

JOURNAL OF THE HOUSE

Fifty-second Legislative Assembly

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Bismarck, February 11, 1991

The House convened at 1:00 p.m., with Speaker R. Anderson presiding.

The prayer was offered by the Rev. Carlyle Roth, St. Mark's Lutheran Church, Minot.

The roll was called and all members were present except Representatives Hausauer and D. Olsen.

A quorum was declared by the Speaker.

HOUSE ENGROSSING REPORT

The following bills were engrossed: HB 1214, HB 1291, HB 1347, HB 1354, HB 1372, HB 1409, HB 1461, HB 1510, HB 1574.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2059, SB 2062, SB 2129, SB 2152, SB 2208, SB 2215, SB 2235, SB 2244, SB 2245, SB 2342, SB 2400, SB 2410, SB 2412, SB 2471.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1207, HB 1258, HB 1398, HB 1410, HB 1482, HB 1504, HB 1536, HB 1561, HB 1577.

MOTION

REP. TIMM MOVED that HB 1562 be returned to the House floor from the Committee on Finance and Taxation for the purpose of withdrawal, which motion prevailed.

REQUEST

REP. MILLER REQUESTED the unanimous consent of the House to withdraw HB 1562. There being no objection, it was so ordered by the Speaker.

MOTIONS

REP. DALRYMPLE MOVED that the House reconsider its action whereby HB 1330 failed to pass, which motion lost on a verification vote.

REP. KLOUBEC MOVED that the rules be suspended and that the House consider all amendments on the Sixth order in one motion, which motion prevailed.

REP. KLOUBEC MOVED that the rules be suspended and that all the amendments on the Sixth order of business to HB 1044, HB 1180, HB 1212, HB 1256, HB 1260, HB 1290, HB 1296, HB 1319, HB 1322, HB 1340, HB 1380, HB 1381, HB 1387, HB 1400, HB 1432, HB 1446, HB 1470, HB 1492, HB 1502, HB 1532, and HB 1551 be adopted, which motion prevailed.

HB 1044, HB 1180, HB 1212, HB 1256, HB 1260, HB 1290, HB 1296, HB 1319, HB 1322, HB 1340, HB 1380, HB 1381, HB 1387, HB 1400, HB 1432, HB 1446, HB 1470, HB 1492, HB 1502, HB 1532, and HB 1551, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. KLOUBEC MOVED that HB 1193, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1214: A BILL for an Act to amend and reenact subsection 7 of section 10-04-10 of the North Dakota Century Code, relating to fees collected by the securities commissioner.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 51 YEAS, 54 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Berg, G.; Bodine; Boucher; Brokaw; Carlson; Cleary; Coats; DeMers; Enget; Erickson; Flaagan; Gabrielson; Gilmore; Goffe; Gorder; Grumbo; Hanson; Hokana; Huether; Jacobson; Kaldor; Kelsch; Kerzman; Kolbo; Kroeber; Laughlin; Linderman; Mahoney; Meyer; Mutzenberger; Nelson; Nichols; Nowatzki; Oban; Peterson; Price; Pyle; Ring; Ritter; Scherber; Schneider; Skar; Snyder; Starke; Stofferahn; Thorpe; Wentz; Wilkie; Williams

NAYS: Bateman; Belter; Berg, R.; Bernstein; Boehm; Brown; Byerly; Carlisle; Clayburgh; Dalrymple; Delzer; DeWitz; Dorso; Freier; Gates; Gerntholz; Gorman; Grosz; Hausauer; Henegar; Howard; Jensen; Kloubec; Kretschmar; Kunkel; Larson; Martin; Martinson; Miller; Muhs; Myrdal; Nicholas; Olson, A.; Payne; Porter; Rennerfeldt; Rydell; Schimke; Schindler; Schmidt; Shide; Skjervén; Soukup; St. Aubyn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Whalen; Speaker R. Anderson

ABSENT AND NOT VOTING: Olsen, D.

HB 1214 was declared lost.

HB 1291: A BILL for an Act to create and enact a new subsection to section 43-12.1-02, a new subsection to section 43-12.1-08, a new subsection to section 43-12.1-15, and a new section to chapter 43-12.1 of the North Dakota Century Code, relating to regulation of nurses and assistants to nurses; to amend and reenact sections 43-12.1-01 and 43-12.1-04 of the North Dakota Century Code, relating to policy with respect to the regulation of nursing practice; 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 83 YEAS, 20 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; DeMers; DeWitz; Dorso; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Goffe; Gorman; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kolbo; Kretschmar; Kroeber; Larson; Laughlin; Linderman; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nicholas; Nowatzki; Oban; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Scherber; Schindler; Schneider; Shide; Skjervén; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Wentz; Wilkie; Williams; Speaker R. Anderson

NAYS: Bodine; Boucher; Brokaw; Delzer; Enget; Gilmore; Gorder; Grosz; Kunkel; Mahoney; Martin; Nelson; Nichols; Rydell; Schimke; Schmidt; Skar; Urlacher; Wald; Wardner

ABSENT AND NOT VOTING: Kloubec; Olsen, D.; Whalen

HB 1291 passed, the title was agreed to, and the emergency clause carried.

HB 1347: A BILL for an Act to amend and reenact section 15-40.1-07 of the North Dakota Century Code and section 15-40.1-07 of the North Dakota

Century Code as amended by section 2 of chapter 231 of the 1989 Session Laws of North Dakota, relating to per-pupil payments for high school districts.

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 74 YEAS, 29 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Boehm; Boucher; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; DeMers; Dorso; Flaagan; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grumbo; Hanson; Hausauer; Henegar; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kolbo; Kroeber; Kunkel; Larson; Laughlin; Linderman; Martinson; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nowatzki; Oban; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Shide; Skjerven; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Wentz; Williams

NAYS: Bodine; Brokaw; Brown; Delzer; DeWitz; Enget; Erickson; Freier; Grosz; Hokana; Howard; Kerzman; Kretschmar; Mahoney; Martin; Meyer; Nichols; Schimke; Schindler; Schmidt; Schneider; Skar; Snyder; Stofferahn; Urlacher; Wald; Wardner; Wilkie; Speaker R. Anderson

ABSENT AND NOT VOTING: Kloubec; Olsen, D.; Whalen

HB 1347 passed and the title was agreed to.

HB 1372: A BILL for an Act to amend and reenact subsection 5 of section 15-40.1-08 of the North Dakota Century Code and subsection 5 of section 15-40.1-08 of the North Dakota Century Code as amended by subsection 5 of section 3 of chapter 231 of the 1989 Session Laws of North Dakota relating to middle school per-pupil payments.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 3 YEAS, 100 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Kunkel; Muhs; Pyle

NAYS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kolbo; Kretschmar; Kroeber; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olson, A.; Payne; Peterson; Porter; Price; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Kloubec; Olsen, D.; Whalen

HB 1372 was declared lost.

MOTION

REP. G. BERG MOVED that the House reconsider its action whereby HB 1527 failed to pass for want of a Constitutional majority, which motion prevailed on a verification vote.

SECOND READING OF HOUSE BILLS

HB 1527: A BILL for an Act to require financial institutions and insurance companies to pay interest on real estate escrow accounts.

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 48 YEAS, 56 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Berg, G.; Berg, R.; Bodine; Boucher; Brokaw; Carlson; Cleary; Coats; DeMers; Erickson; Flaagan; Gabrielson; Gilmore; Goffe; Gorder; Hanson; Hokana; Huether; Jacobson; Kaldor; Kerzman; Kolbo; Kroeber; Laughlin; Linderman; Mahoney; Meyer; Mutzenberger; Nelson; Nowatzki; Oban; Peterson; Pyle; Ring; Ritter; Scherber; Schneider; Skar; Skjerven; Snyder; Starke; Stofferahn; Thorpe; Wilkie; Williams

NAYS: Belter; Bernstein; Boehm; Brown; Byerly; Carlisle; Clayburgh; Dalrymple; Delzer; DeWitz; Dorso; Enget; Freier; Gates; Gerntholz; Gorman; Grosz; Grumbo; Hausauer; Henegar; Howard; Jensen; Kelsch; Kloubec; Kretschmar; Kunkel; Larson; Martin; Martinson; Miller; Muhs; Myrdal; Nicholas; Nichols; Olson, A.; Payne; Porter; Price; Rennerfeldt; Rydell; Schimke; Schindler; Schmidt; Shide; Soukup; St. Aubyn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Speaker R. Anderson

ABSENT AND NOT VOTING: Olsen, D.; Whalen

HB 1527 was declared lost.

HB 1409: A BILL for an Act to create and enact five new sections to chapter 15-21.1 of the North Dakota Century Code, relating to chemical abuse prevention programs.

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 105 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Olsen, D.

HB 1409 passed and the title was agreed to.

HB 1123: A BILL for an Act to amend and reenact sections 49-02-01.2 and 49-07-05.1 of the North Dakota Century Code, relating to the jurisdiction of the public service commission regarding hazardous facility orders and pipeline safety and an increase in fines for violations of pipeline safety standards; and to provide a penalty.

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 105 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubecc; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Olsen, D.

HB 1123 passed and the title was agreed to.

HB 1146: A BILL for an Act to create and enact a new subdivision to subsection 2 of section 38-12.1-05, relating to requirements for a coal exploration permit; and to amend and reenact subdivision b of subsection 2 of section 38-12.1-03 of the North Dakota Century Code, relating to the definition of "coal exploration".

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 105 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubecc; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Olsen, D.

HB 1146 passed and the title was agreed to.

HB 1172: A BILL for an Act to amend and reenact section 61-02-27 of the North Dakota Century Code, relating to state engineer approval of the use or disposition of water rights.

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 27 YEAS, 78 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Brokaw; Carlisle; Carlson; Cleary; DeMers; Dorso; Gabrielson; Gates; Gilmore; Henegar; Hokana; Huether; Kloubec; Larson; Linderman; Martinson; Nowatzki; Peterson; Pyle; Ring; Scherber; Schneider; Starke; Stofferahn; Thorpe; Tollefson; Urlacher

NAYS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brown; Byerly; Clayburgh; Coats; Dalrymple; Delzer; DeWitz; Enget; Erickson; Flaagan; Freier; Gerntholz; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Howard; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kolbo; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Martin; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Oban; Olson, A.; Payne; Porter; Price; Rennerfeldt; Ritter; Rydell; Schimke; Schindler; Schmidt; Shide; Skar; Skjervén; Snyder; Soukup; St. Aubyn; Svedjan; Thompson; Timm; Trautman; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Olsen, D.

HB 1172 was declared lost.

HB 1175: A BILL for an Act to amend and reenact subsection 33 of section 38-14.1-02 and subsection 13 of section 38-14.1-24 of the North Dakota Century Code, relating to the definition of surface coal mining operations and notice of the use of explosives.

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 105 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjervén; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Olsen, D.

HB 1175 passed and the title was agreed to.

MOTION

REP. RITTER MOVED that the House reconsider its action whereby HB 1596 failed to pass for want of a Constitutional majority, which motion prevailed on a verification vote.

SECOND READING OF HOUSE BILLS

HB 1596: A BILL for an Act to create and enact a new section to title 6, a new section to title 7, and a new section to title 47 of the North

Dakota Century Code, allowing banking institutions, savings and loan associations, and other persons to pay interest on escrow accounts related to mortgages on residences.

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 55 YEAS, 48 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Belter; Berg, G.; Bodine; Boucher; Brokaw; Carlson; Cleary; Coats; DeMers; DeWitz; Enget; Erickson; Flaagan; Gabrielson; Gilmore; Goffe; Gorder; Grumbo; Hanson; Hokana; Huether; Jacobson; Kaldor; Kerzman; Kolbo; Kroeber; Laughlin; Linderman; Mahoney; Meyer; Muhs; Mutzenberger; Myrdal; Nelson; Nichols; Nowatzki; Oban; Peterson; Price; Pyle; Ring; Ritter; Scherber; Schneider; Skar; Skjerven; Snyder; Starke; Stofferahn; Thorpe; Wentz; Wilkie; Williams

NAYS: Bateman; Berg, R.; Bernstein; Boehm; Brown; Byerly; Carlisle; Clayburgh; Dalrymple; Delzer; Dorso; Freier; Gates; Gerntholz; Gorman; Grosz; Hausauer; Henegar; Howard; Jensen; Kelsch; Kretschmar; Kunkel; Larson; Martin; Martinson; Miller; Olson, A.; Payne; Porter; Rennerfeldt; Rydell; Schimke; Schindler; Schmidt; Shide; Soukup; St. Aubyn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Whalen; Speaker R. Anderson

ABSENT AND NOT VOTING: Kloubec; Nicholas; Olsen, D.

HB 1596 passed and the title was agreed to.

HB 1211: A BILL for an Act to amend and reenact section 48-02-03 of the North Dakota Century Code, relating to the maximum cost of alterations or improvements to public buildings which may be done without competitive bidding.

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 30 YEAS, 75 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Brokaw; Carlson; Clayburgh; DeMers; Erickson; Flaagan; Gates; Goffe; Grumbo; Henegar; Hokana; Huether; Jacobson; Kolbo; Kunkel; Laughlin; Linderman; Peterson; Ring; Ritter; Scherber; Shide; Skar; St. Aubyn; Starke; Svedjan; Trautman; Wentz

NAYS: Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brown; Byerly; Carlisle; Cleary; Coats; Dalrymple; Delzer; DeWitz; Dorso; Enget; Freier; Gabrielson; Gerntholz; Gilmore; Gorder; Gorman; Grosz; Hanson; Hausauer; Howard; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kretschmar; Kroeber; Larson; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olson, A.; Payne; Porter; Price; Pyle; Rennerfeldt; Rydell; Schimke; Schindler; Schmidt; Schneider; Skjerven; Snyder; Soukup; Stofferahn; Thompson; Thorpe; Timm; Tollefson; Urlacher; Wald; Wardner; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Olsen, D.

HB 1211 was declared lost.

MOTION

REP. KLOUBEC MOVED that HB 1382 be placed at the head of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1382: A BILL for an Act to authorize the state historical society to transfer the Fort Totten state historic site; to amend and reenact sections 54-01-09.1, 55-10-03, and 55-10-05 of the North Dakota Century Code, relating to the Fort Totten state historic site; 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 105 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkei; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Olsen, D.

HB 1382 passed and the title was agreed to.

MOTIONS

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

REP. KLOUBEC MOVED that the House be on the Fifth order of business, and at the conclusion of the Fifth order, the House be on the Thirteenth order of business, and at the conclusion of the Thirteenth order, the House stand adjourned until 1:00 p.m., Tuesday, February 12, 1991, which motion prevailed.

REPORTS OF STANDING COMMITTEES

HB 1186: Committee on State and Federal Government (Rep. Martinson, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1186 was placed on the Eleventh order on the calendar.

HB 1187: Committee on State and Federal Government (Rep. Martinson, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1187 was placed on the Eleventh order on the calendar.

HB 1188: Committee on State and Federal Government (Rep. Martinson, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1188 was placed on the Eleventh order on the calendar.

HB 1189: Committee on State and Federal Government (Rep. Martinson, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1189 was placed on the Eleventh order on the calendar.

HB 1190: Committee on State and Federal Government (Rep. Martinson, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1190 was placed on the Eleventh order on the calendar.

HB 1306: Committee on Political Subdivisions (Rep. Martin, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO

PASS (16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for the establishment of multitownship boards of officers for the consolidation of up to and including five township boards.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Definitions. In this Act, unless the context otherwise requires:

1. "Adjoining townships" means two or more townships that have a common boundary or touch at the corners and are in the same county.
2. "Multitownship board of officers" means a board of officers established for two or more townships consisting of a multitownship board of supervisors, a multitownship clerk, and a multitownship treasurer.

SECTION 2. Consolidation of township officers - Petition - Membership. The board of township supervisors of a township shall propose a plan for the consolidation of the board of township officers with the officers of adjoining townships when three qualified electors or five percent of the qualified electors of the township, as determined by the number of qualified electors voting at the last annual township meeting, whichever is greater, petition the board. The township clerk, within fourteen days of receiving a petition, shall notify the board of township supervisors of each adjoining township of the proposal for consolidation and submit a copy of the proposal to the county auditor. The boards of township supervisors of each adjoining township shall respond to the proposal within thirty days.

If the response of a board of township supervisors of an adjoining township indicates that the consolidation should be pursued, the clerk of the township proposing the consolidation shall call a meeting, or meetings if necessary, at a time and place agreed upon by the boards of each township. The chairman of the board of township supervisors of the township proposing the consolidation shall preside at the meeting. If requested by the board of township supervisors of the township proposing the consolidation, the board of township supervisors of each township shall submit a report of the assets, liabilities, and overall financial condition of each township for review by the other boards of township supervisors.

If one or more boards of the townships responding to the proposal agreed to further pursue the proposed consolidation, the question of consolidation must be presented to the electors of each of the townships. However, no more than five adjoining townships may consolidate. Notice of the presentation of the question to the electors must be submitted to the county auditor by the board of township supervisors of the township proposing the consolidation. Upon receiving that notice, the county auditor shall assign an identifying number to the proposed multitownship board and notify the board of supervisors of each township of that number.

SECTION 3. Submission of consolidation plan to electors. The board of township supervisors of each township that is involved in the proposed consolidation shall call a special township meeting to consider and vote on the proposed consolidation. The ballot used at the election must be in substantially the following form:

Shall the townships of _____ (name of townships to be consolidated) consolidate township boards under one

multitownship board of officers to be identified as
multitownship board number _____.

Yes / /

No / /

If a majority of all votes cast on the question in the township proposing the consolidation and in any adjoining townships are in favor of the consolidation, the consolidation is approved for those township boards of officers.

SECTION 4. Equalization of assets and liabilities of townships. The boards of township officers of each township voting in favor of the consolidation shall meet at a place designated by the board of township supervisors of the township that proposed the consolidation within thirty days following the election to equalize the property, funds, and debts of the townships. In addition, the boards shall perform any other actions necessary to carry out the consolidation of the township, including conveying, selling, or disposing of property that is not necessary for the operation of the townships except the township halls.

SECTION 5. Settlement of disagreement. If the boards of township officers of the consolidating townships are unable to equalize the property, funds, and debts of the townships, the chairman of the board of township supervisors of the township that proposed the consolidation shall immediately notify the board of county commissioners of the disagreement. The chairman of the board of county commissioners shall call a meeting of the boards of township officers of the consolidating townships, the county commissioners, the state's attorney, and the county auditor to attempt to settle the disagreement to the satisfaction of all the township boards. If the disagreement is not settled to the satisfaction of all boards involved in the consolidation, the boards of the townships agreeing to the equalization may proceed with the consolidation. The township board of officers of each consolidating township shall meet at least once to review the final equalization of the assets and liabilities of the township.

SECTION 6. Transition board. The board of township supervisors of each township involved in the consolidation shall select one supervisor to be a member of a transition township board. If there are fewer than three townships involved in the consolidation, each board of township supervisors may select two supervisors to be members of the transition board. The clerk of the township that proposed the consolidation shall act as clerk for the transition board. The transition board shall assume all the powers and duties of the township officers of each township approving the consolidation on the first of January following the election. The transition board shall continue in existence until the first annual meeting of the consolidated townships and shall prepare a proposed budget for the multitownship board.

SECTION 7. Multitownship board - Election. On the third Tuesday of March following the consolidation election, a multitownship meeting must be held and the qualified electors shall elect a multitownship board of supervisors. If the number of consolidated townships is five or fewer, the multitownship board of supervisors must consist of one supervisor elected from each township. If the number of consolidated townships is two or four, an additional township supervisor must be elected at large so the multitownship board consists of three or five members. The length of the terms of the supervisors first elected must be staggered so that the terms of an equal amount of supervisors, or as nearly as practicable, expire each year. In addition, the qualified electors shall elect a multitownship clerk and a multitownship treasurer. The multitownship officers elected at the annual meeting shall assume all the powers and duties of the township officers of the townships approving the consolidation.

SECTION 8. General township laws applicable. When applicable, all laws relating to a board of township supervisors apply to a multitownship board of supervisors."

Renumber accordingly

HB 1392: Committee on State and Federal Government (Rep. Martinson, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1392 was placed on the Eleventh order on the calendar.

HB 1416: Committee on Appropriations (Rep. Thompson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (15 YEAS, 4 NAYS, 4 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 6, replace "general fund" with "land and minerals trust fund"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 226 - LAND DEPARTMENT

This amendment changes the source of funding of \$15,000 from the general fund to the land and minerals trust fund.

HB 1447: Committee on Agriculture (Rep. Nicholas, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 2, line 1, overstrike "Any" and insert immediately thereafter "A first" and remove the overstrike over "B misdemeanor" and insert immediately thereafter ". A second or subsequent violation constitutes a class"

Renumber accordingly

HB 1488: Committee on Political Subdivisions (Rep. Martin, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (15 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, after "11-15-08" insert "and section 11-15-09"

Page 1, line 3, replace "; and to repeal section 11-15-09 of the North Dakota Century Code," with a period

Page 1, remove line 4

Page 1, line 9, remove the overstrike over "~~Except as provided in section 11-15-09; the~~" and remove "The"

Page 1, line 10, after "commissions" insert "on behalf of the county"

Page 1, line 14, remove "all moneys up to"

Page 1, remove lines 17 and 18

Page 1, after line 18, insert:

"SECTION 2. AMENDMENT. Section 11-15-09 of the North Dakota Century Code is amended and reenacted as follows:

11-15-09. Allowances when plaintiff bids in property at sale. When the person in whose favor an execution or order of sale has been issued by the court ~~shall bid~~ bids in the property sold under the execution or pursuant to the judgment, the sheriff or other person

making the sale shall collect on behalf of the county the following fees, ~~and no more~~:

1. When the amount for which the property is bid on does not exceed one thousand dollars, ~~ten~~ twenty dollars.
2. When the amount for which the property is bid on exceeds one thousand dollars, ~~twenty~~ thirty dollars."

Renumber accordingly

HB 1489: Committee on Political Subdivisions (Rep. Martin, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 7, overstrike "give notice"

Page 1, line 10, after "~~26-22-44~~" insert "serve the notice of levy in the same manner as a summons is served"

Renumber accordingly

HB 1549: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends DO NOT PASS (15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1549 was placed on the Eleventh order on the calendar.

HB 1564: Committee on Appropriations (Rep. Thompson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (12 YEAS, 9 NAYS, 2 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide an appropriation for asbestos removal from facilities at San Haven.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. There is hereby appropriated from the lands and minerals trust fund, the amount of \$400,000, or so much thereof as may be necessary, to the director of institutions for the purpose of removing asbestos from facilities at San Haven for the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 2. DIRECTOR OF INSTITUTIONS - REPORT. The director of institutions shall report to the budget section on the status of the asbestos removal from facilities at San Haven during the biennium beginning July 1, 1991, and ending June 30, 1993. The director of institutions shall have the asbestos removed by June 30, 1993."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment provides \$400,000 from the lands and minerals trust fund for the purpose of asbestos removal from facilities at San Haven. In addition, the Director of Institutions shall report to the Budget Section on the status of the asbestos removal from facilities at San Haven during the 1991-93 biennium. It also provides that the asbestos removal is to be completed by June 30, 1993.

HB 1582: Committee on State and Federal Government (Rep. Martinson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (11 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 7, line 11, after "board" insert "historic preservation subcommittee of the"

Page 7, line 12, replace "department" with "advisory board"

Page 24, line 3, remove "and shall consult"

Page 24, remove line 4

Page 24, line 5, remove "tourism advisory board on matters relating to the maintenance of collections"

Page 24, line 18, replace "director" with "historic preservation subcommittee of the parks, history, and tourism advisory board"

Page 24, line 26, after "board" insert "historic preservation subcommittee of the" and replace "department" with "advisory board"

Page 26, remove lines 27 through 29

Page 27, remove lines 1 through 7

Page 28, line 17, after "director" insert "and the historic preservation subcommittee of the parks, history, and tourism advisory board"

Page 28, line 20, after "director" insert "and the historic preservation subcommittee of the parks, history, and tourism advisory board"

Page 36, line 17, replace "Consult with" with "Receive the approval of"

Page 37, after line 28, insert:

"1."

Page 38, line 3, replace "a representative of" with "an archaeologist from"

Page 38, remove lines 6 through 9

Page 38, line 10, replace "3." with "a."

Page 38, line 12, replace "4." with "b."

Page 38, line 15, replace "5." with "c."

Page 38, line 17, replace "6." with "d."

Page 38, after line 19, insert:

"2. The subcommittee may regulate matters related to:

a. The disposal or transfer of articles in historical collections of the department.

b. Acquisition of real property and interests in real property for historical purposes by lease, purchase, or gift."

Page 38, line 20, replace "7." with "c."

Page 38, line 22, replace "8." with "d."

Page 38, line 23, replace "9." with "e."

Page 38, line 25, replace "10." with "f."

Page 53, line 25, replace "director" with "historic preservation subcommittee"

Page 53, line 26, replace "department" with "advisory board"

Page 56, line 13, replace "director" with "historic preservation subcommittee"

Page 56, line 15, replace "department" with "advisory board"

Page 56, line 16, remove the underscored period

Page 56, line 20, remove "director, in consultation with the"

Page 56, line 22, remove the underscored comma

Page 59, line 2, replace "director" with "historic preservation subcommittee of the parks, history, and tourism advisory board"

Page 61, line 24, replace "director" with "historic preservation subcommittee of the parks, history, and tourism advisory board"

Renumber accordingly

HCR 3023: Committee on Education (Rep. Gates, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3023 was placed on the Tenth order.

HCR 3029: Committee on Agriculture (Rep. Nicholas, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (15 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 3, remove "based upon and"

Page 1, line 20, remove "based upon and"

Renumber accordingly

HCR 3033: Committee on Education (Rep. Gates, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (15 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3033 was placed on the Tenth order.

SB 2064: Committee on Judiciary (Rep. Kretschmar, Chairman) recommends DO PASS (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2064 was placed on the Fourteenth order on the calendar.

SB 2081: Committee on Judiciary (Rep. Kretschmar, Chairman) recommends DO PASS (15 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2081 was placed on the Fourteenth order on the calendar.

SB 2164: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2164 was placed on the Fourteenth order on the calendar.

FIRST READING OF SENATE BILLS

SB 2044: A BILL for an Act to amend and reenact section 20.1-01-02 and subsection 16 of section 20.1-02-05 of the North Dakota Century Code, relating to the power of the state game and fish commissioner with respect to rare and endangered animals; and to provide a penalty. Was read the first time and referred to the Committee on Natural Resources.

SB 2102: A BILL for an Act to amend and reenact section 54-42-03 and subsection 1 of section 54-44.3-12 of the North Dakota Century Code, relating to the duties of the director of the central personnel division and the powers and duties of the merit system council. Was read the first time and referred to the Committee on State and Federal Government.

SB 2187: A BILL for an Act to amend and reenact section 51-05.1-01.1 of the North Dakota Century Code, relating to the application for an auctioneer's or auction clerk's license, an increase in fees, and bonds.

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

SB 2213: A BILL for an Act to create and enact a new subsection to section 39-06.1-10 of the North Dakota Century Code, relating to the suspension of operators' licenses; to amend and reenact section 39-06-43 and subsection 5 of section 39-06.1-10 of the North Dakota Century Code, relating to the extension of an operator's license suspension or revocation and the constructive delivery of a notice of suspension of a person's driving privilege; and to repeal paragraphs 5, 6, and 7 of subdivision b of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to the assessments of points for convictions of driving under the influence or being in actual physical control of a motor vehicle while under the influence.

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

SB 2237: A BILL for an Act to create and enact a new section to chapter 15-20.1 and a new section to chapter 50-27 of the North Dakota Century Code, relating to placing the commission on the status of women of the governor's council on human resources in the office of the state board of vocational education and to provide for the administration of the children's trust fund by the committee on children and youth; to amend and reenact sections 25-01-01.1, 50-06-01.2, 50-06-01.4, subdivision d of subsection 1 of section 50-25.2-05, sections 50-26-01, 50-26-05, 50-27-01, and 50-27-03 of the North Dakota Century Code, relating to the various committees of the governor's council on human resources, the developmental disabilities council, the protection and advocacy project, and the children's trust fund; and to repeal section 18 of chapter 333 of the 1989 Session Laws of North Dakota, relating to the duties of the department of human services.

Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

SB 2238: A BILL for an Act to create and enact a new section to chapter 57-40.6 and a new subsection to section 57-40.6-02 of the North Dakota Century Code, relating to enhanced 911 data base management charges and authority of counties or cities to impose excise taxes on telephone access lines; to amend and reenact section 57-40.6-01 and subsection 1 of section 57-40.6-02 of the North Dakota Century Code, relating to the definitions of the emergency service communications systems and the authority of counties or cities to impose excise tax on telephone access lines, and to amend and reenact subsection 1 of section 1 and section 3 of the 1987 Session Laws relating to the appointment of an emergency services communication system advisory committee and the expiration date of the Act.

Was read the first time and referred to the Committee on State and Federal Government.

SB 2350: A BILL for an Act to create and enact a new section to chapter 39-08 of the North Dakota Century Code, relating to a medical qualifications exemption for intrastate drivers of commercial motor vehicles; and to declare an emergency.

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

SB 2365: A BILL for an Act relating to the use of safety belts and to provide a reduction in any fine otherwise imposed for the violation of speed restrictions.

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

SB 2366: A BILL for an Act to repeal section 57-39.2-28 of the North Dakota Century Code, relating to a refund allowed residents of Canada of sales taxes paid in this state; and to declare an emergency.

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

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

ROY GILBREATH, Chief Clerk