

## JOURNAL OF THE HOUSE

## Fifty-sixth Legislative Assembly

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Bismarck, January 8, 1999

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

The prayer was offered by Pastor Tom Dunham, First Lutheran Church, Bismarck.

The roll was called and all members were present.

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 73, line 50, after "Warner" insert ", Severson"

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

## MOTION

**REP. NICHOLAS MOVED** that HB 1155 be returned to the House floor from the **Agriculture Committee** and be rereferred to the **Industry, Business and Labor Committee**, which motion prevailed. Pursuant to Rep. Nicholas' motion, HB 1155 was rereferred.

## SECOND READING OF HOUSE BILL

**HB 1109:** A BILL for an Act to amend and reenact sections 47-19-06, 57-37.1-10, and 57-37.1-21 of the North Dakota Century Code, relating to the elimination of obsolete provisions relating to documents required to be filed with the tax commissioner for estate tax purposes; 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 98 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Nicholas; 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

HB 1109 passed and the title was agreed to.

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## SECOND READING OF HOUSE BILL

**HB 1078:** A BILL for an Act to amend and reenact section 4-10.5-11 of the North Dakota Century Code, relating to the penalty for nonpayment of soybean assessments.

## 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 98 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Nicholas; 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

HB 1078 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1080:** A BILL for an Act to amend and reenact section 37-01-04 of the North Dakota Century Code, relating to the power of the governor to order out the national guard.

### 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 61 YEAS, 37 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Boucher; Brandenburg; Brekke; Clark; Cleary; Dalrymple; Disrud; Dorso; Fairfield; Gorder; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Huether; Jensen; Johnson, D.; Johnson, N.; Kelsch, R.; Kelsh, S.; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Sandvig; Schmidt; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, L.; Tollefson; Winrich; Speaker Wald

**NAYS:** Bernstein; Boehm; Brusegaard; Byerly; Carlisle; Carlson; DeKrey; Delmore; Delzer; Devlin; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Henegar; Herbel; Hoffner; Keiser; Kempenich; Lloyd; Nichols; Renner; Rennerfeldt; Rose; Severson; Thoreson, B.; Thorpe; Timm; Warner; Weisz; Wentz; Wikenheiser

HB 1080 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1090:** A BILL for an Act to amend and reenact subsection 1 of section 52-06-30 of the North Dakota Century Code, relating to assignment of unemployment compensation benefits.

### 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 98 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Nicholas; 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

HB 1090 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1097:** A BILL for an Act to amend and reenact sections 34-07-02 and 34-07-15 of the North Dakota Century Code, relating to employment of minors and compulsory school attendance.

**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, 2 NAYS, 0 EXCUSED, 0 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; Thorpe

HB 1097 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1098:** A BILL for an Act to amend and reenact section 4-08-10.1 of the North Dakota Century Code, relating to boys' and girls' achievement days expenditures.

**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 98 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Nicholas; 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

HB 1098 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1107:** A BILL for an Act to create and enact a new section to chapter 57-51 of the North Dakota Century Code, relating to the payment and refund of oil and gas gross production tax that is five dollars or less; and to amend and reenact sections 57-51-05 and 57-51-19 of the North Dakota Century Code, relating to when the oil and gas gross production tax on oil is due and payable and the procedure for providing refunds.

**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 94 YEAS, 4 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** 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; 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:** Aarsvold; Maragos; Niemeier; Thorpe

HB 1107 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1114:** A BILL for an Act to repeal sections 54-17-21, 54-17-22, and 54-17-23 of the North Dakota Century Code, relating to planning grant authority for the industrial commission for the city of Riverdale.

### 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 98 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Gulleason; 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.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

HB 1114 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1116:** A BILL for an Act to repeal section 54-18-04.2 of the North Dakota Century Code, relating to confidentiality of North Dakota mill and elevator information.

### 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 90 YEAS, 8 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boucher; Brandenburg; Brekke; Brusegaard; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Disrud; Dorso; Drovda; Eckre; Ekstrom; Fairfield; Froelich; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleason; 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; 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.; Thorpe; Timm; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** Boehm; Byerly; Delzer; Devlin; Froseth; Galvin; Lloyd; Tollefson

HB 1116 passed and the title was agreed to.

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### MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN)

**MADAM PRESIDENT:** The House has passed and your favorable consideration is requested on: HB 1106.

### MOTION

**REP. MONSON 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 11, 1999, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1075: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1075 was placed on the Sixth order on the calendar.

Page 3, line 9, replace "a fee determined by the board not to exceed one hundred dollars" with "the application fee as provided in section 43-34-03"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1079: Transportation Committee (Rep. Keiser, Chairman)** recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1079 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1086: Natural Resources Committee (Rep. Grosz, Chairman)** recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1086 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1124: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1124 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1140: Natural Resources Committee (Rep. Grosz, Chairman)** recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1140 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3006: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3006 was placed on the Tenth order on the calendar.

**FIRST READING OF HOUSE BILLS**

Rep. Klemin introduced:

**HB 1218:** A BILL for an Act to amend and reenact sections 28-26-06 and 28-26-10 of the North Dakota Century Code, relating to costs and disbursements taxed in judgments.

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

Rep. Klemin introduced:

**HB 1219:** A BILL for an Act to amend and reenact subsection 6 of section 26.1-26-25 and subsection 1 of section 26.1-26-31.1 of the North Dakota Century Code, relating to license examination and continuing education requirements for title insurance agents; and to provide an effective date.

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

Reps. Grosz, Henegar introduced:

**HB 1220:** A BILL for an Act to amend and reenact section 15-47-33 of the North Dakota Century Code, or in the alternative to amend and reenact section 15.1-06-04 of the North Dakota Century Code, relating to requirements for full days of instruction.

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

Reps. Belter, Kempenich and Sens. Christmann, Freborg introduced:

**HB 1221:** 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. Kerzman, Froelich and Sen. Krauter introduced:

**HB 1222:** A BILL for an Act to amend and reenact section 11-11.1-01 of the North Dakota Century Code, relating to elections to discontinue county job development authorities.

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

Reps. Nichols, Nelson, Solberg, Drovdal and Sens. Heitkamp, Kinnoin introduced:

**HB 1223:** A BILL for an Act to amend and reenact subsection 3 of section 20.1-03-11 of the North Dakota Century Code, relating to gratis and preferential landowner licenses to hunt deer.

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

Reps. Delmore, Drovdal, Hanson, Hawken and Sens. Cook, Kelsh introduced:

**HB 1224:** A BILL for an Act to amend and reenact subsection 4 of section 15-47-38 of the North Dakota Century Code, relating to teacher suspensions.

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

Reps. Aarsvold, DeKrey, Grumbo and Sens. Kelsh, Kinnoin, Wanzek introduced:

**HB 1225:** A BILL for an Act to amend and reenact section 15-44-03 of the North Dakota Century Code, relating to the distribution of moneys from the state tuition fund.

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

Reps. Froelich, Lemieux, Renner, Solberg and Sen. Bowman introduced:

**HB 1226:** A BILL for an Act to amend and reenact section 46-05-01 of the North Dakota Century Code, relating to newspapers qualified to do legal printing.

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

Reps. Wald, Haas and Sen. Wardner introduced:

**HB 1227:** A BILL for an Act to amend and reenact section 43-35-17 of the North Dakota Century Code, relating to water well contractor continuing education requirements.

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

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

**LANCE HAGEN, Chief Clerk**