

## JOURNAL OF THE HOUSE

## Fifty-second Legislative Assembly

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Bismarck, January 10, 1991

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

The prayer was offered by the Rev. Steve Sathre, Trinity Lutheran Church, Bismarck.

The roll was called and all members were present except Representative Kretschmar, who was excused, and Representative Miller.

A quorum was declared by the Speaker.

## REPORT OF PROCEDURAL COMMITTEE

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

## SECTION 1. Joint Rule 804 is created as follows:

804. SMOKING IN AREAS USED BY LEGISLATIVE ASSEMBLY. The legislative study room on the first floor of the state capitol is a designated smoking area during a legislative session for members of the Legislative Assembly, guests specifically invited by members of the Legislative Assembly, and employees of the legislative branch. No other space in the state capitol which is used by the Legislative Assembly, including the chambers, committee rooms, halls, passageways, and restrooms, may be designated as a smoking area.

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

## FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Nalewaja, Kelly, Lindgren, Mathern, Peterson, Tennefos and Reps. R. Berg, Bernstein, Dorso, Gabrielson, Gorman, Kloubec, Larson, Payne, Pyle, Scherber, Schneider, Soukup introduced:

SCR 4012: A concurrent resolution congratulating Chris Simdorn on receiving the Harlon Hill trophy and for his nationally recognized athletic achievements.

Was read the first time.

## MOTION

REP. KLOUBEC MOVED that the rules be suspended, that SCR 4012 not be referred to committee, not be read in its entirety, not be printed in the Journal, be placed on the calendar for second reading and final passage, and be messaged to the Senate immediately, which motion prevailed.

## SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4012: A concurrent resolution congratulating Chris Simdorn on receiving the Harlon Hill trophy and for his nationally recognized athletic achievements.

The question being on the final adoption of the resolution, which has been read.

SCR 4012 was declared adopted on a voice vote.

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## FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Nalewaja, Kelly, Lindgren, Mathern, Peterson, Tennesos and Reps. R. Berg, Bernstein, Dorso, Gabrielson, Gorman, Kloubec, Larson, Payne, Pyle, Scherber, Schneider, Soukup introduced:

SCR 4013: A concurrent resolution congratulating the North Dakota State University Bison football team on winning the NCAA Division II football championship for the eighth time.

Was read the first time.

## MOTION

REP. KLOUBEC MOVED that the rules be suspended, that SCR 4013 not be referred to committee, not be read in its entirety, not be printed in the Journal, be placed on the calendar for second reading and final passage, and be messaged to the Senate immediately, which motion prevailed.

## SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4013: A concurrent resolution congratulating the North Dakota State University Bison football team on winning the NCAA Division II football championship for the eighth time.

The question being on the final adoption of the resolution, which has been read.

SCR 4013 was declared adopted on a voice vote.

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

MR. PRESIDENT: The House has passed unchanged: SCR 4012, SCR 4013.

## SECOND READING OF HOUSE BILLS

HB 1120: A BILL for an Act to amend and reenact section 15-47-06 of the North Dakota Century Code, relating to use of absent voters' ballots in school district elections.

## ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 103 YEAS, 0 NAYS, 1 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: 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; 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.; 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; Svedjen; Thompson; Thorpe; Timm; Tollefsen; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

EXCUSED: Kretschmar

ABSENT AND NOT VOTING: Aarsvold; Gorder

HB 1120 passed and the title was agreed to.

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HB 1128: A BILL for an Act to amend and reenact section 15-62.1-01 and subsection 2 of section 15-62.1-02 of the North Dakota Century Code, relating to the designation of the agency that administers state

guarantee loan programs and authorization of expenditure of guarantee moneys.

## ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 103 YEAS, 0 NAYS, 1 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: 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; 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.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjervén; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjen; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

EXCUSED: Kretschmar

ABSENT AND NOT VOTING: Aarsvold; Gorder

HB 1128 passed and the title was agreed to.

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HB 1129: A BILL for an Act to amend and reenact section 23-01-11 of the North Dakota Century Code, relating to acceptance of funds by the department of health and consolidated laboratories and authorization to qualify for benefits under federal laws.

## ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 103 YEAS, 0 NAYS, 1 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: 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; 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.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjervén; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjen; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

EXCUSED: Kretschmar

ABSENT AND NOT VOTING: Aarsvold; Gorder

HB 1129 passed and the title was agreed to.

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HB 1148: A BILL for an Act to create and enact a new section to chapter 52-01 of the North Dakota Century Code, relating to internal security records of job service North Dakota.

## ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 0 YEAS, 102 NAYS, 1 EXCUSED, 3 ABSENT AND NOT VOTING.

**NAYS:** 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; 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; 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; Svedjen; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

**EXCUSED:** Kretschmar

**ABSENT AND NOT VOTING:** Aarsvold; Gorder; Myrdal

HB 1148 lost.

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HB 1149: A BILL for an Act to amend and reenact subsection 2 of section 39-06-05 of the North Dakota Century Code, relating to the age of students enrolled in behind-the-wheel driver's training through high school programs.

## ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 102 YEAS, 0 NAYS, 1 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** 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; 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.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjen; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

**EXCUSED:** Kretschmar

**ABSENT AND NOT VOTING:** Aarsvold; Gorder; Shide

HB 1149 passed and the title was agreed to.

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## SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3007: A concurrent resolution urging the North Dakota Congressional Delegation to assure fairness in student aid programs.

The question being on the final adoption of the resolution, which has been read.

HCR 3007 was declared adopted on a voice vote.

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#### 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 stand adjourned until 12:30 p.m., Friday, January 11, 1991, which motion prevailed.

#### FIRST READING OF HOUSE BILLS

Reps. Tollefson, Wald, Whalen introduced:

HB 1264: A BILL for an Act to amend and reenact section 26.1-24-10 of the North Dakota Century Code, relating to insurance audits by insurers. Was read the first time and referred to the Committee on Industry, Business and Labor.

Rep. Dorso and Sen. Nelson introduced:

HB 1265: A BILL for an Act to create and enact a new section to chapter 65-05 of the North Dakota Century Code, relating to workers' compensation fee schedules for medical services and supplies. Was read the first time and referred to the Committee on Industry, Business and Labor.

Reps. St. Aubyn, Schindler, Tollefson and Sens. Kelly, Stenehjem introduced:

HB 1266: A BILL for an Act to allow governmental units to enter energy efficiency performance-based contracts to provide guaranteed energy savings in buildings owned by governmental units. Was read the first time and referred to the Committee on Political Subdivisions.

Rep. Oban introduced:

HB 1267: A BILL for an Act to repeal sections 20.1-02-19, 20.1-02-20, 20.1-02-21, and 20.1-02-22 of the North Dakota Century Code, relating to the game and fish hearing board. Was read the first time and referred to the Committee on Natural Resources.

Reps. Thompson, Whalen, Payne and Sen. Satrom introduced:

HB 1268: A BILL for an Act to amend and reenact section 54-10-14 of the North Dakota Century Code, relating to political subdivision audits. Was read the first time and referred to the Committee on Political Subdivisions.

Reps. Thompson, Boehm, Brown and Sens. Bowman, O. Hanson introduced:

HB 1269: A BILL for an Act relating to killing or injuring livestock in a grazing area or district; and to provide a penalty. Was read the first time and referred to the Committee on Agriculture.

Reps. Thompson, Boehm and Sen. O. Hanson introduced:

HB 1270: A BILL for an Act to create and enact a new chapter to title 53 of the North Dakota Century Code, relating to the limitation of liability of an equine activity sponsor or an equine professional; and to provide for application of this Act. Was read the first time and referred to the Committee on Agriculture.

Reps. Thompson, Whalen, Payne and Sens. Bowman, O. Hanson introduced:

HB 1271: A BILL for an Act to amend and reenact sections 4-02-30, 4-22-48, and 23-18-03 of the North Dakota Century Code, relating to vote requirements on certain ballot questions. Was read the first time and referred to the Committee on Judiciary.

Reps. Wald, Dorso, Skjerven and Sens. Tallackson, Freborg, Dotzenrod introduced:

HB 1272: A BILL for an Act to amend and reenact section 13 of chapter 404 of the 1987 Session Laws of North Dakota, relating to the repeal of North Dakota Century Code sections 9-10-07 and 32-03-07 concerning comparative negligence and exemplary damages; and to repeal section 15 of chapter 404 of the 1987 Session Laws of North Dakota, relating to the expiration date of legislation concerning tort liability.  
Was read the first time and referred to the Committee on Industry, Business and Labor.

Reps. D. Olsen, Kolbo, Myrdal and Sens. Mathern, Nething, Tennefos introduced:

HB 1273: A BILL for an Act to amend and reenact subsections 2 and 3 of section 23-02.1-13 of the North Dakota Century Code, relating to birth registration.  
Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

Reps. D. Olsen, Kolbo, Myrdal and Sens. Mathern, Nething, Tennefos introduced:

HB 1274: A BILL for an Act to create and enact a new subsection to section 23-02.1-19 of the North Dakota Century Code, relating to death certificates.  
Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

Reps. D. Olsen, Kolbo, Myrdal and Sens. Mathern, Nething, Tennefos introduced:

HB 1275: A BILL for an Act to provide an appropriation to the state department of health and consolidated laboratories for a state diabetes control project.  
Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

Reps. D. Olsen, Gilmore, Larson and Sens. Tallackson, Mushik, Thane introduced:

HB 1276: A BILL for an Act to amend and reenact sections 50-24.4-01 and 50-24.4-10 of the North Dakota Century Code, relating to definition of terms and reimbursement for nursing home operating costs after January 1, 1990.  
Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

Reps. D. Olsen, Cleary, Trautman and Sens. Nalewaja, Robinson, Mushik introduced:

HB 1277: A BILL for an Act to repeal sections 50-24.3-04 and 50-24.3-05 of the North Dakota Century Code, relating to preadmission assessment of persons prior to admission to a skilled nursing facility, intermediate care facility, or a hospital swing-bed facility.  
Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

Rep. Larson and Sens. Lindgren, Peterson introduced:

HB 1278: A BILL for an Act to amend and reenact subsection 2 of section 57-19-06 of the North Dakota Century Code as created by section 1 of chapter 701 of the 1989 Session Laws of North Dakota, relating to special reserve funds; and to repeal section 2 of chapter 701 of the 1989 Session Laws of North Dakota, relating to an expiration date.  
Was read the first time and referred to the Committee on Education.

#### FIRST READING OF HOUSE CONCURRENT RESOLUTION

Reps. Scherber, Ring, Pyle and Sens. Mushik, Mathern introduced:

HCR 3012: A concurrent resolution calling on the President to halt nuclear test explosions and negotiate an end to nuclear testing for all time.

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

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

ROY GILBREATH, Chief Clerk