

JOURNAL OF THE HOUSE

Fifty-second Legislative Assembly

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Bismarck, February 13, 1991

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

The prayer was offered by Captain Richard Hartman, Salvation Army, Bismarck.

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

A quorum was declared by the Speaker.

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

MR. SPEAKER: The Senate has passed unchanged: HCR 3030.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2039, SB 2169, SB 2249, SB 2311, SB 2332, SB 2343, SB 2392, SB 2406, SB 2437, SB 2452, SB 2462, SB 2494, SB 2501, SB 2512, SB 2535, SB 2554, SCR 4022.

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 1123, HB 1146, HB 1175, HB 1291, HB 1347, HB 1382, HB 1409, HB 1596.

HOUSE ENGROSSING REPORT

The following bills and resolution were engrossed: HB 1306, HB 1416, HB 1447, HB 1488, HB 1489, HB 1564, HB 1582, HCR 3029.

REQUEST

REP. MYRDAL REQUESTED that the record show that she was present, which request was granted.

MOTIONS

REP. KLOUBEC MOVED that the rules be suspended and that the House consider all amendments on the Sixth order with the exception of HB 1166 in one motion, which motion prevailed.

REP. KLOUBEC MOVED that HB 1166, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

REP. KLOUBEC MOVED that the rules be suspended and that all the amendments on the Sixth order of business to HB 1125, HB 1153, HB 1196, HB 1234, HB 1262, HB 1323, HB 1329, HB 1337, HB 1373, HB 1376, HB 1450, HB 1479, HB 1495, HB 1556, HB 1601, and HCR 3038 be adopted, which motion prevailed.

HB 1125, HB 1153, HB 1196, HB 1234, HB 1262, HB 1323, HB 1329, HB 1337, HB 1373, HB 1376, HB 1450, HB 1479, HB 1495, HB 1556, HB 1601, and HCR 3038, 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 referred to the Committee on State and Federal Government, which motion prevailed. Pursuant to Rep. Kloubec's motion, HB 1193 was rereferred.

REP. WARDNER MOVED that the House reconsider its action whereby HB 1470 passed.

REQUEST

REP. KLOUBEC REQUESTED a recorded roll call vote on the motion to reconsider the action whereby HB 1470 passed, which request was granted.

ROLL CALL

The question being on the motion to reconsider the action whereby HB 1470 passed, the roll was called and there were 59 YEAS, 45 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bateman; Belter; Berg, R.; Bernstein; Boehm; Brown; Byerly; Carlisle; Clayburgh; Dalrymple; Delzer; Dorso; Erickson; Freier; Gates; Gertholz; Gorder; Gorman; Grosz; Henegar; Howard; Jensen; Kelsch; Kloubec; Kolbo; Kretschmar; Kunkel; Martin; Martinson; Miller; Muhs; Myrdal; Nicholas; Olsen, D.; Olson, A.; Payne; Porter; Price; Rennerfeldt; Rydell; Schimke; Schindler; Schmidt; Shide; Skjerven; Soukup; St. Aubyn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Speaker R. Anderson

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

ABSENT AND NOT VOTING: Hausauer; Larson

So the motion to reconsider the action whereby HB 1470 passed prevailed.

SECOND READING OF HOUSE BILLS

HB 1470: A BILL for an Act to create and enact a new subsection to section 54-01-26 of the North Dakota Century Code, relating to rules for determining residence.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 47 YEAS, 59 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

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

HB 1470 was declared lost.

HB 1260: A BILL for an Act to amend and reenact section 53-06.2-11 of the North Dakota Century Code, relating to expenses for horse racing licensees.

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 49 YEAS, 57 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bateman; Berg, G.; Bodine; Boehm; Boucher; Brown; Clayburgh; DeWitz; Erickson; Flaagan; Freier; Gilmore; Gorman; Hausauer; Henegar; Howard;

Jacobson; Jensen; Kelsch; Kerzman; Kolbo; Kretschmar; Kunkel; Laughlin; Linderman; Mahoney; Martinson; Meyer; Miller; Muhs; Myrdal; Nicholas; Nichols; Nowatzki; Olson, A.; Porter; Price; Schimke; Skar; Snyder; Starke; Thorpe; Timm; Tollefson; Trautman; Wald; Wardner; Whalen; Wilkie

NAYS: Aarsvold; Anderson, B.; Belter; Berg, R.; Bernstein; Brokaw; Byerly; Carlisle; Carlson; Cleary; Coats; Dalrymple; Delzer; DeMers; Dorso; Enget; Gabrielson; Gates; Gerntholz; Goffe; Gorder; Grosz; Grumbo; Hanson; Hokana; Huether; Kaldor; Kloubec; Kroeber; Larson; Martin; Mutzenberger; Nelson; Oban; Olsen, D.; Payne; Peterson; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schindler; Schmidt; Schneider; Shide; Skjerven; Soukup; St. Aubyn; Stofferahn; Svedjan; Thompson; Urlacher; Wentz; Williams; Speaker R. Anderson

HB 1260 was declared lost.

HB 1532: A BILL for an Act to provide for a state employees compensation commission.

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 64 YEAS, 42 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Boehm; Brokaw; Byerly; Carlisle; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeWitz; Dorso; Freier; Gates; Gerntholz; Gilmore; Gorman; Grosz; Grumbo; Henegar; Hokana; Howard; Huether; Jensen; Kelsch; Kerzman; Kretschmar; Kunkel; Larson; Laughlin; Linderman; Martin; Martinson; Miller; Muhs; Myrdal; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Porter; Price; Rennerfeldt; Ritter; Rydell; Schimke; Schindler; Shide; St. Aubyn; Stofferahn; Svedjan; Timm; Trautman; Urlacher; Wald; Wardner; Wentz; Wilkie; Speaker R. Anderson

NAYS: Aarsvold; Anderson, B.; Bodine; Boucher; Brown; Carlson; DeMers; Enget; Erickson; Flaagan; Gabrielson; Goffe; Gorder; Hanson; Hausauer; Jacobson; Kaldor; Kloubec; Kolbo; Kroeber; Mahoney; Meyer; Mutzenberger; Nelson; Nichols; Payne; Peterson; Pyle; Ring; Scherber; Schmidt; Schneider; Skar; Skjerven; Snyder; Soukup; Starke; Thompson; Thorpe; Tollefson; Whalen; Williams

HB 1532 passed and the title was agreed to.

HB 1306: A BILL for an Act to provide for the establishment of multitownship boards of officers for the consolidation of up to and including five township boards.

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 106 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Olsen, D.; 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

HB 1306 passed and the title was agreed to.

HB 1416: A BILL for an Act providing an appropriation to North Dakota state university to provide funds for a study to determine the economic benefits to North Dakota from public lands.

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 76 YEAS, 29 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Brown; Byerly; Carlisle; Clayburgh; Coats; Dalrymple; Delzer; DeWitz; Dorso; Erickson; Flaagan; Freier; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hausauer; Henegar; Howard; Huether; Jacobson; Jensen; Kelsch; Kerzman; Kloubec; Kretschmar; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Myrdal; Nicholas; Nichols; Nowatzki; Olsen, D.; Payne; Porter; Price; Rennerfeldt; Rydell; Schimke; Schindler; Schmidt; Schneider; Shide; Snyder; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Speaker R. Anderson

NAYS: Aarsvold; Anderson, B.; Boucher; Brokaw; Carlson; Cleary; DeMers; Enget; Gabrielson; Hanson; Hokana; Kaldor; Kolbo; Kroeber; Miller; Muhs; Mutzenberger; Nelson; Oban; Peterson; Pyle; Ring; Ritter; Scherber; Skar; Skjerven; Stofferahn; Thorpe; Williams

ABSENT AND NOT VOTING: Olson, A.

HB 1416 passed and the title was agreed to.

HB 1447: A BILL for an Act to amend and reenact section 36-09-23 of the North Dakota Century Code, relating to the penalty for removal of livestock from the state.

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; 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; Olsen, D.; 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: Grosz

HB 1447 passed and the title was agreed to.

HB 1488: A BILL for an Act to amend and reenact subsection 1 of section 11-15-08 and section 11-15-09 of the North Dakota Century Code, relating to commissions collected by the sheriff.

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, 9 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Brown; Byerly; Delzer; Goffe; Grosz; Hokana; Nelson; Schmidt; Timm

ABSENT AND NOT VOTING: Olson, A.

HB 1488 passed and the title was agreed to.

HB 1489: A BILL for an Act to amend and reenact section 28-21-12 of the North Dakota Century Code, relating to service of the sheriff's notice of levy.

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; Olsen, D.; 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: Olson, A.

HB 1489 passed and the title was agreed to.

HB 1564: A BILL for an Act to provide an appropriation for asbestos removal from facilities at San Haven.

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 63 YEAS, 41 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Berg, G.; Boucher; Brokaw; Brown; Byerly; Carlson; Clayburgh; Cleary; Coats; DeMers; Enget; Erickson; Flaagan; Gabrielson; Gilmore; Goffe; Grumbo; Hanson; Hokana; Huether; Jacobson; Kaldor; Kerzman; Kolbo; Kretschmar; Kroeber; Kunkel; Laughlin; Linderman; Meyer; Mutzenberger; Myrdal; Nelson; Nichols; Nowatzki; Oban; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Scherber; Schmidt; Schneider; Skar; Skjerven; Snyder; St. Aubyn; Starke; Stofferahn; Svedjan; Thorpe; Timm; Tollefson; Wardner; Wentz; Wilkie; Williams; Speaker R. Anderson

NAYS: Bateman; Belter; Berg, R.; Bernstein; Bodine; Boehm; Carlisle; Dalrymple; Delzer; DeWitz; Freier; Gates; Gerntholz; Gorder; Gorman; Grosz; Henegar; Howard; Jensen; Kelsch; Kloubec; Larson; Mahoney; Martin; Martinson; Miller; Muhs; Nicholas; Olsen, D.; Olson, A.; Payne; Rydell; Schimke; Schindler; Shide; Soukup; Thompson; Trautman; Urlacher; Wald; Whalen

ABSENT AND NOT VOTING: Dorso; Hausauer

HB 1564 passed and the title was agreed to.

MOTION

REP. TOLLEFSON MOVED that the House waive the reading of the titles to HB 1582 and HB 1190, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1582: A BILL for an Act to provide for the establishment of the North Dakota parks, history, and tourism department and the parks, history, and tourism advisory board and various subcommittees; to amend and reenact section 1-08-04.1, subdivision g of subsection 1 of section 6-09-15, subsection 3 of section 10-06-04.3, sections 11-11-53, 11-11-53.1, subsection 7 of section 23-06-27, subsection 1 of section 24-02-01.1, sections 24-02-37.1, 24-03-21, subdivision o of subsection 1 of section 28-32-01, sections 37-03-14, 38-14.1-10, subdivision u of subsection 1 of section 38-14.1-14, subsection 2 of section 38-14.1-21, subsection 1 of section 38-14.1-30, paragraph 7 of subdivision a of subsection 2 of section 39-01-01, section 39-24-05, subsection 3 of section 39-24-08, sections 39-24-09.1, 39-29-01.1, subsection 2 of section 39-29-05, subsection 3 of section 39-29-08, sections 39-29-10, 46-05-01, 48-11-01, 54-01-13.1, 54-02-07, subsection 2 of section 54-06-04, sections 54-07-01.2, 54-17.3-05, 54-17.3-07, 54-24-09, 54-34-01, subsection 2 of section 54-34-06, sections 55-01-02.1, 55-01-05, 55-01-06, 55-01-11, 55-02-01.2, 55-02-06, 55-02-07, 55-02-07.1, 55-02-08, 55-02-09, 55-02.1-02, 55-02.1-05, 55-03-01, 55-03-01.1, 55-03-02, 55-03-03, subsection 7 of section 55-05-02, sections 55-06-01, 55-08-02.1, 55-08-03.1, 55-08-05, 55-08-06, 55-08-07, 55-08-07.1, 55-08-07.2, 55-08-08, 55-08-09, 55-08-10, 55-08-11, 55-08-12, 55-08-13, 55-08-14.1, 55-08-15, 55-10-02, 55-10-04, 55-10-07, 55-10-08, 55-10-09, 55-10-10, 55-10-11, 55-10-12, subsection 3 of section 55-11-02, sections 55-11-04, 55-11-09, subsection 6 of section 57-39.2-28, section 61-29-04, and subsection 1 of section 61-33-09 of the North Dakota Century Code, relating to the powers and duties of the North Dakota parks, history, and tourism department; to repeal sections 55-01-01, 55-01-02, 55-01-03, 55-01-04, 55-01-07, 55-01-10, 55-02-01, 55-02-01.1, 55-02-01.3, 55-02-02, 55-02-03, 55-02-04, 55-02-05, 55-03-04, 55-08-01, 55-08-03, 55-08-14, and 55-11-10 of the North Dakota Century Code, relating to the state historical board, the powers and duties of the superintendent of the state historical society, projects and revenue bonds, and the duties of

the director of the parks and recreation department; and to provide a penalty.

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 42 YEAS, 64 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Belter; Berg, G.; Berg, R.; Bernstein; Dorso; Flaagan; Gorman; Grumbo; Hausauer; Hokana; Huether; Jacobson; Jensen; Kaldor; Kerzman; Kloubec; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Meyer; Myrdal; Nelson; Nicholas; Nowatzki; Olson, A.; Peterson; Scherber; Schmidt; Schneider; Snyder; Starke; Stofferahn; Thorpe; Timm; Trautman; Williams; Speaker R. Anderson

NAYS: Bateman; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Enget; Erickson; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gordor; Grosz; Hanson; Henegar; Howard; Kelsch; Kolbo; Mahoney; Martin; Martinson; Miller; Muhs; Mutzenberger; Nichols; Oban; Olsen, D.; Payne; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Schimke; Schindler; Shide; Skar; Skjerven; Soukup; St. Aubyn; Svedjan; Thompson; Tollefson; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie

HB 1582 was declared lost.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3029: A concurrent resolution urging the President and the Congress of the United States to develop expeditiously a sound and comprehensive national energy policy utilizing renewable agricultural commodities, such as ethanol, in the production of energy and lubrication products.

The question being on the final adoption of the amended resolution, which has been read and has committee recommendation of DO PASS.

HCR 3029 was declared adopted on a voice vote.

MOTION

REP. KLOUBEC MOVED that HB 1452, HB 1549, and HB 1087 be placed at the head of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1452: A BILL for an Act to create and enact a new section to chapter 20.1-01 of the North Dakota Century Code, relating to waste of game animals; 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 44 YEAS, 62 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bodine; Boucher; Carison; Cleary; DeMers; Erickson; Flaagan; Gorman; Grumbo; Hanson; Henegar; Huether; Jacobson; Jensen; Kaldor; Kolbo; Kroeber; Larson; Laughlin; Linderman; Mahoney; Martin; Mutzenberger; Nelson; Oban; Olsen, D.; Olson, A.; Peterson; Price; Pyle; Ring; Ritter; Rydell; Scherber; Schindler; Schneider; Skar; Snyder; Starke; Stofferahn; Thorpe; Wentz; Williams

NAYS: Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Boehm; Brokaw; Brown; Byerly; Carlisle; Clayburgh; Coats; Dalrymple; Delzer; DeWitz; Dorso; Enget; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gordor; Grosz; Hausauer; Hokana; Howard; Kelsch; Kerzman; Kloubec; Kretschmar; Kunkel; Martinson; Meyer; Miller; Muhs; Myrdal;

Nicholas; Nichols; Nowatzki; Payne; Porter; Rennerfeldt; Schimke; Schmidt; Shide; Skjerven; Soukup; St. Aubyn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Whalen; Wilkie; Speaker R. Anderson

HB 1452 was declared lost.

HB 1549: A BILL for an Act to create a statewide nonprofit film development corporation authorized to develop and expand the primary film business in North Dakota and to require the Bank of North Dakota to make a line of credit available to the corporation.

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 3 YEAS, 102 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Freier; Kretschmar; Olson, A.

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; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; 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: Rydell

HB 1549 was declared lost.

MOTION

REP. DORSO MOVED that HB 1518 be returned to the House floor from the Committee on Industry, Business and Labor for the purpose of withdrawal, which motion prevailed.

REQUEST

REP. PAYNE REQUESTED the unanimous consent of the House to withdraw HB 1518. There being no objection, it was so ordered by the Speaker.

MOTION

REP. TOLLEFSON MOVED that the vote by which HB 1582 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed

RULING BY SPEAKER

SPEAKER R. ANDERSON RULED that since HB 1582 was declared lost, that Rep. Tollefson's motion was not in order.

MOTION

REP. TOLLEFSON MOVED that the vote by which HB 1582 failed be reconsidered and the motion to reconsider be laid on the table.

REQUEST

REP. STOFFERAHN REQUESTED a recorded roll call vote on the motion that the vote by which HB 1582 failed be reconsidered and the motion to reconsider be laid on the table, which request was granted.

ROLL CALL

The question being on the motion that the vote by which HB 1582 failed be reconsidered and the motion to reconsider be laid on the table, the roll was called and there were 46 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Bateman; Belter; Boehm; Brown; Byerly; Carlisle; Clayburgh; Dalrymple; Delzer; DeWitz; Erickson; Freier; Gates; Gerntholz; Gorder; Grosz; Henegar; Howard; Kelsch; Kolbo; Martin; Martinson; Miller; Muhs; Mutzenberger; Nicholas; Nowatzki; Olsen, D.; Payne; Porter; Price; Pyle; Rennerfeldt; Rydell; Schimke; Schindler; Shide; Soukup; St. Aubyn; Thompson; Tollefson; Urlacher; Wald; Wardner; Whalen; Speaker R. Anderson

NAYS: Aarsvold; Anderson, B.; Berg, G.; Berg, R.; Bernstein; Bodine; Boucher; Brokaw; Carlson; Cleary; Coats; DeMers; Dorso; Enget; Flaagan; Gabrielson; Gilmore; Goffe; Gorman; Grumbo; Hanson; Hausauer; Hokana; Huether; Jacobson; Jensen; Kaldor; Kerzman; Kloubec; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Meyer; Myrdal; Nelson; Nichols; Oban; Olson, A.; Peterson; Ring; Ritter; Scherber; Schmidt; Schneider; Skar; Skjerven; Snyder; Starke; Stofferahn; Svedjan; Thorpe; Timm; Trautman; Wentz; Wilkie; Williams

So the motion that the vote by which HB 1582 failed be reconsidered and the motion to reconsider be laid on the table failed.

SECOND READING OF HOUSE BILL

HB 1087: A BILL for an Act to amend and reenact subsection 2 of section 27-20-49 and sections 31-01-16 and 31-01-18 of the North Dakota Century Code, relating to the payment of witness fees and expenses in juvenile court and district court.

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 0 YEAS, 106 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; 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

HB 1087 was declared lost.

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 Ninth order of business, and at the conclusion of the Ninth order, the House be on the Thirteenth order of business, and at the conclusion of the Thirteenth order, the House be on the Sixteenth order of business, and at the conclusion of the Sixteenth order, the House stand adjourned until 1:00 p.m., Thursday, February 14, 1991, which motion prevailed.

REPORTS OF STANDING COMMITTEES

HB 1010: Committee on Appropriations (Rep. Thompson, Chairman) recommends DO PASS (23 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1010 was placed on the Eleventh order on the calendar.

HB 1015: Committee on Appropriations (Rep. Thompson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (20 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 10, replace "14,275,084" with "14,707,626"

Page 1, line 14, replace "30,000" with "30,000"

Page 1, remove line 15

Page 1, line 16, replace "18,388,475" with "18,623,017"

Page 1, remove lines 17 through 20

Page 1, replace line 21 with:

"SECTION 2. SPECIAL FUNDS. The total special"

Page 1, line 22, after "funds" insert "appropriation", replace "of" with "in", and replace "the sum of \$17,827,817" with "includes \$18,062,359"

Page 2, after line 3, insert:

"SECTION 3. PAYMENTS TO HIGHWAY PATROLMEN. Each patrolman of the state highway patrol shall receive from funds appropriated in the salaries and wages line item in section 1 of this Act an amount not to exceed one hundred twenty dollars per month for the biennium beginning July 1, 1991, and ending June 30, 1993. Such payments shall be in lieu of reimbursement for meals and other expenses, except lodging, while in travel status within the state of North Dakota or while at their respective home stations. Such amounts shall be paid without the presentation of receipts or other memoranda at the time and in the same manner as salaries of members of the highway patrol are paid."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 504 - HIGHWAY PATROL

This amendment increases the salaries and wages line item by \$432,542 from the highway fund to provide \$360,000 for highway patrolmen's monthly expense reimbursement and \$72,542 for a 1.45 percent Medicare contribution as required by federal legislation passed in 1990 for sworn field officers who do not have Social Security withheld.

In addition, this amendment deletes funding for the motor pool contingency of \$198,000 from the highway fund which was to be used only if motor pool rates for the Highway Patrol were 34 cents or more per mile during the 1991-93 biennium, because it is anticipated that rates will not be 34 cents or more during the 1991-93 biennium. This amendment also removes appropriation language from Section 3 of the bill which is also included in Section 1 relating to the highway fund appropriation.

HB 1043, as engrossed: Committee on Appropriations (Rep. Thompson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (19 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 2, after line 15, insert:

"8. The extent of health risk to the public of not providing the coverage."

Page 2, line 16, replace "8" with "9"

Page 2, line 19, replace "9" with "10"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 401 - INSURANCE DEPARTMENT

This amendment provides that the Insurance Commissioner's report on mandated health insurance coverage legislation include the extent of health risk if the coverage is not provided.

HB 1158: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Committee on Appropriations (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

In lieu of the amendments to House Bill No. 1158 adopted by the House as printed on pages 168 and 169 of the House Journal, House Bill No. 1158 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact two new sections to chapter 50-06 of the North Dakota Century Code, relating to the lease of real and personal property not necessary for operations and the sale of surplus state hospital lands; to repeal section 54-23-56 of the North Dakota Century Code, relating to the duties of the director of institutions; and to provide an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Two new sections to chapter 50-06 of the North Dakota Century Code are created and enacted as follows:

Department may lease real and personal property to others. The department may, when the executive director deems that action to be in the interest of the economy and efficiency of the department, and after consultation with the administrator of the state fire and tornado fund, lease real and personal property under the department's control to other persons. The lease must be on such terms and conditions as the department may prescribe.

Department may sell surplus state hospital lands to board of university and school lands. The department, with the approval of the governor and the budget section of the legislative council, is authorized but not required to determine if state hospital lands are surplus, negotiate the sale of, and sell selected portions of those surplus lands to the board of university and school lands.

SECTION 2. REPEAL. Section 54-23-56 of the North Dakota Century Code is repealed.

SECTION 3. APPROPRIATION. There is hereby appropriated, out of the proceeds of any sale which may be made pursuant to section 1 of this Act, the sum of \$800,000, or so much thereof as may be necessary, to the department of human services for the purpose of defraying the cost of removal or sale of unsafe public buildings at the state hospital, pursuant to section 54-21-27, or for the cost of capital improvements at the state hospital for the biennium beginning July 1, 1991, and ending June 30, 1993."

Renumber accordingly

HB 1168: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 11, replace "ninety days" with "six months"

Page 1, line 12, replace "January" with "May"

Page 1, line 14, replace "January" with "July"

Renumber accordingly

HB 1179: Committee on Judiciary (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 4, replace ";" and to declare an" with a period

Page 1, remove line 5

Page 1, line 13, after the period insert "This section is limited to situations arising from the requirements of 33 U.S.C. 1319(e), and where there are no authorizations, approvals, funding, or any other involvement by the state."

Page 1, remove lines 14 and 15

Renumber accordingly

HB 1218: Committee on Finance and Taxation (Rep. Timm, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 6, line 8, replace "1" with "3"

Page 7, line 9, replace "1" with "3"

Page 8, line 6, replace "1" with "3"

Page 9, line 5, after "2." insert:

"If there is a change in taxable income or income tax liability by an amount which is in excess of twenty-five percent of the amount of taxable income or income tax liability stated in the return as filed, a person may file a claim for credit or refund of any tax imposed by this chapter within six years after the due date of the return or within six years after the return was filed, whichever period expires last. The provisions of this subsection do not create or increase any net operating loss otherwise recognized under this chapter for purposes of carryover to any subsequent taxable period or carryback to any prior taxable period."

3."

Page 9, line 14, overstrike "3." and insert immediately thereafter "4."

Page 9, line 21, replace "4" with "5"

Page 9, line 27, replace "5" with "6"

Page 10, line 1, remove the second "of"

Page 10, line 2, after the underscored period insert "Provided, however, if an assessment is issued, the taxpayer has sixty days from the assessment to file a claim for refund. If a claim for refund is filed in any year extended by an agreement under subsection 8 of section 57-38-38, the tax commissioner may assess additional tax for any year extended by the same agreement which has otherwise expired. The additional assessment is limited to issues raised in the claim for refund."

Page 10, line 3, replace "6" with "7"

Page 10, line 5, replace "1" with "3"

Page 10, line 17, replace "1" with "3"

Page 11, line 3, replace "1" with "3"

Page 11, line 5, replace "7" with "8"

Page 12, line 3, replace "8" with "9"

Page 12, line 8, replace "9" with "10"

Page 12, line 15, replace "10" with "11"

Page 12, line 20, replace "11" with "12"

Page 12, line 26, replace "12" with "13"

Page 13, line 12, replace "13" with "14"

Page 17, line 27, after the underscored period insert "However, if there is a change in tax liability on any return by an amount in excess of twenty-five percent of the amount of tax liability reported on a return, a claim for refund of tax may be filed within six years after the due date of the return or six years after the return was filed, whichever period expires last."

Renumber accordingly

HB 1276: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 3, after "1990" insert "; and to provide an effective date"

Page 1, line 17, after "Direct" insert "care"

Page 2, line 27, after "Indirect" insert "care"

Page 3, line 3, replace "directs" with "direct care"

Page 5, line 8, after "indirect" insert "care"

Page 5, line 9, after "to" insert "two dollars and sixty cents per resident day or a part thereof as determined by applying" and replace "difference" with "differences"

Page 5, line 11, remove ", a minimum"

Page 5, line 12, remove "incentive of two dollars and sixty cents"

Page 5, line 13, after "indirect" insert "care"

Page 6, line 11, after "direct" insert "care"

Page 6, line 12, after "direct" insert "care"

Page 6, line 13, after the first "direct" insert "care" and after the second "direct" insert "care"

Page 6, after line 14, insert:

"SECTION 3. EFFECTIVE DATE. This Act becomes effective on July 1, 1991."

Re-number accordingly

HB 1280, as engrossed: Committee on Appropriations (Rep. Thompson, Chairman) recommends DO NOT PASS (17 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1280 was placed on the Eleventh order on the calendar.

HB 1336, as engrossed: Committee on Appropriations (Rep. Thompson, Chairman) recommends DO NOT PASS (13 YEAS, 9 NAYS, 1 ABSENT AND NOT VOTING). HB 1336 was placed on the Eleventh order on the calendar.

HB 1343: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 9, remove "the filing of"

Page 1, line 10, replace "the complaint, indictment, or information" with "trial"

Page 1, replace lines 13 through 20 with:

- a. The accused must be given reasonable written notice of the time and place for taking the videotaped statement;
- b. The accused must be afforded the opportunity to hear and view the testimony from outside the presence of the child by means of a two-way mirror or other similar method that will ensure that the child cannot hear or see the accused;
- c. The accused must have the opportunity to communicate orally with counsel by electronic means while the videotaped statement is being made; and
- d. All questioning must be done by attorneys for the prosecution and the defense; however, upon stipulation of all parties, the court may appoint a person who is qualified as an expert and who has dealt with the child in a therapeutic setting to aid the court throughout proceedings conducted under this section."

Page 2, remove lines 1 through 6

Re-number accordingly

HB 1357, as engrossed: Committee on Appropriations (Rep. Thompson, Chairman) recommends DO NOT PASS (17 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). HB 1357 was placed on the Eleventh order on the calendar.

HB 1399: Committee on Education (Rep. Gates, Chairman) recommends DO PASS (12 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). HB 1399 was placed on the Eleventh order on the calendar.

HB 1407: Committee on Appropriations (Rep. Thompson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (18 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 10, after the period insert "However, regularly enrolled students at institutions under the control of the state board of higher education have priority for over-subscribed courses."

Renumber accordingly

HB 1444: Committee on Finance and Taxation (Rep. Timm, Chairman) recommends DO NOT PASS (11 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1444 was placed on the Eleventh order on the calendar.

HB 1458: Committee on Appropriations (Rep. Thompson, Chairman) recommends BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION (21 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1458 was placed on the Eleventh order on the calendar.

HB 1464: Committee on Judiciary (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (10 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, after "14-15-19.1" insert "and subsection 5 of section 27-20-45"

Page 1, after line 22, insert:

"SECTION 2. AMENDMENT. Subsection 5 of section 27-20-45 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

5. If a petition for termination of parental rights is made by a parent of the child under this section or if a parent consents to termination of parental rights under section 27-20-44, that parent is entitled to legal counsel during all stages of a proceeding to terminate the parent and child relationship if the child is to be placed for adoption by a child-placing agency licensed under chapter 50-12. The parent may retain counsel of the parent's own choosing and at the parent's own expense, or, if indigent, the parent may request the court to order, upon which the court shall order, ~~that a state's attorney serve as legal counsel to the parent at no cost to the parent. As an alternative to the state's attorney serving as legal counsel to the parent, the state's attorney may request the court to order, upon which the court may order, if a conflict is shown to exist, that other legal counsel services that may be available be provided to the parent at no cost to the parent. These alternative legal counsel services include counsel services for indigent persons. Prior to the termination proceeding held under this chapter, the court or a person designated by the court shall inform the parent of the right to counsel provided by this subsection.~~"

Renumber accordingly

HB 1474: Committee on Appropriations (Rep. Thompson, Chairman) recommends DO NOT PASS (20 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1474 was placed on the Eleventh order on the calendar.

HB 1490: Committee on Education (Rep. Gates, Chairman) recommends DO NOT PASS (9 YEAS, 7 NAYS, 1 ABSENT AND NOT VOTING). HB 1490 was placed on the Eleventh order on the calendar.

HB 1507: Committee on Finance and Taxation (Rep. Timm, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, replace the first comma with "and" and remove ", and"

Page 1, line 2, remove "57-39.2-23"

Page 1, line 3, replace "and to the right of the" with a period

Page 1, remove line 4

Page 4, remove lines 1 through 29

Page 5, remove lines 1 through 5

Renumber accordingly

HB 1508: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 1 NAY, 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 prohibit issuance of evidences of indebtedness by any state agency, institution, or instrumentality without prior specific authorization by the legislative assembly.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Certain evidences of indebtedness must be previously approved by the legislative assembly. Notwithstanding any other provision of law, no agency, institution, or other instrumentality of the state may issue, enter, or authorize any evidence of indebtedness for which appropriation from the state general fund will be required, including a certification of participation or any similar instrument, without prior specific authorization by the legislative assembly."

Renumber accordingly

HB 1509: Committee on Finance and Taxation (Rep. Timm, Chairman) recommends DO NOT PASS (9 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). HB 1509 was placed on the Eleventh order on the calendar.

HB 1516: Committee on Judiciary (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 2, line 1, replace the first "of" with "on"

Page 11, line 1, remove "by the state judicial system"

Page 11, line 2, replace "2" with "4"

Page 11, line 14, replace "provided in subsection 2" with "otherwise provided by this section"

Page 11, line 16, overstrike ", unless the board, by resolution,"

Page 11, line 17, overstrike "determines to fill the vacancy in accordance with section 44-02-04"

Page 11, replace lines 18 through 25 with:

- "2. When a vacancy occurs in the office of county court judge, the supreme court shall determine, within ninety days of receiving notice of the vacancy from the board of county commissioners, whether or not that office is necessary for effective judicial administration. The supreme court's determination must be made in consultation with the board of county commissioners, judges, and attorneys of each affected county. The supreme court may, consistent with its determination, order that:
- a. The vacancy be filled, at the discretion of the county, in either the manner provided pursuant to chapter 27-26 or through an agreement described in subdivision a or b of subsection 4; or
 - b. The vacant office be abolished and that county court services be provided pursuant to subsection 4.
3. The supreme court shall notify the board of county commissioners of each affected county of its determination made pursuant to subsection 2.
4. If the supreme court orders that a vacant office be abolished pursuant to subsection 2, the board of county commissioners of each affected county shall:
- a. Enter into an agreement with the supreme court for the provision of judicial services by the state judicial system until such time as the county courts are abolished and additional district court judgeships are established pursuant to section 1 of this Act; or
 - b. Enter into an agreement with a county that has an office of county court judge for the provision of county court services, notwithstanding the limitations imposed by section 27-07.1-02. Any county entering into such an agreement shall have a county court which must be located in the county seat and each action must be venued in the county in which venue is proper under other provisions of law or rule of the supreme court. The agreement must set forth the manner in which the salary and expenses of the judges and any court reporters will be divided by the counties, and the manner in which services will be provided to each county. The agreement may remain effective until such time as the county courts are abolished and additional district court judgeships are established pursuant to section 1 of this Act."

Renumber accordingly

HB 1526: Committee on Judiciary (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 2, replace the semicolon with a period

Page 1, remove lines 3 through 5

Page 1, line 16, remove the overstrike over "~~if the cost of repair would~~"

Page 1, line 17, remove the overstrike over "~~exceed one thousand dollars or twenty five percent~~" and insert immediately thereafter "or, five thousand dollars or fifty percent for property used for agricultural purposes," and remove the overstrike over "~~of the value of the~~"

Page 1, remove the overstrike over lines 18 through 21

Page 2, remove the overstrike over lines 1 and 2

Page 2, line 9, remove the overstrike over "~~ninety days, or if~~"

Page 2, line 10, remove the overstrike over "~~the property is used~~" and insert immediately thereafter "for agricultural purposes or" and remove the overstrike over "~~in the exploration for or the production of oil or gas~~"

Page 2, line 11, remove the overstrike over "~~within~~"

Page 2, line 23, remove the overstrike over "~~A person filing a verified statement shall within~~", after "~~twenty~~" insert "thirty", and remove the overstrike over "~~days serve notice of~~"

Page 2, remove the overstrike over lines 24 through 27

Page 3, line 5, remove the overstrike over "~~ninety days, or if the property~~"

Page 3, line 6, remove the overstrike over "~~is used~~" and insert immediately thereafter "for agricultural purposes or" and remove the overstrike over "~~in the exploration for or the production of oil or gas within~~"

Page 3, line 14, remove the overstrike over "~~; but if the repairman has~~"

Page 3, remove the overstrike over lines 15 through 19

Page 3, line 20, remove the overstrike over "~~the mortgage or financing statement, then only that portion of the~~" and after "~~mechanic's~~" insert "repairman's"

Page 3, line 21, remove the overstrike over "~~lien up to one thousand dollars or twenty-five percent~~" and insert immediately thereafter "or, five thousand dollars or fifty percent for property used for agricultural purposes." and remove the overstrike over "~~of the retail value.~~"

Page 3, remove the overstrike over lines 22 and 23

Page 3, remove lines 24 and 25

ReNUMBER accordingly

HB 1537: Committee on Appropriations (Rep. Thompson, Chairman) recommends DO NOT PASS (22 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1537 was placed on the Eleventh order on the calendar.

HB 1541: Committee on Education (Rep. Gates, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (14 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 2, line 4, replace "History" with "Social studies"

ReNUMBER accordingly

HB 1542: Committee on Finance and Taxation (Rep. Timm, Chairman) recommends DO NOT PASS (13 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1542 was placed on the Eleventh order on the calendar.

HB 1545: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (11 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 2, line 8, after "fewer" insert "full-time"

ReNUMBER accordingly

HB 1553: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 2, after the fourth comma insert "50-03-06,"

Page 1, line 14, remove the overstrike over "~~poor~~"

Page 1, line 17, remove the overstrike over "~~poor~~"

Page 2, line 2, remove the overstrike over "~~poor~~"

Page 2, line 6, remove the overstrike over "~~poor~~"

Page 3, line 11, overstrike "the poor of" and insert immediately thereafter "needy persons in"

Page 3, line 23, overstrike "poor" and insert immediately thereafter "needy"

Page 4, line 2, after "the" insert "human services" and overstrike "for poor relief"

Page 4, line 3, overstrike "purposes"

Page 4, line 20, overstrike "poor" and insert immediately thereafter "human services"

Page 4, line 21, overstrike "relief"

Page 4, after line 22, insert:

"SECTION 8. AMENDMENT. Section 50-03-06 of the North Dakota Century Code is amended and reenacted as follows:

50-03-06. Expenditure of total county appropriation - How appropriation following year determined. If the board of county commissioners of any county, due to an emergency, expends in any one year such an amount for ~~poor relief~~ human services purposes that the total county appropriations for that year are exceeded, the appropriations for the following year, to make up the deficit caused by such expenditures, shall not be included within the appropriations subject to the tax levy limitation for general county purposes provided by law."

Page 5, line 12, remove "human services" and overstrike "poor relief" and insert immediately thereafter "human services"

Page 5, line 19, remove "human services" and overstrike "poor relief" and insert immediately thereafter "human services"

Renumber accordingly

HB 1581: Committee on Judiciary (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (15 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 3, line 3, after "aid" insert "or oppose"

Page 3, line 6, after "register" insert "its name, address, and its agent's name and address"

Page 3, line 7, remove "on forms prescribed by the secretary of state"

Page 3, line 9, replace "ten" with "five"

Page 3, line 12, overstrike "one" and insert immediately thereafter "two"

Page 3, line 17, overstrike "one" and insert immediately thereafter "two"

Renumber accordingly

HB 1592: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends DO NOT PASS (12 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1592 was placed on the Eleventh order on the calendar.

SB 2035, as engrossed: Committee on Judiciary (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 8, replace "four" with "five"

Renumber accordingly

SB 2111, as engrossed: Committee on Judiciary (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (9 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 17, remove "The court shall appoint counsel for"

Page 1, remove line 18

Renumber accordingly

SB 2190: Committee on Judiciary (Rep. Kretschmar, Chairman) recommends DO PASS (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2190 was placed on the Fourteenth order on the calendar.

SB 2269: Committee on Judiciary (Rep. Kretschmar, Chairman) recommends DO PASS (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2269 was placed on the Fourteenth order on the calendar.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

Reps. A. Olson, Oban, Tollefson, Urlacher introduced:

HCR 3042: A concurrent resolution directing the Legislative Council to study the problems associated with solid waste management, including the operation and effect of legislation relating to solid waste management, whether the Department of Health and Consolidated Laboratories is the appropriate state agency for solid waste management responsibilities, and the effect of establishing district and state solid waste management plans.

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

FIRST READING OF SENATE BILLS

SB 2357: A BILL for an Act to provide for the creation of the northwest area water supply advisory committee and to authorize the state water commission to develop and construct a northwest area water supply project; and to declare an emergency.

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

SB 2496: A BILL for an Act to amend and reenact section 15-08-26 of the North Dakota Century Code, relating to the removal of or payment for improvements on school lands.

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

SB 2498: A BILL for an Act to amend and reenact section 14-02.4-01, subsection 3 of section 14-02.4-02, sections 14-02.4-03, 14-02.4-06, 14-02.4-08, 14-02.4-09, and 14-02.4-18 of the North Dakota Century Code, relating to discriminatory employment practices.

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

SB 2511: A BILL for an Act to amend and reenact subsection 15 of section 20.1-03-12 of the North Dakota Century Code, relating to licenses for nonresident green fur buyers or shippers.

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

SB 2521: A BILL for an Act to amend and reenact subsection 2 of section 39-06.1-13 of the North Dakota Century Code, relating to certification of successful completion of a driver training course.

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

SB 2524: A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota Century Code, relating to political advertising at institutions of higher education.

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

SB 2555: A BILL for an Act to amend and reenact subsection 2 of section 26.1-41-01 of the North Dakota Century Code, relating to basic no-fault insurance funeral benefits.

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

FIRST READING OF SENATE CONCURRENT RESOLUTION

SCR 4004: A concurrent resolution directing the Legislative Council to study, analyze, and evaluate, with assistance of a consultant, public policy as determined by the Legislative Assembly and its relationship to the state's ability to enhance economic development.

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

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled resolution: HCR 3030.

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

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HCR 3030.

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

MR. SPEAKER: The President has signed: HCR 3030.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolution was delivered to the Secretary of State for his filing at the hour of 3:29 p.m., February 13, 1991: HCR 3030.

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

ROY GILBREATH, Chief Clerk