to licensure of nursing home administrators; and to repeal section 43-34-11 of the North Dakota Century Code, relating to nursing home administrator emergency licenses.

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 90 YEAS, 7 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Clark; Cleary; Dalrymple; DeKrey; Delmore; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grumbo; Guleson; 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; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

NAYS: Berg; Carlson; Delzer; Grosz; Maragos; Poolman; Timm

ABSENT AND NOT VOTING: Thorpe

Engrossed HB 1075 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1112: A BILL for an Act to amend and reenact subsection 9 of section 57-38-60 of the North Dakota Century Code, relating to bond requirements for income tax withholding purposes.

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; Guleson; Gunter; Haas; 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; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

ABSENT AND NOT VOTING: Hanson; Thorpe

HB 1112 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1137: A BILL for an Act to amend and reenact sections 13-03.1-05, 13-04.1-04, and 13-05-04 of the North Dakota Century Code, relating to consumer finance company, money broker, and collection agency annual fees and licenses.

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 70 YEAS, 26 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Berg; Boehm; Brekke; Brusegaard; Carlson; Clark; Cleary; Delmore; Delzer; Devlin; Disrud; Dorso; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Gorder; Grande; Grosz; Grumbo; 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; Mahoney; Martinson; Metcalf; Mickelson; Monson; Nelson; Nicholas; Niemeier; Nottestad; Nowatzki; Poolman; Porter; Price; Rose; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Tollefson; Wentz; Wikenheiser; Winrich; Speaker Wald

NAYS: Aarsvold; Belter; Bernstein; Boucher; Brandenburg; Byerly; Carlisle; Dalrymple; DeKrey; Drovdal; Eckre; Gulleson; Lloyd; Lundgren; Maragos; Meyer; Mueller; Nichols; Pollert; Renner; Rennerfeldt; Sandvig; Schmidt; Timm; Warner; Weisz

ABSENT AND NOT VOTING: Glassheim; Thorpe

HB 1137 passed and the title was agreed to.

REQUEST

REP. GLASSHEIM REQUESTED that the Journal show that he intended to vote "Yea" on HB 1137, which request was granted.

SECOND READING OF HOUSE BILL

HB 1160: A BILL for an Act to amend and reenact sections 13-04.1-05 and 13-05-05 of the North Dakota Century Code, relating to sale and transfer of money broker and collection agency licenses.

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

NAYS: Maragos

ABSENT AND NOT VOTING: Thorpe

HB 1160 passed and the title was agreed to.

MOTION

REP. MONSON MOVED that the absent members 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., Thursday, January 14, 1999, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1053: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1053 was placed on the Sixth order on the calendar.

Page 2, line 3, overstrike "fifty percent", remove "or more", and overstrike "of"

Page 2, line 4, after "activities" insert "which is fifty percent or more of annual net income"

Page 2, line 10, overstrike "fifty percent", remove "or more", and overstrike "of"

Page 2, line 11, after "activities" insert "which is fifty percent or more of annual net income"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1073: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **DO NOT PASS** (11 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). HB 1073 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1094: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1094 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1096: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1096 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1099: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1099 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1101: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1101 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1102: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **DO NOT PASS** (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1102 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1103: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **DO PASS** (12 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1103 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1104: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1104 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1150: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1150 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1162: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **DO NOT PASS** (11 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1162 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1168: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1168 was placed on the Eleventh order on the calendar.

FIRST READING OF HOUSE BILLS

Reps. Kliniske, Delmore, Fairfield and Sens. Heitkamp, W. Stenehjem, Wardner introduced:

HB 1341: A BILL for an Act to amend and reenact subsection 2 of section 44-08-04 of the North Dakota Century Code, relating to state officer and employee expense reimbursement.

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

Rep. Belter and Sens. Freborg, B. Stenehjem introduced:

HB 1342: A BILL for an Act to amend and reenact subdivision g of subsection 1 of section 57-23-04 of the North Dakota Century Code, relating to the abatement of ad valorem taxes when property is destroyed or damaged by a natural disaster; and to provide an effective date.

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

Rep. Kempenich and Sens. Freborg, B. Stenehjem introduced:

HB 1343: A BILL for an Act to amend and reenact section 39-08-21 of the North Dakota Century Code, relating to an exemption from medical regulations for certain drivers of commercial vehicles; and to declare an emergency.

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

Reps. Boucher, Schmidt and Sens. Kroeplin, Thompson introduced:

HB 1344: A BILL for an Act to create and enact two new sections to chapter 39-04 of the North Dakota Century Code, relating to issuance of current design and Lewis and Clark number plates; and to provide an expiration date.

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

Reps. Rose, Jensen, Keiser, Winrich and Sens. DeMers, Kelsh introduced:

HB 1345: A BILL for an Act to amend and reenact section 57-36-32 of the North Dakota Century Code, relating to the rate of tax on the sale of cigarettes; to provide an appropriation for school nursing project grants; and to provide an effective date.

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

Reps. Kliniske, Belter, Fairfield, Devlin and Sens. Cook, Lee introduced:

HB 1346: A BILL for an Act to create and enact a new section to chapter 14-05 of the North Dakota Century Code, relating to mediation in divorce cases.

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

Reps. Klein, Keiser and Sen. Grindberg introduced:

HB 1347: A BILL for an Act to create and enact four new sections to chapter 10-33 of the North Dakota Century Code, relating to proposed agreements and transactions by nonprofit hospitals; and to amend and reenact subsection 3 of section 10-33-85, subsection 1 of section 10-33-88, and subsection 3 of section 10-33-94 of the North Dakota Century Code, relating to proposed agreements and transactions by nonprofit hospitals.

Was read the first time and referred to the **Human Services Committee**.

Reps. S. Kelsh, Glassheim and Sens. Holmberg, Thompson introduced:

HB 1348: A BILL for an Act relating to price gouging; and to provide a penalty.

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

Reps. Hawken, Maragos and Sens. T. Mathern, Watne introduced:

HB 1349: A BILL for an Act to amend and reenact section 15-47-44.1 of the North Dakota Century Code, relating to school safety patrols.

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 1054, HB 1138, HB 1140, HCR 3006, HCR 3007.

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 2041, SB 2064, SB 2076, SB 2094, SB 2138, SB 2139.

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

LANCE HAGEN, Chief Clerk