

JOURNAL OF THE HOUSE

Fifty-fifth Legislative Assembly

* * * * *

Bismarck, January 14, 1997

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

The prayer was offered by Pastor James Vineyard, American Lutheran Church, Mandan.

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

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

Page 91, line 31, replace "**Political Subdivisions**" with "**Finance and Taxation**"

Page 94, line 28, remove "~~to provide for~~" and replace "relating to" with "relating to"

Page 96, line 19, replace "**Human Services**" with "**Industry, Business and Labor**"

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

SECOND READING OF HOUSE BILL

HB 1069: A BILL for an Act to amend and reenact section 57-02-27.2 Of the North Dakota Century Code, relating to use of annual gross returns to determine agricultural property assessments; and to provide an effective date.

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, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Gorder; Grande; Grosz; Grumbo; Guleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroepelin; Kunkel; Lloyd; Mahoney; Maragos; Martin; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Coats; Glassheim; Rose

Engrossed HB 1069 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1124: A BILL for an Act to create and enact a new section to chapter 44-04 of the North Dakota Century Code, relating to access to financial account numbers; 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 96 YEAS, 0 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; Gerntholz; Gorder; Grande; Grosz; Grumbo; Guleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martin; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Glassheim; Rose

Engrossed HB 1124 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1065: A BILL for an Act to amend and reenact section 1-03-05 and subsection 1 of section 16.1-01-09 of the North Dakota Century Code, relating to acts performed on Saturdays and business days.

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; 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; Gerntholz; Gorder; Grande; Grosz; Grumbo; Guleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martin; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Glassheim; Rose

HB 1065 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1091: A BILL for an Act to amend and reenact sections 30.1-31-10 and 30.1-31-19 of the North Dakota Century Code, relating to alteration of rights and discharge under nonprobate transfers on death.

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; 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; Gerntholz; Gorder; Grande; Grosz; Grumbo; Guleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martin; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson;

Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie;
Speaker Timm

ABSENT AND NOT VOTING: Glassheim; Rose

HB 1091 passed and the title was agreed to.

MOTION

REP. DORSO MOVED that the rules be suspended and that all bills passed in the House be messaged to the Senate immediately, which motion prevailed.

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

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1066, HB 1070, HB 1114, HB 1128.

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

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1065, HB 1069, HB 1091, HB 1124.

MOTION

REP. BERG MOVED that HB 1067 be returned to the House floor from the **Industry, Business and Labor Committee** and be rereferred to the **Finance and Taxation Committee**, which motion prevailed.

MOTION

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

MOTION

REP. FREIER MOVED that the House be on the Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 9:00 a.m., Wednesday, January 15, 1997, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1055: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1055 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1105: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO PASS** (8 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1105 was placed on the Eleventh order on the calendar.

FIRST READING OF HOUSE BILLS

Rep. Timm introduced:

HB 1332: A BILL for an Act to create and enact a new subsection to section 57-38-62 of the North Dakota Century Code, relating to permitting the application of a tax overpayment for a year as an estimated tax payment for the succeeding year; to amend and reenact section 57-38-35.2 and subsections 1 and 2 of section 57-38-45 of the North Dakota Century Code, relating to income tax interest and penalties; and to provide an effective date.

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

Reps. Torgerson, Galvin, Aarsvold and Sens. Kinnoin, Kringstad, Goetz introduced:

HB 1333: A BILL for an Act to amend and reenact section 15-47-33 of the North Dakota Century Code, relating to commencement of the elementary and secondary school year.

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

Reps. Gorder, Froseth, Christopherson and Sens. Andrist, Kinnoin, Yockim introduced:

HB 1334: A BILL for an Act to amend and reenact sections 43-13-01 and 43-13-22 of the North Dakota Century Code, relating to definitions and licenses in the practice of optometry.

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

FIRST READING OF SENATE BILLS

SB 2006: A BILL for an Act to provide an appropriation for defraying the expenses of the aeronautics commission.

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

SB 2044: A BILL for an Act to amend and reenact subsection 7 of section 16.1-01-09 of the North Dakota Century Code, relating to the submission deadline for initiative and referendum petitions.

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

SB 2071: A BILL for an Act to create and enact a new subsection to section 57-51-06 of the North Dakota Century Code, relating to alternative methods of signing, subscribing, or verifying oil and gas tax returns; to amend and reenact sections 57-38-31, 57-38-32, 57-39.2-11, 57-43.1-04, 57-43.1-16, and 57-43.2-12 of the North Dakota Century Code, relating to alternative methods of signing, subscribing, or verifying income, sales, use, motor vehicle fuels, and special fuels tax returns.

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

SB 2073: A BILL for an Act to repeal sections 65-04-04.1, 65-04-08, and 65-04-09 of the North Dakota Century Code, relating to the determination of the average weekly wage for premium for veteran-on-the-job trainees, county auditor reports to the workers compensation bureau, and reporting public contracts to the workers compensation bureau.

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

SB 2081: A BILL for an Act to amend and reenact section 37-07.1-06.2 of the North Dakota Century Code, relating to tuition reimbursement for members of the national guard.

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

SB 2085: A BILL for an Act to amend and reenact section 12-60-16.4 of the North Dakota Century Code, relating to criminal history record information and reportable offenses.

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

SB 2089: A BILL for an Act to amend and reenact subsection 1 of section 57-38.3-02 of the North Dakota Century Code, relating to inclusion of job service North Dakota in the definition of claimant agency for income tax refund setoff purposes.

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

SB 2094: A BILL for an Act to amend and reenact sections 16.1-01-07 and 16.1-06-09 of the North Dakota Century Code, relating to publication of ballot measure analyses and printing and depositing of measure ballots.

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

SB 2106: A BILL for an Act to create and enact a new subsection to section 5-02-02 of the North Dakota Century Code, relating to payment of background check costs.

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

SB 2110: A BILL for an Act to create and enact a new section to chapter 65-03 of the North Dakota Century Code, relating to workers compensation bureau rules regarding certification of mine foremen; and to repeal chapter 65-11 of the North Dakota Century Code, relating to the appointment and duties of a safety engineer.

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

SB 2120: A BILL for an Act to amend and reenact sections 25-06-02 and 25-06-07 of the North Dakota Century Code, relating to the object of and instruction provided at the school for the blind; and to repeal sections 25-06-08 and 25-07-02 of the North Dakota Century Code, relating to clothing accounts at the school for the blind and the superintendent of the school for the deaf serving as the superintendent of the school for the blind.

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

FIRST READING OF SENATE CONCURRENT RESOLUTION

SCR 4002: A concurrent resolution directing the Legislative Council to study those provisions of Title 15 of the North Dakota Century Code which relate to elementary and secondary education.

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

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

ROY GILBREATH, Chief Clerk