

## JOURNAL OF THE HOUSE

## SPECIAL SESSION OF THE FIFTY-SECOND LEGISLATIVE ASSEMBLY

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Bismarck, November 6, 1991

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

The prayer was offered by Rep. A. Olson.

The roll was called and all members were present except Representatives B. Anderson, DeMers, Gabrielson, Kretschmar, Larson, D. Olsen, Scherber, Stofferahn, Thompson, and Timm.

A quorum was declared by the Speaker.

## REQUEST

REP. KLOUBEC REQUESTED that the record show that the following representatives are conducting a Joint Committee on Legislative Redistricting hearing and are unable to be present for the 9:00 a.m. roll call:

Reps. Kretschmar; Anderson, B.; DeMers; Larson; Scherber; Stofferahn; Thompson; Timm

## MOTION

REP. KLOUBEC MOVED that the House stand in recess until 1:00 p.m., which motion prevailed.

THE HOUSE RECONVENED pursuant to recess taken, with Speaker R. Anderson presiding.

## CORRECTION and REVISION of the JOURNAL (Rep. Schmidt, Chairman)

MR. SPEAKER: Your Committee on Correction and Revision of the Journal has carefully examined the Journal of the Second Day of the Special Session and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1964, lines 29, 33, 38, and 44, after the word "time" insert the following "and has been heard by the Joint Technical Corrections Committee"

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

## SECOND READING OF SENATE BILLS

SB 2600: A BILL for an Act to reenact section 54-06-14 of the North Dakota Century Code, relating to partial payment of sick leave benefits upon leaving the employ of the state; 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 102 YEAS, 2 NAYS, 0 EXCUSED, 2 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; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; 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

NAYS: Freier; Grosz

ABSENT AND NOT VOTING: Gabrielson; Olsen, D.

SB 2600 passed and the title was agreed to.

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SB 2601: A BILL for an Act to amend and reenact section 32-09.1-07 of the North Dakota Century Code, relating to the form of a garnishee summons and notice to defendant; 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 104 YEAS, 0 NAYS, 0 EXCUSED, 2 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; 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: Gabrielson; Olsen, D.

SB 2601 passed and the title was agreed to.

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SB 2602: A BILL for an Act to amend and reenact subsections 3 and 4 of section 26.1-36.1-01 and subsection 4 of section 26.1-36.1-02 of the North Dakota Century Code, relating to medicare supplement policies; 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 104 YEAS, 0 NAYS, 0 EXCUSED, 2 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; 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: Gabrielson; Olsen, D.

SB 2602 passed and the title was agreed to.

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SB 2603: A BILL for an Act to authorize the state board of higher education to issue and sell self-liquidating, tax-exempt bonds to construct a revenue-producing energy and environmental research center at the university of North Dakota; to provide an appropriation; 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 104 YEAS, 0 NAYS, 0 EXCUSED, 2 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; 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: Gabrielson; Olsen, 0.

SB 2603 passed and the title was agreed to.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1615.

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

MR. PRESIDENT: The House has passed unchanged: SB 2600, SB 2601, SB 2602, SB 2603.

#### MOTION

REP. KLOUBEC MOVED that the House stand in recess until 3:00 p.m., which motion prevailed.

THE HOUSE RECONVENED pursuant to recess taken, with Speaker R. Anderson presiding.

#### REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER: Your procedural Committee on Employment (Rep. Martinson, Chairman) submits the following names for the positions specified below.

#### MOTIONS

REP. KLOUBEC MOVED that the House dispense with the reading of the report, which motion prevailed.

#### SPECIAL SESSION 1991 HOUSE EMPLOYEES

##### Chief Clerk

Roy Gilbreath ..... Bismarck

##### Desk Reporter

Barbara Middaugh ..... Bismarck

##### Sergeant-at-Arms

Mark Zimmerman ..... Elgin

<u>Assistant Chief Clerk</u>	
Jeane Marschke .....	Bismarck
<u>Committee Clerks</u>	
Judy Hoffman .....	Bismarck
Janice Stein .....	Mandan
<u>Desk Page</u>	
Barbara Larson .....	Bismarck
<u>Secretary to the Majority Leader</u>	
Mavis Patchen .....	Bismarck
<u>Assistant Sergeants-at-Arms</u>	
Bernetta Barth .....	Solen
Valerie Ciavarella .....	Mandan
Bernice Clark .....	Bismarck
Aaron Dalke .....	Bismarck
Lance Hagen .....	Ellendale
Merry Hook .....	Bismarck
Hella Keller .....	Mandan
Jerome Moszer .....	Bismarck
Althea Yantzer .....	Mandan
<u>Assistant Sergeants-at-Arms/Supply Room Coordinator</u>	
Peter Schafer .....	Bismarck
<u>Information Desk Attendant</u>	
Peggy Puetz .....	Bismarck
<u>Janitors</u>	
Joe Emineth .....	Bismarck
Helen Just .....	Bismarck
Francis Scharosch .....	Bismarck

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

#### REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER: Your procedural Committee on Delayed Bills (Rep. Kloubec, Chairman) has examined a concurrent resolution designating House and Senate employees and fixing their compensation for the special session of the Fifty-second Legislative Assembly.

It shall be numbered HCR 3073.

Your Committee on Delayed Bills cast a unanimous ballot in favor of this resolution.

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

#### FIRST READING OF HOUSE CONCURRENT RESOLUTION

Rep. Martinson and Sen. Satrom introduced:

(Approved by the Committee on Delayed Bills)

HCR 3073: A concurrent resolution designating House and Senate employees and fixing their compensation for the special session of the Fifty-second Legislative Assembly.

Was read the first time.

#### MOTION

REP. KLOUBEC MOVED that the rules be suspended, that HCR 3073 not be printed, not be referred to committee, and be printed in the Journal, and placed on tomorrow's calendar for second reading and final passage, which motion prevailed.

Rep. Martinson and Sen. Satrom introduced:

(Approved by the Committee on Delayed Bills)

#### HOUSE CONCURRENT RESOLUTION NO. 3073

HCR 3073: A concurrent resolution designating House and Senate employees and fixing their compensation for the special session of the Fifty-second Legislative Assembly.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That for the special session of the Fifty-second Legislative Assembly the following persons are employed and appointed as employees of the House and Senate and are to be paid the daily wages opposite their respective names in accordance with their positions:

## HOUSE

Roy Gilbreath, Chief Clerk	\$95.00
Jeane Marschke, Two days as Assistant Chief Clerk (at \$80) and remaining days as Desk Reporter	89.00
Barbara Middaugh, Desk Reporter - 2 days only	89.00
Lance Hagen, Two days as Assistant Sergeant-at-Arms/Page (at \$58) and remaining days as Assistant Chief Clerk	80.00
Mark Zimmerman, Sergeant-at-Arms	74.00
Mavis Patchen, Secretary to the Majority Leader	80.00
Judy Hoffman, Committee Clerk	68.00
Janice Stein, Committee Clerk	68.00
Barbara Larson, Desk Page	58.00
Burnetta Barth, Assistant Sergeant-at-Arms/Page	58.00
Valerie Ciavarella, Assistant Sergeant-at-Arms/Page	58.00
Bernice Clark, Assistant Sergeant-at-Arms/Page	58.00
Aaron Dalke, Assistant Sergeant-at-Arms/Page	58.00
Merry Hook, Assistant Sergeant-at-Arms/Page	58.00
Hella Keller, Assistant Sergeant-at-Arms/Page	58.00
Jerome Moszer, Assistant Sergeant-at-Arms/Page	58.00
Althea Yantzer, Assistant Sergeant-at-Arms/Page	58.00
Peter Schafer, Assistant Sergeant-at-Arms/ Supply Room Coordinator	58.00
Peggy Puetz, Information Desk Attendant	58.00
Francis Scharosch, Janitor (partial pay only)	40.00
Joe Emineth, Janitor (partial pay only)	47.00
Helen Just, Janitor (partial pay only)	39.00

## SENATE

Marion Houn, Secretary of the Senate	\$95.00
Sally Paul, Desk Reporter	89.00
Myrna Lyng, Bill Clerk	74.00
Doug Nordby, Sergeant-at-Arms	74.00
Sandi Kershaw, Secretary to the Majority Leader	80.00
Wanda Scheid, Staff Assistant to Majority Leader	74.00
Lois Scherr, Secretary to the Minority Leader	80.00
Mary Schmitz, Chief Committee Clerk	74.00
Jeannette Shaw-Lynch, Committee Clerk	68.00
Kevin Urness, Deputy Sergeant-at-Arms	62.00
Chris Dahl, Assistant Sergeant-at-Arms	58.00
Nancy Ludwig, Chief Page	65.00
Renae Doan, Page	58.00
Stephanie Fisher, Page	58.00
George Schempp, Page	58.00
Clayton Litchfield, Page	58.00
James Sears, Information Desk Attendant	58.00
Lucas Giesinger, Janitor (partial pay only)	56.00
Eugene Reynolds, Janitor (partial pay only)	56.00
Martha Heid, Janitor (partial pay only)	43.00

BE IT FURTHER RESOLVED, that each employee of the Fifty-second Legislative Assembly, except those employed on a part-time basis, is entitled to an additional \$1 per day for each regular session of the Legislative Assembly prior to the 1991 session during which the employee was paid for at least 45 days, as either an employee of the House or Senate, which may not exceed \$5 per day; and

BE IT FURTHER RESOLVED, that legislative employees are entitled to receive necessary travel, meals, and lodging expense reimbursement, at the same rate and following the same guidelines as for other state employees, during the special legislative session; and

BE IT FURTHER RESOLVED, that the employment committees of the House and Senate may authorize compensation and expense reimbursement for legislative employees for necessary days before and after the special session; and

BE IT FURTHER RESOLVED, that if any employee resigns, is discharged, or for other reasons terminates employment, the compensation provided by this resolution for that employee ceases effective the last day of employment.

#### 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 Twelfth order of business, and at the conclusion of the Twelfth order, the House be on the Thirteenth order of business, and at the conclusion of the Thirteenth order, the House stand adjourned until 9:00 a.m., Thursday, November 7, 1991, which motion prevailed.

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

ROY GILBREATH, Chief Clerk