

JOURNAL OF THE HOUSE

Fifty-second Legislative Assembly

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Bismarck, March 13, 1991

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

The prayer was offered by the Rev. Bruce Vadnais, Wesleyan Church, Bismarck.

The roll was called and all members were present.

A quorum was declared by the Speaker.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1091, HB 1123, HB 1415, HB 1551, HB 1588, HCR 3014, HCR 3045.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1051, HB 1138, HB 1145, HB 1164, HB 1234, HB 1245, HB 1409.

SENATE AMENDMENTS TO ENGROSSED HB 1051

Page 1, line 2, remove "and section 53-06.1-16"

Page 2, remove lines 22 through 29

Page 3, remove lines 1 through 16

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1138

Page 1, line 19, replace "consumer protection" with "refund"

Page 4, line 24, remove "and"

Page 4, line 26, after "division" insert "; and

5. To pay the actual costs of a background investigation of applicants for a gaming employee work permit"

Page 4, line 28, remove "and" and after "3" insert ", and 5"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1145

Page 1, line 1, replace "repeal" with "amend and reenact"

Page 1, line 4, replace "REPEAL" with "AMENDMENT"

Page 1, line 5, replace "repealed." with "amended and reenacted as follows:

27-13-01. Duties of attorneys. Every attorney and counselor at law shall:

1. Maintain ~~the~~ respect ~~due to the~~ for courts of justice and to judicial officers;
2. Counsel ~~and or~~ maintain no ~~actions, proceedings, or defenses other than those which appear claim that appears to him legal and just, except the defense of a person charged with a public offense~~ the attorney to be unjust, nor any defense except one the attorney believes to be honestly debatable under the law:

3. Perform faithfully the attorney's responsibilities as an officer of the court and protector of individual rights;
4. Support the provision of legal services for indigent persons, public service, and public education about the law;
5. Work to make the legal system more accessible, responsive, and just;
- 3- 6. ~~Employ, for the purpose purposes of maintaining the causes confided to him the attorney, such those means only as are consistent with truth and honor, and never seek to mislead the judges judge or jury by any artifice or false statement of fact or law;~~
4. ~~Maintain inviolate the confidence; and at any peril to himself, preserve the secret; of his client;~~
5. ~~Abstain from all offensive personalities and advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which he is charged;~~
6. ~~Refrain from encouraging either the commencement or continuance of an action or proceeding from any motive of passion or interest; and~~
7. ~~Never reject for , from any consideration personal to himself the attorney, the cause of the defenseless or the oppressed, or delay anyone's cause for profit or malice."~~

Renumber accordingly

SENATE AMENDMENTS TO HB 1164

Page 1, line 10, after "investigation" insert "and following appropriate standards of due process"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1234

Page 1, line 17, after "nonrenewal" insert "and reasons for it"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1245

Page 1, line 12, replace "parent or legal guardian" with "person"

Page 1, line 14, replace the third "the" with "a"

Page 1, line 16, after "parent" insert "entitled to legal custody of the minor"

Page 1, line 16, after the period insert "This section does not apply to persons providing temporary sanctuary to minors accompanied by a parent or legal guardian in a domestic violence shelter or safe home."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1409

Page 2, line 4, after "section" insert "5-01-08,", after "19-03.1-23" insert ", 39-08-01,", and replace "5-01-08" with "39-08-18"

Renumber accordingly

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1291.

Page 1, line 1, after the comma insert "a new subsection to section 43-12.1-04,"

Page 1, line 7, after the semicolon insert "to provide an expiration date;"

Page 2, line 10, after "or" insert "nursing"

Page 2, line 17, remove ", including persons who render assistance pursuant to"

Page 2, line 18, remove "chapter 23-27"

Page 2, line 27, after the second "or" insert "nursing"

Page 2, line 28, replace "or a person who is not" with an underscored period

Page 3, replace lines 1 and 2 with:

"6. A person who is not licensed under this chapter and who renders assistance pursuant to chapter 23-27.

SECTION 4. A new subsection to section 43-12.1-04 of the North Dakota Century Code is created and enacted as follows:

A person who is not licensed under this chapter and who provides nursing services in a hospital as defined in section 23-30-01."

Page 3, after line 25, insert:

"SECTION 7. EXPIRATION DATE. Section 4 of this Act is effective through June 30, 1993, and after that date is ineffective."

Renumber accordingly

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

MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1309, HB 1373.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2581, SCR 4023, SCR 4049.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1553.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4070.

ANNOUNCEMENT (Roy Gilbreath, Chief Clerk)

THE CHIEF CLERK ANNOUNCED that the Speaker has received the following House Bill, with the Governor's objections to same, at the hour of 2:20 p.m. on March 12, 1991: HB 1447.

COMMUNICATION FROM GOVERNOR GEORGE A. SINNER

March 12, 1991

HB 1447 provides a Class C felony for a second offense of removal of livestock from the state without a brand inspection.

I consider such a penalty too harsh since a second conviction, even if it occurs decades later, results in a felony.

I understand that amendments are being prepared to section 36-09-23 of the North Dakota Century Code to attach to legislation currently being considered which would make the penalty less onerous.

Those amendments will make the penalty more acceptable.

Therefore, I veto HB 1447.

MOTION

REP. KLOUBEC MOVED that HB 1447 be reconsidered pursuant to article V, section 9, of the Constitution of the state of North Dakota for the purpose of overriding the Governor's veto, and that HB 1447 be placed on the Eleventh order on tomorrow's calendar, which motion prevailed.

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

MR. PRESIDENT: The House has passed unchanged: SB 2092, SB 2132, SB 2136, SB 2145, SB 2147, SB 2159, SB 2191, SB 2209, SB 2232, SB 2244, SB 2298, SB 2349, SB 2350.

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

MR. PRESIDENT: The House has failed to pass: SB 2082, SB 2178, SB 2278, SB 2308.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2210.

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

MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1195 and subsequently passed the same.

HOUSE ENROSSING REPORT

The following bill was engrossed: HB 1604.

MOTIONS

REP. KLOUBEC MOVED that SCR 4011, which is on the Fourteenth order, be rereferred to the Committee on Natural Resources, which motion prevailed.

REP. KLOUBEC MOVED that SB 2034 and SB 2113 be returned to the House floor from the Committee on Education and be rereferred to the Committee on Appropriations, which motion prevailed. Pursuant to Rep. Kloubec's motion, SB 2034 and SB 2113 were rereferred.

REP. KLOUBEC MOVED that House Rule 402, paragraph 4, which pertains to the time that Constitutional amendments must be out of committee, be suspended until the 47th legislative day, March 14, 1991, which motion prevailed.

REP. KLOUBEC MOVED that the House consider all bills on the Sixth order in one motion, which motion prevailed.

REP. KLOUBEC MOVED that the rules be suspended and that the amendments to HCR 3068, SB 2213, SB 2357, SB 2416, SB 2423, SB 2530, SB 2539, and SCR 4036 be adopted, which motion prevailed.

HCR 3068, as amended, was placed on the Tenth order of business on the calendar.

SB 2213, SB 2357, SB 2416, SB 2423, SB 2530, and SB 2539, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SCR 4036, as amended, was placed on the Tenth order of business on the calendar.

SECOND READING OF HOUSE BILLS

HB 1604: A BILL for an Act to amend and reenact section 11-11-26 of the North Dakota Century Code, relating to bid requirements for purchases by counties.

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 71 YEAS, 34 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Belter; Berg, G.; Berg, R.; Bodine; Boucher; Brokaw; Brown; Carlson; Clayburgh; Cleary; Coats; Dalrymple; DeMers; DeWitz; Dorso; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorman; Hanson; Hausauer; Henegar; Jensen; Kaldor; Kelsch; Kerzman; Kolbo; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nicholas; Nowatzki; Oban; Olson, A.; Payne; Peterson; Price; Pyle; Ring; Ritter; Scherber; Schimke; Schindler; Schneider; Skar; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Timm; Tollefson; Urlacher; Wentz; Williams; Speaker R. Anderson

NAYS: Aarsvold; Bateman; Bernstein; Boehm; Byerly; Carlisle; Delzer; Enget; Gorder; Grosz; Grumbo; Hokana; Howard; Huether; Jacobson; Larson; Linderman; Nelson; Nichols; Olsen, D.; Porter; Rennerfeldt; Rydell; Schmidt; Shide; Skjerven; Snyder; Stofferahn; Thorpe; Trautman; Wald; Wardner; Whalen; Wilkie

ABSENT AND NOT VOTING: Kloubec

Engrossed HB 1604 passed and the title was agreed to.

HB 1608: A BILL for an Act to amend and reenact section 2 of chapter 701 of the 1989 Session Laws of North Dakota, relating to an expiration date for withdrawals from school district special reserve funds.

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 87 YEAS, 18 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Belter; Berg, R.; Bernstein; Bodine; Brokaw; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; 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; Kolbo; Kretschmar; Kroeber; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Mutzenberger; Myrdal; Nicholas; Nowatzki; Oban; Payne; Peterson; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thorpe; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Williams; Speaker R. Anderson

NAYS: Bateman; Berg, G.; Boehm; Boucher; Brown; Delzer; Grosz; Kunkel; Miller; Muhs; Nelson; Olsen, D.; Olson, A.; Porter; Thompson; Timm; Whalen; Wilkie

ABSENT AND NOT VOTING: Kloubec

HB 1608 passed and the title was agreed to.

MOTION

REP. G. BERG MOVED that the House reconsider its action whereby SB 2446 passed.

REQUEST

REP. WALD REQUESTED a recorded roll call vote on the motion to reconsider the action whereby SB 2446 passed, which request was granted.

ROLL CALL

The question being on the motion to reconsider the action whereby SB 2446 passed, the roll was called and there were 57 YEAS, 49 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Boehm; Brown; Byerly; Carlisle; Clayburgh; Dalrymple; Delzer; DeWitz; Dorso; Flaagan; Freier; Gates; Gertholz; Gorman; Grosz; Hausauer; Henegar; Hokana; Howard; Huether; Kelsch; Kloubec; Kretschmar; Kunkel; Larson; Mahoney; Martin; Martinson; Meyer; Miller; Nelson; Olsen, D.; Olson, A.; Payne; Porter; Price; Rennerfeldt; Schimke; Schmidt; Shide; Skjerven; Soukup; Thompson; Thorpe; Timm; Tollefson; Urlacher; Wald; Wardner; Whalen; Williams; Speaker R. Anderson

NAYS: Aarsvold; Anderson, B.; Bodine; Boucher; Brokaw; Carlson; Cleary; Coats; DeMers; Enget; Erickson; Gabrielson; Gilmore; Goffe; Gorder; Grumbo; Hanson; Jacobson; Jensen; Kaldor; Kerzman; Kolbo; Kroeber; Laughlin; Linderman; Muhs; Mutzenberger; Myrdal; Nicholas; Nichols; Nowatzki; Oban; Peterson; Pyle; Ring; Ritter; Rydell; Scherber; Schindler; Schneider; Skar; Snyder; St. Aubyn; Starke; Stofferahn; Svedjan; Trautman; Wentz; Wilkie

So the motion to reconsider the action whereby SB 2446 passed, prevailed.

SECOND READING OF SENATE BILL

SB 2446: A BILL for an Act to create and enact a new section to chapter 12.1-31 of the North Dakota Century Code, relating to the sale of tobacco products through vending machines to persons under the age of eighteen; to amend and reenact section 12.1-31-03 and subsection 1 of section 27-08.1-01 of the North Dakota Century Code, relating to sale of tobacco products through vending machines to persons under the age of eighteen and the purchase of tobacco products by minors and to the jurisdiction of small claims courts; 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.; Bodine; Boucher; Brokaw; Carlson; Cleary; Coats; Erickson; Gabrielson; Gates; Gilmore; Goffe; Gorder; Hanson; Jensen; Kaldor; Kerzman; Kolbo; Kroeber; Laughlin; Linderman; Mutzenberger; Myrdal; Oban; Peterson; Pyle; Ring; Ritter; Rydell; Scherber; Schindler; Schneider; Skar; Snyder; St. Aubyn; Starke; Stofferahn; Svedjan; Trautman; Wentz; Wilkie

NAYS: Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Boehm; Brown; Byerly; Carlisle; Clayburgh; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Flaagan; Freier; Gertholz; Gorman; Grosz; Grumbo; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Kelsch; Kloubec; Kretschmar; Kunkel; Larson; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Nelson; Nicholas; Nichols; Nowatzki; Olsen, D.; Olson, A.; Payne; Porter; Price; Rennerfeldt; Schimke; Schmidt; Shide; Skjerven; Soukup; Thompson; Thorpe; Timm; Tollefson; Urlacher; Wald; Wardner; Whalen; Williams; Speaker R. Anderson

SB 2446 was declared lost.

MOTION

REP. CLAYBURGH MOVED that HB 1607 be returned to the House floor from the Committee on State and Federal Government, which motion prevailed.

REQUEST

REP. CLAYBURGH REQUESTED the unanimous consent of the House to withdraw HB 1607. There being no objection, it was so ordered by the Speaker.

SECOND READING OF SENATE BILL

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.

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 35 YEAS, 70 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bodine; Carlson; Clayburgh; Cleary; DeMers; Gabrielson; Gates; Gilmore; Hanson; Jacobson; Jensen; Kaldor; Kretschmar; Kroeber; Laughlin; Linderman; Mahoney; Mutzenberger; Oban; Peterson; Pyle; Ring; Ritter; Rydell; Scherber; Schneider; Skar; Snyder; Starke; Stofferahn; Wardner; Wentz; Williams

NAYS: Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Coats; Dalrymple; Delzer; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gerntholz; Goffe; Gorder; Gorman; Grosz; Grumbo; Hausauer; Henegar; Hokana; Howard; Huether; Kelsch; Kerzman; Kloubec; Kolbo; Kunkel; Larson; Martin; Martinson; Meyer; Miller; Muhs; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Olsen, D.; Olson, A.; Payne; Porter; Price; Rennerfeldt; Schimke; Schindler; Schmidt; Shide; Skjerven; Soukup; St. Aubyn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Whalen; Wilkie; Speaker R. Anderson

ABSENT AND NOT VOTING: Brokaw

Engrossed SB 2044 was declared lost.

THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative Glen Goodman

SECOND READING OF SENATE BILLS

SB 2057: A BILL for an Act to amend and reenact section 55-08-06.2 of the North Dakota Century Code, relating to senior citizen entrance permits to state parks.

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 91 YEAS, 13 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Boehm; Boucher; Brokaw; Brown; Byerly; Carlson; Clayburgh; Cleary; Dalrymple; 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; Kunkel; Larson; Laughlin; Linderman; Martinson; Meyer; Miller; Mutzenberger; Myrdal; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Timm; Tollefson; Trautman; Wald; Wardner; Whalen; Wilkie; Williams; Speaker R. Anderson

NAYS: Aarsvold; Bodine; Carlisle; Coats; Delzer; Mahoney; Martin; Muhs; Nelson; Porter; Schindler; Urlacher; Wentz

ABSENT AND NOT VOTING: Kloubec; Thorpe

Engrossed SB 2057 passed and the title was agreed to.

SB 2076: A BILL for an Act to amend and reenact section 54-21.3-03 of the North Dakota Century Code, relating to the state building code.

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 80 YEAS, 24 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Clayburgh; Cleary; Dalrymple; Delzer; DeWitz; Erickson; Freier; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Howard; Huether; Jensen; Kelsch; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Mahoney; Martin; Martinson; Meyer; Miller; Mutzenberger; Myrdal; Nelson; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Payne; Porter; Price; Pyle; Rennerfeldt; Ritter; Rydell; Schimke; Schindler; Schmidt; Shide; Skar; Skjerven; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Speaker R. Anderson

NAYS: Aarsvold; Anderson, B.; Carlson; Coats; DeMers; Enget; Flaagan; Gabrielson; Hokana; Jacobson; Kaldor; Kerzman; Linderman; Muhs; Nichols; Oban; Peterson; Ring; Scherber; Schneider; Snyder; Stofferahn; Wilkie; Williams

ABSENT AND NOT VOTING: Dorso; Kloubec

Engrossed SB 2076 passed and the title was agreed to.

SB 2142: A BILL for an Act to amend and reenact section 61-04-04.1 of the North Dakota Century Code, relating to fees for water permit applications.

MOTION

REP. WILLIAMS MOVED the previous question, which motion prevailed.

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 42 YEAS, 62 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Berg, G.; Brown; Byerly; Cleary; Enget; Gates; Goffe; Gorman; Henegar; Howard; Jacobson; Kaldor; Kerzman; Kloubec; Kroeber; Kunkel; Larson; Linderman; Miller; Muhs; Myrdal; Nichols; Olsen, D.; Olson, A.; Payne; Porter; Pyle; Ring; Rydell; Scherber; Shide; Snyder; St. Aubyn; Starke; Thorpe; Tollefson; Trautman; Urlacher; Wardner; Wentz

NAYS: Bateman; Belter; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Carlisle; Carlson; Clayburgh; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Erickson; Flaagan; Freier; Gabrielson; Gerntholz; Gilmore; Gorder; Grosz; Grumbo; Hanson; Hausauer; Hokana; Huether; Jensen; Kelsch; Kolbo; Kretschmar; Laughlin; Mahoney; Martin; Martinson; Meyer; Mutzenberger; Nelson; Nicholas; Nowatzki; Oban; Peterson; Price; Rennerfeldt; Ritter; Schimke; Schindler; Schmidt; Schneider; Skar; Skjerven; Stofferahn; Svedjan; Thompson; Timm; Wald; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Soukup; Whalen

SB 2142 was declared lost.

MOTIONS

REP. CLAYBURGH MOVED that the House reconsider its action whereby SB 2409 failed to pass which motion prevailed on a verification vote.

REP. CLAYBURGH MOVED that SB 2409 be laid over one legislative day, which motion prevailed.

REQUEST

REP. SOUKUP REQUESTED that the record show that he was not absent and intended to vote "Yea" on SB 2142, which request was granted.

MOTION

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., Thursday, March 14, 1991, which motion prevailed.

REPORTS OF STANDING COMMITTEES

HB 1606: Committee on Finance and Taxation (Rep. Timm, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (11 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, replace "subsection 5" with "subsections 2 and 3"

Page 1, line 6, replace "Subsection 5" with "Subsections 2 and 3"

Page 1, line 7, replace "is" with "are"

Page 1, replace lines 9 through 22 with:

- "2. For electrical generating plants, the tax shall be at a rate of twenty-five one-hundredths of one mill times sixty percent of the installed capacity of each unit times the number of hours in the taxable period. All electrical generating plants that begin construction after June 30, 1991, are exempt from sixty-five percent of the tax imposed by this subsection for five years from the date of first taxable production from the plant. The board of county commissioners may, by resolution, grant to the operator of an electrical generating plant located within the county which begins construction after June 30, 1991, partial or complete exemption from the remaining thirty-five percent of the tax imposed by this subsection for a period not exceeding five years from the date of the first taxable production from the plant. Notwithstanding section 57-60-14, any tax collected from a plant subject to the exemption provided by this subsection must be allocated entirely to the county for allocation as provided in section 57-60-15. If a unit is incapable of generating electricity for eighteen consecutive months, the tax on that unit for taxable periods beginning after the eighteenth month must be reduced by the ratio that the cost of repair of the unit bears to the original cost of the unit. This reduced rate remains in effect until the unit is capable of generating electricity.
3. For electrical generating plants, in addition to the tax imposed by subsection 2, there shall be a tax at the rate of twenty-five one-hundredths of one mill on each kilowatt hour of electricity produced for the purpose of sale. For all electrical generating plants that begin construction after June 30, 1991, the production from the plants is exempt from the tax imposed by this subsection for five years from the date of first taxable production from the plant."

Page 2, remove lines 1 through 8

Renumber accordingly

HB 1613: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1613 was placed on the Eleventh order on the calendar.

HCR 3063: Committee on Finance and Taxation (Rep. Timm, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (13 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HCR 3063 was placed on the Tenth order.

HCR 3065: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3065 was placed on the Tenth order.

SB 2028, as engrossed: 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 1, line 12, replace "two" with "three" and replace "July" with "January"

Page 1, line 13, replace "1991" with "1992"

Page 1, line 14, replace "two" with "three"

Page 1, line 17, replace "2" with "1"

Renumber accordingly

SB 2062, as engrossed: Committee on Finance and Taxation (Rep. Timm, Chairman) recommends DO NOT PASS (13 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). SB 2062 was placed on the Fourteenth order on the calendar.

SB 2067: Committee on Education (Rep. Gates, 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 8, after "6." insert "a."

Page 2, after line 2, insert:

"b. Any political subdivision required to provide a tax credit under subdivision a, as a result of an annexation occurring after January 1, 1989, may upon approval of the county commissioners, provide a cash refund in lieu of the tax credit. The school district holding the unobligated cash balance shall, at the request of the county auditor, pay to the county treasurer the amount to be paid to those who own property within the annexed district. The treasurer shall issue the refund to the owner of the property, as shown on the county's assessment list at the time of payment. If there is a lien for unpaid taxes against any property, the treasurer shall first apply the tax credit toward any outstanding balance. Any amount remaining may then be paid to the property owner. The cash refunds must be calculated proportionately to the total taxable value of the annexed district during the last year taxes were levied."

Renumber accordingly

SB 2100, as engrossed: 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 14, remove ", chapter 41-06,"

Page 1, line 16, replace the first comma with "and" and remove ", and bulk transfers"

Page 197, line 13, replace the first comma with "and" and remove ", and 41-06"

Page 197, line 16, remove "chapter 41-06 and" and replace "their" with "its"

Page 197, line 17, replace "those statutes" with "this section"

ReNUMBER accordingly

SB 2144: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends DO NOT PASS (8 YEAS, 7 NAYS, 1 ABSENT AND NOT VOTING). SB 2144 was placed on the Fourteenth order on the calendar.

SB 2259, as engrossed: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Committee on Appropriations (14 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 4, replace "authority to obtain a loan from the Bank of North Dakota" with "an appropriation"

Page 6, line 22, remove "residential"

Page 13, replace lines 1 through 5 with:

"SECTION 24. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$65,000, or so much thereof as may be necessary, to the North Dakota real estate appraiser qualifications and ethics board for the purpose of defraying the expenses of the board for the biennium beginning July 1, 1991, and ending June 30, 1993."

ReNUMBER accordingly

SB 2305, as engrossed: Committee on Finance and Taxation (Rep. Timm, Chairman) recommends DO NOT PASS (14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2305 was placed on the Fourteenth order on the calendar.

SB 2335, as engrossed: 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 1, line 1, remove "create and enact a new section to chapter 27-08.1 of the"

Page 1, remove line 2

Page 1, line 3, remove "and to"

Page 2, remove lines 23 through 29

Page 3, remove lines 1 through 3

ReNUMBER accordingly

SB 2339, as engrossed: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (8 YEAS, 7 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 3, remove "; and to provide a"

Page 1, line 4, remove "penalty"

Page 2, line 9, after "services" insert "or for services that would not otherwise be covered under a managed health care plan for an agency of the state" and remove "or"

Page 2, remove lines 20 through 24

Re-number accordingly

SB 2340, as engrossed: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 8, overstrike "he" and insert immediately thereafter "the judge"

Page 1, line 10, overstrike "He" and insert immediately thereafter "The judge"

Page 3, line 2, overstrike "his" and insert immediately thereafter "the judge's"

Re-number accordingly

SB 2362, as engrossed: Committee on Finance and Taxation (Rep. Timm, Chairman) recommends DO NOT PASS (14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2362 was placed on the Fourteenth order on the calendar.

SB 2378: Committee on Transportation (Rep. Belter, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION (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, remove the first "and"

Page 1, line 5, after "vehicle" insert "and to provide a penalty"

Page 1, line 9, replace the first "animal" with "dog or cat" and replace "an animal" with "a dog or cat"

Page 1, line 11, after the underscored period insert "Any person who violates this section is guilty of an infraction."

Page 1, line 17, replace the first underscored comma with "or" and remove ", licensed"

Page 1, line 18, remove "veterinarian, or investigator"

Re-number accordingly

SB 2385: Committee on Judiciary (Rep. Kretschmar, 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 1, line 21, overstrike the semicolon

Page 2, line 9, remove the overstrike over the overstruck period

Page 3, line 25, overstrike "his" and insert immediately thereafter "the prospective juror's"

- Page 4, line 2, overstrike the first "his" and insert immediately thereafter "the" and overstrike the second "his" and insert immediately thereafter "the prospective juror's"
- Page 4, line 3, overstrike "his" and insert immediately thereafter "the prospective juror's"
- Page 4, line 8, overstrike "him" and insert immediately thereafter "the prospective juror"
- Page 4, line 9, overstrike "he has done so" and insert immediately thereafter "fact"
- Page 4, line 18, overstrike "his" and insert immediately thereafter "the prospective juror's"
- Page 4, line 20, overstrike "any" and insert immediately thereafter "the"
- Page 4, line 23, overstrike "his"
- Page 4, line 24, overstrike "his"
- Page 4, line 29, overstrike "his"
- Page 5, line 2, overstrike "his"
- Page 5, line 3, overstrike "he" and insert immediately thereafter "the prospective juror"
- Page 5, line 9, after the second "a" insert "class B" and overstrike "and upon conviction may be"
- Page 5, overstrike line 10
- Page 5, line 11, overstrike "county jail for not more than thirty days, or both"
- Page 6, line 17, overstrike "his or her" and insert immediately thereafter "that person's"
- Page 6, line 25, after the underscored period insert "A written procedure by which persons' names are drawn for jury service must be available for public review."

Renumber accordingly

SB 2389: Committee on Judiciary (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 11, overstrike "a", remove "magistrate", overstrike "issuing", and after "warrant" insert "was issued by a magistrate who is learned in the law and who"

Renumber accordingly

SB 2414, as engrossed: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends DO NOT PASS (9 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). SB 2414 was placed on the Fourteenth order on the calendar.

SB 2447: 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 3, line 8, remove "district or county" and after "court" insert "of competent jurisdiction"

Renumber accordingly

SB 2472, as engrossed: Committee on Education (Rep. Gates, 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, replace "15-38" with "15-36"

Page 1, line 4, replace "15-38" with "15-36"

Page 1, line 6, replace "teachers' professional practices" with "superintendent of public instruction"

Page 1, line 7, remove "commission" and replace "teachers' professional" with "superintendent of public instruction"

Page 1, line 8, remove "practices commission"

Page 1, line 9, replace "in a criminal action" with "of a felony or a class A misdemeanor"

Renumber accordingly

SB 2492, as engrossed: Committee on Education (Rep. Gates, 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 11, overstrike "not to exceed"

Page 1, line 12, after "or" insert "of"

Page 1, line 13, after "license" insert "or for a longer period if determined appropriate by the board"

Renumber accordingly

SB 2515, as engrossed: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Committee on Appropriations (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, after "programs" insert "; and to provide an appropriation"

Page 4, after line 29, insert:

"SECTION 7. APPROPRIATION. Funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, to job service North Dakota for the purpose of defraying expenses of this Act, for the biennium beginning July 1, 1991, and ending June 30, 1993.

Salaries and wages	\$ 60,000
Operating expenses	15,000
Grants, benefits, and claims	425,000
Total general fund appropriation	<u>\$500,000</u>

Any other funds including gifts and grants received by job service North Dakota for the purpose of defraying the expenses of this Act in excess of those funds appropriated in this section are hereby

appropriated for the biennium beginning July 1, 1991, through June 30, 1993."

ReNUMBER accordingly

SB 2531, as engrossed: Committee on Finance and Taxation (Rep. Timm, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2531 was placed on the Fourteenth order on the calendar.

SB 2542, as engrossed: Committee on Education (Rep. Gates, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, replace "sections 4 and" with "section"

Page 1, remove lines 4 through 22

Page 2, remove lines 1 through 27

Page 3, line 12, remove "if so requested by the parent"

Page 4, line 9, remove "An"

Page 4, remove lines 10 and 11

Page 4, line 12, remove "any state in the area of the apparent deficiency of the child."

Page 5, remove lines 19 through 21

Page 5, line 22, remove "thirtieth percentile."

ReNUMBER accordingly

SB 2557, as engrossed: Committee on Transportation (Rep. Belter, 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 22, remove the first underscored comma and remove "in an authorized emergency"

Page 2, remove lines 1 and 2

Page 2, line 3, remove "is in use or all seatbelts are in use"

ReNUMBER accordingly

SCR 4001: Committee on Judiciary (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 2, after "laws" insert ", including the laws relating to the financing of election campaigns and the reporting of election campaign expenditures"

Page 1, line 12, after "laws" insert "and indicating that the laws relating to the financing of election campaigns and the reporting of election campaign contributions and expenditures may be inadequate"

Page 1, line 15, after "laws" insert ", including the laws relating to the financing of election campaigns and the reporting of election campaign expenditures"

Page 1, line 16, replace the second "and" with a comma

Page 1, line 17, after "procedures" insert ", and on establishing more adequate provisions relating to the financing of election campaigns and the reporting of election campaign contributions and expenditures"

Renumber accordingly

SCR 4007, as engrossed: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4007 was placed on the Tenth order.

SCR 4029: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4029 was placed on the Tenth order.

SCR 4033: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 17, replace "any" with "its access and" and replace "that has resulted" with "implications"

Renumber accordingly

SCR 4041: Committee on Finance and Taxation (Rep. Timm, Chairman) recommends DO PASS (12 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING). SCR 4041 was placed on the Fourteenth order on the calendar.

SCR 4047: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4047 was placed on the Tenth order.

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4023: A concurrent resolution for the ratification of the original second amendment to the Constitution of the United States, providing for a delay in any variances in compensation of members of Congress until an intervening election of the United States House of Representatives.

Was read the first time and has been heard by the Joint Constitutional Revision Committee.

SCR 4049: A concurrent resolution directing the Legislative Council to study investment of funds under the control of the State Investment Board.

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

FIRST READING OF SENATE BILL

SB 2581: A BILL for an Act to repeal sections 15-10-21, 15-10-22, 15-11-04, 15-11-06, 15-12-02, 15-13-02, 15-13-03, 15-15-02, and 15-16-02 of the North Dakota Century Code, relating to objects and courses of instruction at the institutions of higher education.

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

REPORT OF STANDING COMMITTEE

SCR 4023, as engrossed: Joint Constitutional Revision Committee (Rep. Kretschmar, Chairman) recommends DO PASS (10 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4023 was placed on the Fourteenth order on the calendar.

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

ROY GILBREATH, Chief Clerk