

JOURNAL OF THE HOUSE

SPECIAL SESSION OF THE FIFTY-SECOND LEGISLATIVE ASSEMBLY

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Bismarck, November 4, 1991

At the hour of 9:00 a.m., the fourth day of November 1991, being the day and hour designated by the Governor of the State of North Dakota in his Executive Order issued on the ninth day of September 1991, the members of the House of Representatives assembled in the House Chamber in the state capitol building at Bismarck, North Dakota, and were called to order by Roy Gilbreath, Chief Clerk of the House of Representatives of the Fifty-second Legislative Assembly of the State of North Dakota, with Speaker Ronald A. Anderson presiding.

The prayer was offered by the Rev. Duane Danielson, Western North Dakota Synod, Evangelical Lutheran Church in America, Bismarck.

The roll was called and all members were present except Representatives Gabrielson, Meyer, Olsen, D., and Ring.

A quorum was declared by the Speaker.

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

MR. SPEAKER: Your Committee on Correction and Revision of the Journal has carefully examined the Journal of the Sixty-seventh Day and the Postsession Journal and recommends that they be approved as printed.

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

The following communication from the Secretary of State was read:

COMMUNICATION FROM SECRETARY OF STATE JIM KUSLER

November 4, 1991

A Special Session of the Fifty-second Legislative Assembly has been called by Governor George Sinner to address legislative redistricting. Attached hereto please find a copy of Governor's Executive Order 1991-5, calling a special session of the legislature for nine o'clock a.m., November 4, 1991.

Attached is a certified list of members of the North Dakota House of Representatives during the Fifty-second Legislative Assembly, State of North Dakota, 1991. No vacancies have occurred in the House of Representatives and no other Certificates of Election for any legislative office have been issued since the Fifty-second Legislative Assembly adjourned in April, 1991.

The Office of Secretary of State looks forward to serving the members of the Legislative Assembly during this special session and in the year ahead. Best wishes for a productive and successful session.

EXECUTIVE ORDER 1991 - 5

I, GEORGE A. SINNER, GOVERNOR OF THE STATE OF NORTH DAKOTA, BY THE AUTHORITY VESTED IN ME, DO HEREBY CONVENE THE NORTH DAKOTA LEGISLATIVE ASSEMBLY INTO SPECIAL SESSION ON MONDAY, NOVEMBER 4, 1991, AT 9:00 A.M. IN THE LEGISLATIVE CHAMBERS.

My decision to do so is made upon the following bases and for the following reasons:

1. The Governor is vested with the executive power pursuant to Article V, Section 1 of the North Dakota Constitution;
2. The Governor is vested with the specific authority to call a special session of the Legislative Assembly pursuant to Article V, Section 5 of the North Dakota Constitution;

3. A Special Session of the legislature is necessary in order to accomplish constitutionally required redistricting and such other emergency matters as may be essential to the operation of the State of North Dakota.

Executed at Bismarck, North Dakota, this Ninth Day of September, 1991.

George A. Sinner
Governor

ATTEST:
Jim Kusler
Secretary of State

This 9th day of September, 1991 at 10:53 a.m.

1991 NORTH DAKOTA LEGISLATIVE ASSEMBLY
HOUSE OF REPRESENTATIVES

Dist. No. - Counties or Parts Thereof	Name	Address
1. Williams	Rex R. Byerly	Williston
	Earl R. Rennerfeldt	Williston
2. Divide, Williams	Jeremy Nelson	Crosby
	Raymond Schmidt	Tioga
3. Renville, Ward	Alan Erickson	Carpio
	Kevin Kolbo	Mohall
4. Burke, Divide, Mountrail	June Y. Enget	Powers Lake
	Ron Nichols	Palermo
5. Ward	Elwood "Woody" Thorpe	Minot
	Mike Timm	Minot
6. Bottineau, McHenry	Kathi Gilmore	Bottineau
	Brian Skar	Upham
7. McHenry, Pierce	Alice Miller	Towner
	Robert K. Muhs, Sr.	Towner
8. McLean	Jeff Delzer	Douglas
	Mick Grosz	Turtle Lake
9. Rolette	Merle Boucher	Rolette
	Gerry Wilkie	Rolla
10. Cavalier, Towner, Walsh	Eugene Nicholas	Cando
	Robert Nowatzki	Langdon
11. Pembina, Walsh	Rosemarie Myrdal	Edinburg
	Alice A. Olson	Cavalier
12. Benson, Eddy, Ramsey	Henning Jacobson	Esmond
	Bill Starke	New Rockford
13. Cass	Rodney A. Larson	West Fargo
	Barbara Pyle	West Fargo
14. Wells, Foster	John M. Howard	Carrington
	Charles Linderman	Carrington
15. Ramsey	Gordon Berg	Devils Lake
	Dr. Richard Kunkel	Devils Lake
16. Walsh	William E. Gorder	Grafton
	W. C. "Bill" Skjerven	Park River
17. Grand Forks	Rick Clayburgh	Grand Forks
&	Judy L. DeMers	Grand Forks
18. Grand Forks	Roxanne Jensen	Grand Forks
	Ken Svedjan	Grand Forks
19. Grand Forks	Dagne Olsen	Manvel
	Don Shide	Larimore
20. Grand Forks, Traill	Ole Aarsvold	Blanchard
	Lee Kaldor	Hillsboro
21. Cass	Dave Gabrielson	Fargo
	John Schneider	Fargo
22. Cass	Wesley R. Belter	Leonard
	Jack Dalrymple	Casselton
23. Nelson, Griggs, Steele	Odell Flaagan	Tolna
	Bruce Laughlin	Finley

1st DAY

MONDAY, NOVEMBER 4, 1991

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24. Barnes	Gereld F. Gerntholz	Sanborn
25. Richland	Art Goffe	Valley City
	Roy Hausauer	Wahpeton
	Alan J. "Al" Peterson	Wahpeton
26. Dickey, Sargent, Ransom	John Hokana	Oakes
	Scott Stofferahn	Cogswell
27. Ransom, Richland	Howard Grumbo	Lidgerwood
	Robert Huether	Lisbon
28. Logan, LaMoure, Dickey, Barnes	Jim Brokaw	Forbes
	Dennis J. Schimke	Edgeley
29. Stutsman	Joe Kroeber	Jamestown
	Wade Williams	Cleveland
30. Emmons, McIntosh, Burleigh, Logan	Tom D. Freier	Linton
	William E. Kretschmar	Venturia
31. Burleigh, Sheridan, Kidder	Loren DeWitz	Tappen
	Orville Schindler	McClusky
32. Burleigh	Marv Mutzenberger	Bismarck
	Bill Oban	Bismarck
33. Mercer, Oliver	Jerry Bodine	Hazen
	John Mahoney	Center
34. Morton	James Coats	Mandan
	RaeAnn Kelsch	Mandan
35. Grant, Hettinger, Sioux	James Kerzman	Mott
	Ray Meyer	Morristown, SD
36. McKenzie, Dunn	Ron Anderson	Keene
	Grant C. Brown	Dunn Center
37. Stark	Francis J. Wald	Dickinson
	Richard P. Wardner	Dickinson
38. Stark	Clarence Martin	Lefor
	Herbert A. Urlacher	Taylor
39. Adams, Bowman, Billings, Golden Valley, Slope	Kenneth Thompson	Beach
	Joseph R. Whalen	Bowman
40. Ward	Bruce Anderson	Glenburn
&	Gary Porter	Minot
50. Ward	Clara Sue Price	Minot
	Ben Tollefson	Minot
41. Ward	Lee Snyder	Minot
	Janet Wentz	Minot
42. Grand Forks	Sarah Carlson	Grand Forks
	Jennifer Ring	Grand Forks
43. Grand Forks	Moine R. Gates	Grand Forks
	Rod St. Aubyn	Grand Forks
44. Cass	Kit Catherine Scherber	Fargo
	Al Soukup	Fargo
45. Cass	Rick Berg	Fargo
	LeRoy G. Bernstein	Fargo
46. Cass	John M. Dorso	Fargo
	Steve Gorman	Fargo
47. Burleigh	August Ritter	Bismarck
	Cathy Rydell	Bismarck
48. Stutsman	Lyle Hanson	Jamestown
	Harold N. Trautman	Jamestown
49. Burleigh	Audrey Cleary	Bismarck
	Bob Martinson	Bismarck
51. Cass	Richard W. Kloubec	Fargo
	Doug Payne	Fargo
52. Burleigh	Ron D. Carlisle	Bismarck
	Dale L. Henegar	Bismarck
53. Morton	Rocklin "Rocky" Bateman	New Salem
	James Boehm	Mandan

MOTION

REP. KLOUBEC MOVED that the House stand in recess until 10:00 a.m., which motion prevailed.

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

REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER: Your procedural Committee on Rules (Rep. Kloubec, Chairman) recommends that the House and the Joint Rules of the Fifty-second Legislative Assembly, as adopted on Thursday, December 6, 1990, be amended as follows for the extraordinary session of the Fifty-second Legislative Assembly and that the reading of this report be dispensed with:

SECTION 1. AMENDMENT. Subsection 4 of House Rule 318 is amended as follows:

4. The following questions require a two-thirds vote of the members-elect of the House:
 - a. Initiated and referred measures amended or repealed within seven years after enactment or approval, as provided in Section 8, Article III, of the Constitution and House Rule 338.
 - b. Emergency clauses, as provided in Section 13, Article IV, of the Constitution.
 - c. Reconsideration after a clincher motion, as provided in House Rule 347.
 - d. Reconsideration after the next legislative day or after a previous motion to reconsider, as provided in House Rule 346.
 - e. ~~Second reading same day as report, as provided in House Rule 336.~~
 - ~~f.~~ Suspension of requirement that copies of amendments be distributed before acted on, as provided in House Rule 601.
 - ~~g.~~ f. Suspension of the rules, as provided in House Rule 324.
 - ~~h.~~ g. Vetoed measures, reconsideration, as provided in Section 9, Article V, of the Constitution.

SECTION 2. AMENDMENT. House Rule 336 is amended as follows:

336. SECOND READING. No bill requiring the approval of the Governor, no resolution proposing a change in the Constitution of North Dakota, and no resolution ratifying an amendment to the Constitution of the United States may be referred, except in the case of a bill or resolution that is prefiled pursuant to House Rule 401, or amended until it has been read; nor may any such bill or resolution have its second reading and final passage until at least one day after it has been reported to the House by the committee to which it was referred; ~~provided that any such bill or resolution may have its second reading and final passage on the same day it is reported back when so ordered by two-thirds of the members-elect of the House its first reading.~~

SECTION 3. AMENDMENT. House Rule 345 is amended as follows:

345. NOTICE OF INTENTION TO RECONSIDER. ~~Except on the thirty-third legislative day and on or after the fiftieth legislative day, when~~ When notice of intention to move the reconsideration of any bill or resolution ~~must be~~ is given by a member, the Clerk of the House shall retain the bill or resolution until the end of the next legislative day, unless the bill or resolution has previously been disposed of. When a member in explaining the member's vote states to the House that the member's vote is for the purpose of reconsideration, that statement is notice of such intention.

SECTION 4. AMENDMENT. Subsection 1 of House Rule 401 is amended as follows:

1. Any bill or resolution that conforms to statutory requirements and these rules, ~~within the number and time prescribed~~, may be introduced by any member, standing committee, or the Legislative Council, by filing the bill or resolution with the Clerk of the House, who shall number consecutively each bill or resolution.

SECTION 5. AMENDMENT. Subsections 1 and 2 of House Rule 402 are amended as follows:

1. No bill ~~may be introduced after the eleventh legislative day and after the convening of the regular session no member other than the Majority and Minority leaders may introduce more than five bills as prime sponsor after the sixth legislative day, nor may any or resolution, except those resolutions hereinafter provided for, may be introduced after the eighteenth legislative day, except upon approval of the Legislative Council or a majority of the Delayed Bills Committee or upon two-thirds vote of the House.~~
2. No bill introduced at the request of an executive agency or the Supreme Court may be introduced ~~after December tenth before the ensuing regular session, except upon approval of a majority of the Delayed Bills Committee.~~

SECTION 6. AMENDMENT. House Rule 403 is amended as follows:

403. DELAYED BILLS AND RESOLUTIONS. The Delayed Bills Committee shall receive from the Chief Clerk all bills and resolutions offered for introduction ~~after the time for introduction as limited by House Rule 402,~~ and, on the same or the next legislative day after receiving such bill or resolution, shall report to the House its conclusion whether the introduction of the bill or resolution should be allowed. If a majority of the committee favors introduction, the bill or resolution may be introduced. All such bills and resolutions must bear the name or names of the original sponsors.

SECTION 7. AMENDMENT. House Rule 504 is amended as follows:

504. MEETINGS OF COMMITTEES.

- ~~1. The Committee on Appropriations meets on Monday, Tuesday, Wednesday, Thursday, and Friday of each week.~~
- ~~2. The three-day committees meet on Monday, Tuesday, and Wednesday of each week.~~
- ~~3. The two-day committees meet on Thursday and Friday of each week.~~
- ~~4. Any committee that meets on Wednesday and which has a member who is also a member of the Joint Constitutional Revision Committee may not meet during the time the Joint Constitutional Revision Committee meets. Any committee that meets on Wednesday may adjust its schedule to allow time for committees without regularly scheduled meeting times to meet.~~
- ~~5. The chairman of any committee, or a majority of that committee, may call meetings at times and on other days as deemed necessary.~~

SECTION 8. AMENDMENT. House Rule 601 is amended as follows:

601. REPORT OF COMMITTEES.

1. The report of a committee must provide for one or more of the following recommendations with respect to the bill or resolution: do pass, do not pass, be amended, be rereferred to another committee, or be placed on the calendar without recommendation. However, when a committee fails to adopt any of the above recommendations due to the lack of a majority, the chairman shall

report the bill to the floor with whatever minority reports individual committee members may request.

2. a. If the committee report is for amendment, the proposed amendment must be placed on the calendar ~~for the next legislative day~~ on the sixth order of business.
 - b. No action may be taken on an amendment until a verbatim copy of the amendment has been distributed to each member; provided, that on a two-thirds vote of the members-elect, this may be suspended, and the amendment acted on immediately after the report of the committee.
 - c. If the amendment is adopted by a majority vote of the members present, the amended measure must then be placed on the calendar ~~for the next legislative day~~ under the applicable order of business for second reading and final passage except as provided in subdivision e ~~or g~~.
 - d. If the amendment is rejected, the measure without amendment must be placed on the calendar ~~for the next legislative day~~ under the applicable order of business for second reading and final passage except as provided in subdivision e ~~or g~~.
 - e. If the committee report is for amendment and then rereferral to another committee, the measure must be rereferred to the appropriate committee after adoption or rejection of the amendment.
 - f. If the committee report does not recommend rereferral to another committee but recommends that the measure pass, do not pass, or makes no recommendation, the measure must be placed on the calendar ~~for the next legislative day~~ under the applicable order of business for second reading and final passage ~~except as provided in subdivision g~~.
 - g. ~~On motion~~ Except as provided in subdivision e, a measure must be placed on the calendar for second reading and final passage immediately after action is taken on the amendment. After the thirty second legislative day all House bills, and after the fifty fifth legislative day all measures, must be placed on the calendar for second reading and final passage immediately after action is taken on the amendment.
 - h. A report for amendment must be approved as to form and style by the Legislative Council staff. When a report for amendment is received by the Chief Clerk without a notation that the report was approved as to form and style by the Legislative Council staff, the Chief Clerk immediately shall cause that report to be delivered to the Legislative Council office with a request that the report be examined and receive a notation approving its form and style.
3. If the committee report is divided as provided in House Rule 602, and one report is for amendment with the other that the bill do not pass, the reports must be placed on the calendar ~~for the next legislative day~~ on the seventh order of business. The Speaker shall receive and announce a motion that the report of the minority be substituted for the majority committee report. If a "do not pass" report is adopted under this subsection, the measure must be placed on the calendar on the eleventh or fourteenth order of business.
 4. During the fifth order of business, the Chief Clerk shall announce that committee reports have been received, if such is the case, and shall list the bill or resolution number, or other identifier and state the accompanying committee recommendation.

5. If the committee report is divided pursuant to House Rule 602, the Chief Clerk shall announce the majority report and the minority report, or reports, as well.
6. ~~The~~ If practicable, the Chief Clerk shall ensure that the daily calendar contains appropriate notation of committee reports.

SECTION 9. AMENDMENT. Joint Rule 202 is amended as follows:

202. RECEDING BEFORE CONFERENCE. Either house may recede from any subject matter of difference existing between the two houses at any time before a conference whether the papers on which difference has arisen are before the house receding formally or informally, and a majority governs, except in case where two-thirds are required by the Constitution, and the question having been put and lost, may ~~not~~ be again put the same day, and the consideration thereof in other respects is regulated by the rules of the respective houses.

SECTION 10. AMENDMENT. Joint Rule 206 is amended as follows:

206. CONSENT CALENDAR.

1. Each standing committee may report an uncontested amendment, an uncontested bill, an uncontested resolution, or a contested resolution out of committee and may include in its report a recommendation for placement on the consent calendar.
2. As used in this rule, uncontested amendment, uncontested bill, or uncontested resolution means any committee report for amendment, bill, or resolution, except those containing appropriations, which makes or receives a do pass or do pass as amended recommendation from the committee of referral, by unanimous vote of the members present provided a quorum is present. As used in this rule, "contested resolution" means any resolution that receives a do pass or do pass as amended recommendation from the committee of referral, by any vote other than a unanimous vote of the members present provided a quorum is present.
3. Following the presentation of a committee report recommending placement on the consent calendar, all amendments, bills, or resolutions recommended by the committee for placement on the consent calendar must be placed on the consent calendar.
4. Any consent calendar amendment, bill, or resolution that is amended from the floor must be taken off the consent calendar and must be placed on the regular calendar.
5. Upon objection of one-third of the members-elect to the placement or retention of any uncontested amendment, uncontested bill, or uncontested resolution on the consent calendar, or upon objection of any member to the placement or retention of any contested resolution on the consent calendar, the bill or resolution must be taken off the consent calendar and must be placed on the regular calendar.
6. ~~No item on the consent calendar may be considered for adoption on the same legislative day it is placed on the consent calendar.~~

SECTION 11. AMENDMENT. Joint Rule 208 is amended as follows:

208. INTRODUCTION OF EXECUTIVE DEPARTMENT AND SUPREME COURT BILLS. Each executive agency and the Supreme Court shall file with the Legislative Council those bills they wish to have introduced ~~no later than December tenth before the ensuing regular session.~~ Each. Upon approval by the appropriate Delayed Bills Committee, each bill is deemed introduced by the standing committee of the House or Senate with general jurisdiction over the subject matter of the bill. The Legislative Council shall number and deliver those

bills to the President of the Senate or the Speaker of the House for recording. Each bill must be identified by noting the name of the agency or the court under the name of the sponsoring committee. The identification may include the names of not more than five entities authorized to file bills under this rule.

SECTION 12. Joint Rule 304 is created as follows:

304. JOINT COMMITTEE ON LEGISLATIVE REDISTRICTING. A joint committee on legislative redistricting must be appointed in any session during which the issue of legislative redistricting is addressed. The committee consists of sixteen members, eight from the House and eight from the Senate, appointed in the same manner as the members of other standing committees are appointed. The first-named member from each house is cochairman of the committee. The presiding officer shall refer to the joint committee on legislative redistricting all bills and resolutions relating to redistricting or reapportioning of legislative districts. The committee shall first meet at the call of the Senate cochairman and the chairmanship of each meeting thereafter alternates between the cochairmen. Members of the committee are excused from attending a meeting of any other committee while they are attending a meeting of the joint standing committee. The joint standing committee shall issue joint reports on measures referred to it, with a report being first presented to the house having possession of the measure, and later presented to the other house if appropriate.

SECTION 13. Joint Rule 305 is created as follows:

305. JOINT TECHNICAL CORRECTIONS COMMITTEE. A joint technical corrections committee must be appointed in a special session. The committee consists of fourteen members, seven from the House and seven from the Senate, appointed in the same manner as the members of other standing committees are appointed. The first-named member from each house is cochairman of the committee. The presiding officer shall refer bills and resolutions relating to statutory or constitutional revision to the committee. The committee shall first meet at the call of the Senate cochairman and the chairmanship of each meeting thereafter alternates between the cochairmen. Members of the committee are excused from attending a meeting of any other committee while they are attending a meeting of the joint technical corrections committee. The committee shall issue joint reports on measures referred to it, with a report being first presented to the house having possession of the measure, and later presented to the other house if appropriate.

SECTION 14. AMENDMENT. Subsection 4 of Joint Rule 501 is amended as follows:

4. a. All fiscal notes must be prepared in triplicate and must be returned to the Legislative Council or the committee chairman making the request, whichever the case may be, not later than ~~five days~~ one day from the date of the request.
- b. One copy of the fiscal note must be attached to the original bill or resolution, one copy must be filed with the Bill Clerk of the house wherein the bill or resolution originated, and one copy must be filed in the Legislative Council office.

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

ANNOUNCEMENT

SPEAKER R. ANDERSON ANNOUNCED the following appointments of members to the Special Session committees:

APPOINTMENT OF SPECIAL SESSION COMMITTEES
HOUSE OF REPRESENTATIVES

Joint Committee on Legislative Redistricting

Kretschmar, William, Cochairman
Anderson, Bruce
DeMers, Judy
Larson, Rod
Scherber, Kit
Stofferahn, Scott
Thompson, Kenneth
Timm, Mike

Joint Technical Corrections Committee

Dorso, John, Cochairman
Belter, Wes
Gilmore, Kathi
Laughlin, Bruce
Olson, Alice
Wald, Francis
Williams, Wade

MOTIONS

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

REP. KLOUBEC MOVED that the House be on the Ninth order of business, and at the conclusion of the Ninth order, the House be on the Twelfth order of business, and at the conclusion of the Twelfth order, the House stand adjourned until 2:00 a.m., Tuesday, November 5, 1991, which motion prevailed.

FIRST READING OF HOUSE BILL

Legislative Council introduced:

HB 1615: A BILL for an Act to amend and reenact subdivision a of subsection 15 of section 57-02-08 of the North Dakota Century Code, relating to exemption of farm structures from ad valorem taxation; and to provide an effective date.

Was read the first time and referred to the Joint Technical Corrections Committee.

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

ROY GILBREATH, Chief Clerk