

JOURNAL OF THE HOUSE

Fifty-second Legislative Assembly

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Bismarck, January 15, 1991

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

The prayer was offered by the Rev. Keith Garness, Zion Lutheran Church, Towner.

The roll was called and all members were present except Representative D. Olsen.

A quorum was declared by the Speaker.

REQUEST

REP. KLOUBEC REQUESTED that the Journal show that Rep. D. Olsen was present, which request was granted.

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

Page 111, line 47, delete the numerals "9" and "6" and insert in lieu thereof the numerals "15" and "0"

Page 129, lines 42 and 43, delete the words "Industry, Business and Labor" and insert in lieu thereof the words "Natural Resources"

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

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2050, SB 2064, SB 2067, SB 2068, SB 2137, SB 2155, SB 2220.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SCR 4012, SCR 4013.

SECOND READING OF HOUSE BILLS

HB 1025: A BILL for an Act to amend and reenact subsections 4 and 5 of section 28-32-02 of the North Dakota Century Code, relating to public comment on proposed administrative rules.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 105 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

Trautman; Urlacher; Wald; Wardner; Wentz; Wilkie; Williams;
Speaker R. Anderson

ABSENT AND NOT VOTING: Whalen

HB 1025 passed and the title was agreed to.

HB 1057: A BILL for an Act relating to specifications for publication of the North Dakota Century Code; and to create and enact a new subsection to section 54-35-02 of the North Dakota Century Code, relating to powers and duties of the legislative council.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 105 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Whalen

HB 1057 passed and the title was agreed to.

THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative Vince Olson

SECOND READING OF HOUSE BILL

HB 1088: A BILL for an Act to amend and reenact section 37-03-14 of the North Dakota Century Code, relating to the North Dakota veterans' cemetery.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 105 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn;

Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson;
Trautman; Uriacher; Wald; Wardner; Wentz; Wilkie; Williams;
Speaker R. Anderson

ABSENT AND NOT VOTING: Whalen

HB 1088 passed and the title was agreed to.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4016.

MOTION

REP. KLOUBEC MOVED that the House be on the Thirteenth order of business, which motion prevailed.

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Heigaard, Nelson and Reps. Kloubec, Schneider introduced:

SCR 4016: A concurrent resolution expressing support for the United States troops in the Persian Gulf, condemning the Iraqi invasion of Kuwait, and urging the President to exhaust every avenue in attempting to achieve a peaceful solution to the Persian Gulf crisis.

Was read the first time.

MOTION

REP. KLOUBEC MOVED that the rules be suspended, that SCR 4016 not be referred to committee, but be read in its entirety, be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

Sens. Heigaard, Nelson and Reps. Kloubec, Schneider introduced:

SENATE CONCURRENT RESOLUTION NO. 4016

A concurrent resolution expressing support for the United States troops in the Persian Gulf, condemning the Iraqi invasion of Kuwait, and urging the President to exhaust every avenue in attempting to achieve a peaceful solution to the Persian Gulf crisis.

WHEREAS, North Dakota military men and women and the military men and women of the other nations of the world have recently been placed in harm's way; and

WHEREAS, the Iraqi invasion of Kuwait is a violation of international law and the treatment of the Kuwaiti citizens involve human rights violations of the very worst kind; and

WHEREAS, all avenues of peaceful resolution of the conflict in the Persian Gulf should be explored and exhausted, including full involvement by the United Nations;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the Fifty-second Legislative Assembly expresses its full support for the military personnel serving in the Persian Gulf and fervently hopes that these men and women will soon be safely home in the company of family, friends, and loved ones; and

BE IT FURTHER RESOLVED, that the Fifty-second Legislative Assembly condemns the Iraqi invasion of Kuwait and the continuing human rights violations committed on the Kuwaiti people; and

BE IT FURTHER RESOLVED, that the Fifty-second Legislative Assembly urges the United States government and the United Nations that all options be considered and all means exhausted in seeking a peaceful resolution to the

conflict, and further resolved that if after all options are considered and all means exhausted in seeking a peaceful resolution to the conflict have failed the Fifty-second Legislative Assembly supports appropriate action by the United Nations and the President of the United States; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the President of the United States, the presiding officers of the United States House of Representatives and the United States Senate, the Secretary of Defense, the Secretary of State, and to each member of the North Dakota Congressional Delegation.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4016: A concurrent resolution expressing support for the United States troops in the Persian Gulf, condemning the Iraqi invasion of Kuwait, and urging the President to exhaust every avenue in attempting to achieve a peaceful solution to the Persian Gulf crisis.

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

SCR 4016 was declared adopted on a voice vote.

MOTION

REP. KLOUBEC MOVED that the rules be suspended and that SCR 4016 be messaged to the Senate immediately, which motion prevailed.

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

MR. PRESIDENT: The House has passed unchanged: SCR 4016.

SECOND READING OF HOUSE BILLS

HB 1089: A BILL for an Act to amend and reenact section 15-21-17 of the North Dakota Century Code, relating to the composition of the nominating committee for the state board of public school education.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 96 YEAS, 8 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Belter; Brown; Byerly; Howard; Mahoney; Schmidt; Thompson; Urlacher

ABSENT AND NOT VOTING: Oban; Whalen

HB 1089 passed and the title was agreed to.

HB 1127: A BILL for an Act to amend and reenact subsection 1 of section 14-02.4-02 of the North Dakota Century Code, relating to the application of age for employment discrimination restriction purposes.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 106 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

HB 1127 passed and the title was agreed to.

HB 1197: A BILL for an Act to repeal sections 23-01-13, 23-07-07.1, 23-07-07.2, 23-07-07.3, and 23-07-07.4 of the North Dakota Century Code, relating to the submission of blood samples of pregnant women for a serological test for syphilis and the state department of health and consolidated laboratories obtaining, storing, and distributing blood plasma.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 105 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Mutzenberger

HB 1197 passed and the title was agreed to.

HB 1073: A BILL for an Act to amend and reenact sections 14-03-10 and 14-03-19 of the North Dakota Century Code, relating to requirements for the issuance of marriage licenses.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 105 YEAS, 1 NAY, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Delzer

HB 1073 passed and the title was agreed to.

MOTION

REP. G. BERG MOVED that HB 1090 be rereferred to the Committee on Education, which motion failed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1090: A BILL for an Act to amend and reenact subsection 3 of section 15-59-01 of the North Dakota Century Code, relating to the definition of the term "handicapped child".

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 100 YEAS, 5 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Berg, G.; Coats; Freier; Gorder; Meyer

ABSENT AND NOT VOTING: Martinson

HB 1090 passed and the title was agreed to.

MOTION

REP. KLOUBEC MOVED that HB 1091, which is on the Eleventh order, be rereferred to the Committee on Human Services and Veterans Affairs, which motion prevailed. Pursuant to Rep. Kloube's motion, HB 1091 was rereferred.

SECOND READING OF HOUSE BILLS

HB 1092: A BILL for an Act to create and enact a new subsection to section 54-17-07.3 of the North Dakota Century Code, relating to the creation of a mortgage loan finance program.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 90 YEAS, 15 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Berg, R.; Bernstein; Brown; Byerly; Clayburgh; Dalrymple; Olsen, D.; Payne; Rydell; Schimke; Schindler; Schmidt; Thompson; Tollefson; Whalen

ABSENT AND NOT VOTING: Hausauer

HB 1092 passed and the title was agreed to.

HB 1147: A BILL for an Act to amend and reenact sections 6-03-05 and 6-03-08 of the North Dakota Century Code, relating to appraisals prior to loans on real estate.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 105 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Hausauer

HB 1147 passed and the title was agreed to.

HB 1155: A BILL for an Act to create and enact a new section to chapter 13-05 of the North Dakota Century Code, relating to collection agency branch offices; and to amend and reenact section 13-05-04 of the North Dakota Century Code, relating to an annual fee for collection agency branch offices.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 105 YEAS, 1 NAY, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Wilkie

HB 1155 passed and the title was agreed to.

HB 1222: A BILL for an Act to amend and reenact sections 6-03-11, 6-03-13.5, subdivision a of subsection 2 of section 6-06-35, sections 6-06-36, and 6-06.1-05 of the North Dakota Century Code, relating to consolidation or merger of banking institutions, examination fees for national bank conversion or merger into a state-chartered bank, conversion or merger of a federal credit union into a state credit union, and examination fees of a credit union in liquidation.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 105 YEAS, 1 NAY, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Schmidt

HB 1222 passed and the title was agreed to.

HB 1241: A BILL for an Act to amend and reenact sections 6-03-57, 6-05-34, 6-07-03, 6-07-04.2, 6-07-13, and 6-07-38 of the North Dakota Century Code, relating to bank insolvency, acquisition, receiver bonds, and closing of receivership; and to repeal sections 6-07-09, 6-07-21, 6-07-22, 6-07-23, 6-07-24, 6-07-25, 6-07-26, 6-07-27, 6-07-28, 6-07-29,

6-07-34, 6-07-35, 6-07-36, 6-07-37, 6-07-39, 6-07-40, 6-07-41, 6-07-42, 6-07-43, and 6-07-45 of the North Dakota Century Code, relating to bank foreclosure, receivers, and closing of receivership.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 106 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

HB 1241 passed and the title was agreed to.

REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER: Your procedural Committee on Rules (Rep. Kloubec, Chairman) recommends that House Rule 318(5)(d) be created and that House Rule 328 be amended as follows below:

SECTION 1. Subdivision d to subsection 5 of House Rule 318 is created as follows:

d. Withdrawal of a measure after it has been referred to committee, as provided in House Rule 328.

SECTION 2. AMENDMENT. House Rule 328 is amended as follows:

328. **BILLS AND RESOLUTIONS REFERRED.** Upon the first reading of a bill or concurrent resolution, the Speaker shall refer it to an appropriate standing committee, unless the House, by motion, decides to refer it to a select or other standing committee, or to the Committee of the Whole. If the bill or resolution is referred to the Committee of the Whole, the bill or resolution must come up for consideration the next day, unless otherwise ordered by the House. After referral as provided by this rule, the bill or resolution may not be withdrawn without unanimous consent of the House.

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

MOTIONS

REP. KLOUBEC MOVED that HB 1119, which was passed yesterday, be held at the desk, which motion prevailed.

REP. OBAN MOVED that HCR 3011 be returned to the House floor from the Committee on State and Federal Government for the purpose of withdrawal, which motion prevailed.

REQUEST

REP. OBAN REQUESTED the unanimous consent of the House to withdraw HCR 3011. There being no objection, it was so ordered by the Speaker.

REQUEST BY THE SPEAKER

SPEAKER R. ANDERSON REQUESTED that the Rules for Decorum in the House Chamber be printed in the House Journal and be read by the Chief Clerk, which request was granted.

RULES FOR DECORUM IN THE HOUSE CHAMBER

1. No food or beverages are permitted on the floor of the House when the House is convened.
2. Smoking is not permitted in the House Chamber.
3. Pictures, including video camera taping, are not permitted to be taken at any time, except by the press, house and caucus employees or designees.
4. No one is permitted to sleep or rest in a prone position on the seats which line both sides of Memorial Hall between the House and Senate Chambers.
5. When a Roll Call vote is taken, every member shall be in their seat and register their own vote. The Majority and Minority Leaders and their assistants are exempt from the provisions of this rule.
6. During debate, members are to be attentive and quiet and the noise behind the rail shall be held to a minimum.
7. No member shall have more than one guest seated with the member on the floor at any one time.
8. No one is permitted to visit or lean over the back railing.
9. The Sergeant-at-Arms shall clear the floor of the House Chamber in front of the railing of all persons except legislators, legislative guests, legislative employees, and members of the press, during the time period commencing thirty minutes before the House convenes on any legislative day until the House recesses for that calendar day.
10. Tour groups will not be allowed at the front desk area
11. Legislators and employees shall be suitably attired.
12. When a Legislator is speaking, the Sergeant-at-Arms will not allow guests to enter that Section.
13. When the Speaker is putting the question, no member shall walk out of or across the floor of the House.
14. When a member is speaking, no person shall pass between the person speaking and the Chair.
15. A member desiring to speak shall rise and respectfully address the Speaker and shall remain in place before proceeding to speak until recognized by the Chair.
16. Visitors sitting in lower tier of seats in House Balcony shall not touch, lean over, place objects on or put their feet on brass railings.
17. While the House is convened, no person shall read newspapers or other large publications in an unfolded and conspicuous manner.
18. All persons shall wear identification badges while in the House Chamber or in the employ of the House.
19. Any member seeing a violation of these directives, or who has a question or problem, should advise the Sergeant-at-Arms or an assistant as soon as possible.

20. All materials placed on desks must be authorized by a House member.

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., Wednesday, January 16, 1991, which motion prevailed.

REPORTS OF STANDING COMMITTEES

HB 1030: Committee on Agriculture (Rep. Nicholas, Chairman) recommends DO PASS (14 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1030 was placed on the Eleventh order on the calendar.

HB 1099: Committee on Finance and Taxation (Rep. Timm, Chairman) recommends DO PASS (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1099 was placed on the Eleventh order on the calendar.

HB 1130: Committee on Education (Rep. Gates, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (15 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 2, replace the second "schools" with "instruction"

Page 1, line 8, replace the first "school" with "instruction"

Page 3, line 2, replace the second "school" with "instruction"

Page 3, line 6, replace "school" with "instruction"

Renumber accordingly

HB 1163: Committee on Finance and Taxation (Rep. Timm, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1163 was placed on the Eleventh order on the calendar.

HB 1195: Committee on Finance and Taxation (Rep. Timm, Chairman) recommends DO PASS (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1195 was placed on the Eleventh order on the calendar.

HB 1209: Committee on Education (Rep. Gates, Chairman) recommends DO PASS (17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1209 was placed on the Eleventh order on the calendar.

HB 1233: Committee on Education (Rep. Gates, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (15 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 9, remove ", whether that person is over or"

Page 1, line 10, remove "under eighteen years of age"

Renumber accordingly

HB 1238: Committee on Finance and Taxation (Rep. Timm, Chairman) recommends DO PASS (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1238 was placed on the Eleventh order on the calendar.

FIRST READING OF HOUSE BILL

Reps. Peterson, Oban, Payne and Sens. Dotzenrod, Thane introduced:

HB 1411: A BILL for an Act relating to prohibiting conditioning acceptance of a check on being supplied a credit card number.

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

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

ROY GILBREATH, Chief Clerk