

JOURNAL OF THE HOUSE

Fifty-second Legislative Assembly

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Bismarck, January 11, 1991

The House convened at 12:30 p.m., with Speaker R. Anderson presiding.

The prayer was offered by the Rev. Jerry Wickre, First United Methodist Church, Bismarck.

The roll was called and all members were present except Representatives Nicholas and Timm.

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 Fourth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 103, line 7, delete the words "the House be on the Fifth order of business, and at the conclusion of the Fifth order,"

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

REQUEST

REP. KLOUBEC REQUESTED that the record show that Rep. Timm was present at the time of roll call, which request was granted.

MOTIONS

REP. TOLLEFSON MOVED that HB 1260 be returned to the House floor from the Committee on State and Federal Government and be rereferred to the Committee on Judiciary, which motion prevailed. Pursuant to Rep. Tollefson's motion, HB 1260 was rereferred.

REP. KRETSCHMAR MOVED that HB 1169 be returned to the House floor from the Committee on Judiciary and be rereferred to the Committee on Political Subdivisions, which motion prevailed. Pursuant to Rep. Kretschmar's motion, HB 1169 was rereferred.

REPORT OF PROCEDURAL COMMITTEE

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

MOTION

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

1991 HOUSE EMPLOYEESChief Clerk

Roy Gilbreath Bismarck

Desk Reporter

Barbara Middaugh Bismarck

Sergeant-at-Arms

Shawn Ackre Cando

Assistant Chief Clerk

Jeane Marschke Bismarck

Bill Clerk

Lance Hagen Ellendale

Chief Stenographer & Payroll Clerk

Theola Stetson Taylor

Chief Assistant Committee Clerk

Judy Frink Bismarck

Appropriations Committee Clerk

Barb Klein	Bismarck
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Assistant Appropriations Committee Clerks

Nancy Hayes	Bismarck
Verna Kohls	Bismarck
Rhonda Otto	Mandan

Committee Clerks

Judy Hoffman	Bismarck
Joan VonRueden	Bismarck
Janice Stein	Mandan
Jonathan Thomson	Bismarck
Sandy Schafer	Underwood
Andrea Howe	Bismarck
Kristi Sagsveen	Bismarck
Lucy Hugelen	Bismarck
Lisa Peterson	Bismarck
Mona Heustis	Bismarck

Assistant Committee Clerk

Doris Leingang	Mandan
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Chief Page and Bill Book Clerk

Mark Zimmerman	Elgin
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Assistant Chief Page & Bill Book Clerk

Richard Stenberg	Watford City
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Journal Page

Cindy Kephart	Flasher
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Desk Pages

Barbara Larson	Bismarck
Phyllis Connolly	Bismarck
Mike Boyd	Bismarck

Secretary to the Speaker

Darlyne Clausnitzer	Bismarck
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Secretary to the Majority Leader

Mavis Patchen	Bismarck
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Staff Assistant to the Majority Leader

Al Hausauer	Bismarck
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Secretary to the Minority Leader

Melody Hanson	Bismarck
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Staff Assistant to the Minority Leader

Kathleen Joyce	Hettinger
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Deputy Sergeant-at-Arms

David Hougen	Bismarck
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Assistant Sergeants-at-Arms

Jerome Moszer	Bismarck
Kirk Larson	Bisbee
Bernice Clark	Bismarck
John Power	Bismarck
Shane Burthold	Pekin
Alphonse Koenigsman	Bismarck
Lloyd Putney	Bismarck

Information Desk Attendant

Peggy Puetz	Bismarck
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Chief Bill and Journal Room Clerk

Eli Nemer	Bismarck
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Bill Room Clerks

Herman Jacobsen	Bismarck
Ilona Richey	Bismarck
Burnetta Barth	Solen
John Schmidt	Bismarck
Faye Caya	Mandan

Journal Room Clerks

Frank Zent	Bismarck
Hella Keller	Bismarck

Telephone Attendants

Lorraine Moos	Mandan
Lois Borge	Bismarck
Irma Holmstrom	Bismarck

<u>Telephone Page</u>		
Betty Heinrich	Bismarck	
<u>Parking Lot Attendant</u>		
Charles Holmes	Mandan	
<u>Stenographers</u>		
Lois Schmidt	Bismarck	
Sharon Jensen	Bismarck	
Ardis Thompson	Bismarck	
Kate Hanlon	Bismarck	
Sandi Hohbein	Bismarck	
<u>Supply Room Coordinator</u>		
Peter Schafer	Bismarck	
<u>Typists</u>		
Janice Harmon	Bismarck	
Barbara Seyfert	Bismarck	
<u>Page and Bill Room Clerks</u>		
Valeria Ciavarella	Bismarck	
Brett Nilles	West Fargo	
Tommy Debele	Kramer	
Carl Strum	Sentinel Butte	
Nancy Thompson	Bismarck	
Merry Hook	Bismarck	
Andi Thon	Bismarck	
Robbie Jewett	Valley City	
Mike Peterson	Bismarck	
Marion Bassingwaite	Oakes	
Aaron Dalke	Bismarck	
Kevin Carney	Grand Forks	
Jim Weber	Gladstone	
John Larson	Bismarck	
Fay Pitzer	Mandan	
Althea Yantzer	Mandan	
<u>Janitors</u>		
Joe Emineth	Bismarck	
Eugene Reynolds	Bismarck	
Helen Just	Bismarck	
Francis Scharosch	Bismarck	

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

POINT OF PERSONAL PRIVILEGE

REP. OBAN: Mr. Speaker: I rise on a point of personal privilege and request that my remarks be printed in the Journal, which request was granted.

Twenty-five years ago as a college freshman at the University of North Dakota it was inconceivable to me as I watched the nightly news reports on Vietnam that in less than five years I would be serving in Vietnam. I also could not have imagined twenty-five years ago that today I would be sharing my concerns about another possible war thousands of miles away, not only as a North Dakota citizen and as a North Dakota State Representative, but, more importantly, as a father. I have a son who will turn 18 this month.

We do not celebrate Saddam Hussein's invasion of Kuwait. On the contrary, we all condemn his barbarous act! All of us have friends, neighbors, relatives, and coworkers in the Persian Gulf. They have their duty to perform! We understand that, and we support them during this difficult time!

But, we at home also have our duty. Now is not the time to be silent! We must speak out, we must ask questions now before American blood is shed, not after! We must not allow our soldiers to be committed to war without the full support of the American government and the American people behind them. The American people must understand fully our goal, the potential cost, and then decide for themselves if the goal is worth the price! This public discussion, I do not believe, has occurred to the extent it should on an issue as momentous as this one.

It seems we are on the verge of war. I am frightened by that prospect. I see stories about body bags, germ warfare, biological warfare, and nuclear war. What will Israel do? Will the entire Middle East erupt?

However, despite my fears, I insist on being optimistic. I do not believe that peace is lost. At this moment on the floor of our national Congress, our national leaders are going through a wrenching debate. They have at least two resolutions to consider. One would authorize the use of swift and immediate force in support of the United Nations resolution after January 15, in effect giving the President nearly unlimited power to take this country to war. Members of the Assembly, this is similar to another resolution passed in 1964 - the Gulf of Tonkin resolution requested by a President of my party. Fortunately, there is another alternative - one urging support for the sanctions - for patience - something President Bush said would be required when he announced the sanctions last August.

Also, the Secretary-General of the United Nations is making another effort to find a peaceful solution and France is committed to using their good offices to achieve peace.

All of us have the opportunity to assist our nationally elected officials on this issue of war and peace. We must flood them with calls and letters giving them our opinions, guidance, and encouragement before American blood - North Dakotan's blood - is shed in the desert.

My message for our President and our Congress is to be patient, to allow the sanctions to work and to allow others pursuing peace more time. Please do not rush to war! War means pain and tears!

This Assembly has important business to conduct. The gravity of this situation is so overwhelming it is difficult for me and I suspect for many of you to fully appreciate the task before us in light of the possible conflagration that faces the world.

I know that as we continue our work we will pause and pray for the safety and swift return of our men and women in the Armed Forces.

Mr. Speaker and members of the Assembly, today I urge you with all the sincerity I can to contact our Congressional delegation and other Congressmen and women to urge them to support sanctions. The debate is not over allowing Iraq to stay in Kuwait, it is over how best to remove him and at what price. This is not a Republican issue or a Democratic issue - it is an American issue.

I urge all of you who will be in Bismarck to attend a "Vigil for Peace", tomorrow, Saturday, January 12, from 11:40 to 12:20 at the Post Office, 3rd and Rosser. Also, Sunday at 6:00 p.m. at the Evangel Temple, 3225 State Street, there will be a "Community Call to Prayer" in support for members of our community who are in the Gulf.

Thank you, Mr. Speaker, for allowing me this opportunity to express my thoughts before the Assembly. This issue has been heavy on my mind and in my heart. Despite my fears, I feel better today!

MOTIONS

REP. KLOUBEC MOVED that the absent member 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 1:00 p.m., Monday, January 14, 1991, which motion prevailed.

REPORTS OF STANDING COMMITTEES

HB 1025: 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 2, line 1, remove the overstrike over "~~the later of the date of the first~~"

Page 2, line 2, remove the overstrike over "~~publication of the notice or~~"

Page 2, line 7, replace "first" with "fifth business"

Page 2, line 9, after the underscored period insert "If a request has been made to the legislative council for copies of the notices, notices filed on or before the last calendar day of the preceding month must be mailed by the legislative council on or before the fifth business day of each month."

Page 2, line 11, remove the overstrike over "~~receive~~", remove "be", and remove "before the fifth"

Page 2, line 12, remove "business day of the month" and remove "the previous month"

Renumber accordingly

HB 1026: Committee on Political Subdivisions (Rep. Martin, Chairman) recommends DO PASS (16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1026 was placed on the Eleventh order on the calendar.

HB 1037: Committee on Natural Resources (Rep. A. Olson, Chairman) recommends DO NOT PASS (14 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1037 was placed on the Eleventh order on the calendar.

HB 1041: Committee on Natural Resources (Rep. A. Olson, Chairman) recommends DO NOT PASS (15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1041 was placed on the Eleventh order on the calendar.

HB 1046: Committee on State and Federal Government (Rep. Martinson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (11 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 2, remove lines 5 through 7

Page 2, line 8, replace "3" with "2"

Renumber accordingly

HB 1052: Committee on Judiciary (Rep. Kretschmar, Chairman) recommends DO PASS (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1052 was placed on the Eleventh order on the calendar.

HB 1057: 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 19, after the period insert "This authority may not be exercised in a manner that contravenes access to legislative documents as otherwise provided by law."

Renumber accordingly

HB 1066: Committee on Transportation (Rep. Belter, Chairman) recommends DO PASS (13 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1066 was placed on the Eleventh order on the calendar.

HB 1088: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (9 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 2, remove "; and to provide"

Page 1, line 3, remove "a continuing appropriation"

Page 1, line 8, remove "- Continuing appropriation"

Page 1, line 13, remove ", and such funds are hereby"

Page 1, remove line 14

Page 1, line 15, remove "general for the improvement of the cemetery"

Re-number accordingly

HB 1089: 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 2, line 7, replace "a member" with "the president"

Re-number accordingly

HB 1097: Committee on Judiciary (Rep. Kretschmar, Chairman) recommends DO PASS (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1097 was placed on the Eleventh order on the calendar.

HB 1108: Committee on State and Federal Government (Rep. Martinson, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1108 was placed on the Eleventh order on the calendar.

HB 1115: Committee on Natural Resources (Rep. A. Olson, Chairman) recommends DO PASS (15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1115 was placed on the Eleventh order on the calendar.

HB 1119: Committee on Political Subdivisions (Rep. Martin, Chairman) recommends DO PASS (16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1119 was placed on the Eleventh order on the calendar.

HB 1121: Committee on Transportation (Rep. Belter, Chairman) recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1121 was placed on the Eleventh order on the calendar.

HB 1127: Committee on Industry, Business and Labor (Rep. Dorso, 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 1, replace "subsections" with "subsection" and remove ", 4, and 5"

Page 1, line 3, replace "and other" with "for" and replace "restrictions" with "restriction purposes"

Page 1, line 5, replace "Subsections" with "Subsection" and remove ", 4, and 5"

Page 1, line 6, replace "are" with "is"

Page 1, remove lines 11 through 22

Page 2, remove lines 1 through 5

Re-number accordingly

HB 1144: Committee on Transportation (Rep. Belter, Chairman) recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1144 was placed on the Eleventh order on the calendar.

HB 1183: Committee on Judiciary (Rep. Kretschmar, Chairman) recommends DO PASS (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1183 was placed on the Eleventh order on the calendar.

HB 1197: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, remove "amend and reenact section 23-07-07.4 of the North Dakota"

Page 1, line 2, remove "Century Code, relating to penalties; and to"

Page 1, line 3, remove "and" and after "23-07-07.2" insert ", 23-07-07.3, and 23-07-07.4"

Page 1, remove lines 8 through 18

Page 1, line 19, remove "and" and after "23-07-07.2" insert ", 23-07-07.3, and 23-07-07.4"

Renumber accordingly

FIRST READING OF HOUSE BILLS

Reps. Soukup, Clayburgh, Skjerven and Sen. Evanson introduced:

HB 1279: A BILL for an Act to create and enact two new sections to chapter 39-06 of the North Dakota Century Code, relating to denial of driving privileges of minors who commit offenses involving the possession, use, or abuse of alcohol or controlled substances; to amend and reenact sections 5-01-08.1, 5-01-09, subsection 1 of section 39-06-33, and subsection 4 of section 39-06.1-10 of the North Dakota Century Code, relating to unlawful purchase of alcoholic beverages, unlawful delivery of alcoholic beverages, hearings on suspension or revocation of operators' licenses, and disposition of traffic offenses; and to provide a penalty.

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

Reps. A. Olson, Gerntholz, Skjerven introduced:

HB 1280: A BILL for an Act to amend and reenact section 50-24.1-02.3 of the North Dakota Century Code, relating to consideration by the department of human services of amounts paid into a pre-ned funeral plan by recipients of or applicants for medical assistance.

Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

Reps. Carlisle, Henegar introduced:

HB 1281: A BILL for an Act to amend and reenact section 5-02-02 of the North Dakota Century Code, relating to the qualifications of an applicant for a retail license to sell alcoholic beverages

Was read the first time and referred to the Committee on Political Subdivisions.

Rep. Rydell introduced:

HB 1282: A BILL for an Act to amend and reenact section 15-41-26 of the North Dakota Century Code, relating to the waiver of conditions for accreditation.

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

Rep. Rydell introduced:

HB 1283: A BILL for an Act to amend and reenact section 43-11-35 of the North Dakota Century Code to provide a civil penalty for violation of the laws relating to the practice of cosmetology.

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

Reps. Wald, Skjerven and Sens. Lips, Graba introduced:

HB 1284: A BILL for an Act to create and enact a new section to chapter 39-22 of the North Dakota Century Code, relating to prohibiting the sale of motor vehicles on Sundays; to provide a penalty; to provide an effective date; and to declare an emergency.

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

Reps. Ring, Schindler, Pyle and Sens. Thane, Mushik, Robinson introduced:

HB 1285: A BILL for an Act to create and enact a new section to chapter 54-44.4 of the North Dakota Century Code, relating to purchase of paper or paper products containing recycled material for use by state entities.

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

Reps. Byerly, Rennerfeldt, R. Berg, Wald introduced:

HB 1286: A BILL for an Act to amend and reenact section 57-02-27.1 of the North Dakota Century Code, relating to assessed values for property acquired at tax sales; and to provide an effective date.

Was read the first time and referred to the Committee on Finance and Taxation.

Reps. D. Olsen, Shide, Aarsvold and Sens. Tallackson, Mutch, O. Hanson introduced:

HB 1287: A BILL for an Act to create and enact a new section to chapter 61-28 of the North Dakota Century Code, relating to water well testing.

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

Reps. D. Olsen, Gates, Oban and Sens. Holmberg, Freborg, Heinrich introduced:

HB 1288: A BILL for an Act to create and enact a new section to chapter 15-36 of the North Dakota Century Code, providing for a special education course requirement for teachers.

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

Reps. G. Berg, Coats and Sens. Tallackson, Thane, Vosper introduced:

HB 1289: A BILL for an Act to create and enact a new chapter to title 51 of the North Dakota Century Code, relating to restrictions on telephone solicitations; and to provide a penalty.

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

Reps. Stofferahn, Kretschmar and Sens. Lindgren, Kelsh introduced:

HB 1290: A BILL for an Act to create and enact a new section to chapter 53-06.1 of the North Dakota Century Code, relating to the conduct and play of the game of paddlewheels; and to amend and reenact subsection 1 of section 53-06.1-07, section 53-06.1-07.1, and subsection 3 of section 53-06.1-14 of the North Dakota Century Code, relating to allowing eligible organizations to conduct the game of paddlewheels, player age restriction, hours of conduct, and state gaming stamp requirement.

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

Reps. DeMers, Price, Scherber and Sens. Mathern, Nalewaja introduced:

HB 1291: A BILL for an Act to create and enact a new subsection to section 43-12.1-02, a new subsection to section 43-12.1-04, a new subsection to section 43-12.1-08, a new subsection to section 43-12.1-15, and a new section to chapter 43-12.1 of the North Dakota Century Code, relating to regulation of nurses and assistants to nurses; to amend and reenact section 43-12.1-01 of the North Dakota Century Code, relating to policy with respect to the regulation of nursing practice; to provide a penalty; and to declare an emergency.

Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

Reps. Jensen, Wald, Clayburgh and Sens. Holmberg, Ingstad, Goetz introduced:
HCR 3013: A concurrent resolution directing the Legislative Council to study
methods of funding higher education.

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

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

ROY GILBREATH, Chief Clerk