

## JOURNAL OF THE HOUSE

## Fifty-second Legislative Assembly

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Bismarck, February 4, 1991

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

The prayer was offered by Pastor Steve Berntson, Pembina Hills Lutheran Church, Mountain.

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

A quorum was declared by the Speaker.

## HOUSE ENGROSSING REPORT

The following bills are to be engrossed: HB 1165, HB 1253, HB 1367.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2010, SB 2112, SB 2116, SB 2127, SB 2131, SB 2317, SCR 4003.

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

MR. SPEAKER: The President has signed: HCR 3028.

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

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1072, HB 1150, HB 1397, HB 1412, HB 1429, HB 1442, HB 1469, HB 1486, HB 1487, HB 1557.

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

MR. PRESIDENT: The House has passed unchanged: SCR 4026.

## REQUEST

REP. GRUMBO REQUESTED that the record show that he was present, which request was granted.

## MOTION

REP. TIMM MOVED that HB 1583 be returned to the House floor from the Committee on Finance and Taxation for the purpose of withdrawal, which motion prevailed.

## REQUEST

REP. NELSON REQUESTED the unanimous consent of the House to withdraw HB 1583. There being an objection, HB 1583 was not withdrawn.

## MOTIONS

REP. KLOUBEC MOVED that HB 1583 be rereferred to the Committee on Finance and Taxation, which motion prevailed. Pursuant to Rep. Kloubec's motion, HB 1583 was rereferred.

REP. KLOUBEC MOVED that the rules be suspended and that the amendments to all bills on the Sixth order of business, with the exception of HB 1291, be adopted, which motion prevailed.

HB 1094, HB 1271, HB 1310, HB 1318, HB 1375, HB 1426, and HB 1496, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. KLOUBEC MOVED that HB 1291 be rereferred to the Committee on Human Services and Veterans Affairs, which motion prevailed. There being no objection, HB 1291 was rereferred.

THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Speaker Oscar Solberg

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolution was delivered to the Secretary of State for his filing at the hour of 1:22 p.m., February 4, 1991: HCR 3028.

SECOND READING OF HOUSE BILL

HB 1032: A BILL for an Act to authorize political subdivisions to conduct mail ballot elections.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 55 YEAS, 50 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bateman; Berg, G.; Berg, R.; Bernstein; Boehm; Brown; Byerly; Carlisle; Clayburgh; Dalrymple; DeWitz; Erickson; Freier; Gates; Gorder; Gorman; Hausauer; Henegar; Jensen; Kerzman; Kloubec; Kolbo; Kretschmar; Kunkel; Larson; Mahoney; Martin; Meyer; Miller; Myrdal; Nelson; Nicholas; Payne; Porter; Price; Rennerfeldt; Ritter; Rydell; Schindler; Schmidt; Shide; Skar; Snyder; Soukup; St. Aubyn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wentz; Whalen; Speaker R. Anderson

NAYS: Aarsvold; Anderson, B.; Belter; Bodine; Boucher; Brokaw; Carlson; Cleary; Coats; Delzer; DeMers; Dorso; Enget; Flaagan; Gabrielson; Gerntholz; Gilmore; Goffe; Grosz; Grumbo; Hanson; Hokana; Howard; Huether; Jacobson; Kaldor; Kelsch; Kroeber; Laughlin; Linderman; Martinson; Muhs; Mutzenberger; Nichols; Nowatzki; Oban; Olson, A.; Peterson; Pyle; Ring; Scherber; Schimke; Schneider; Skjerven; Starke; Stofferahn; Wald; Wardner; Wilkie; Williams

ABSENT AND NOT VOTING: Olsen, D.

HB 1032 passed and the title was agreed to.

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CONSIDERATION OF MESSAGE FROM THE SENATE

REP. MARTINSON MOVED that the House do concur in the Senate amendments to Engrossed HB 1046 as printed on HJ pages 347-353, which motion prevailed.

MOTION

REP. KLOUBEC MOVED that the rules be suspended and that HB 1046 be deemed properly reengrossed and placed on the calendar for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1046: A BILL for an Act to provide for the establishment of a North Dakota rural area development corporation to administer a rural development revolving loan fund; to create and enact a new section to chapter 12.1-30 and a new section to chapter 34-06 of the North Dakota Century Code, relating to business leases or agreements and an employee day of rest; to amend and reenact sections 12.1-30-01 and 12.1-30-02 of the North Dakota Century Code, relating to the conduct of business on Sundays; to provide a penalty; to provide a contingent appropriation; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 72 YEAS, 33 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Berg, G.; Berg, R.; Bernstein; Boucher; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; DeMers; Dorso;

Flaagan; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Huether; Jacobson; Jensen; Kelsch; Kloubec; Kroeber; Kunkel; Larson; Martinson; Meyer; Miller; Mutzenberger; Nicholas; Nowatzki; Oban; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schmidt; Schneider; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Wilkie; Williams

**NAYS:** Aarsvold; Bateman; Belter; Bodine; Boehm; Brokaw; Delzer; DeWitz; Enget; Erickson; Freier; Gorder; Kaldor; Kerzman; Kolbo; Kretschmar; Laughlin; Linderman; Mahoney; Martin; Muhs; Myrdal; Nelson; Nichols; Olson, A.; Schindler; Shide; Skar; Skjerven; Thompson; Whalen; Speaker R. Anderson

**ABSENT AND NOT VOTING:** Olsen, D.

Reengrossed HB 1046 passed, the title was agreed to, and the emergency clause carried.

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**MOTION**

REP. MARTINSON MOVED that the vote by which HB 1046 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

**SECOND READING OF SENATE BILL**

SB 2491: A BILL for an Act to amend and reenact section 60-02-17 of the North Dakota Century Code, relating to warehouse storage rates; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 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; Da'rymple; 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; 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:** Olsen, D.

SB 2491 passed, the title was agreed to, and the emergency clause carried.

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**MOTION**

REP. KLOUBEC MOVED that the rules be suspended and that SB 2491 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: SB 2491.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)  
MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1046 and subsequently passed the same.

SECOND READING OF HOUSE BILLS

HB 1033: A BILL for an Act to authorize counties to conduct mail ballot primary elections.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 50 YEAS, 53 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bateman; Berg, R.; Bernstein; Boehm; Brown; Byerly; Clayburgh; Cleary; Dalrymple; Erickson; Freier; Gates; Hausauer; Howard; Jensen; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kunkel; Larson; Martin; Meyer; Miller; Muhs; Nelson; Nicholas; Payne; Porter; Price; Pyle; Rennerfeldt; Ritter; Rydell; Schmidt; Shide; Skar; Skjerven; Soukup; St. Aubyn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wentz; Speaker R. Anderson

NAYS: Aarsvold; Anderson, B.; Belter; Berg, G.; Bodine; Boucher; Brokaw; Carlisle; Carlson; Coats; Delzer; DeMers; DeWitz; Dorso; Enget; Flaagan; Gabrielson; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grumbo; Hanson; Henegar; Hokana; Huether; Jacobson; Kaldor; Kroeber; Laughlin; Linderman; Mahoney; Martinson; Mutzenberger; Myrdal; Nichols; Nowatzki; Oban; Olson, A.; Peterson; Ring; Scherber; Schimke; Schindler; Schneider; Snyder; Starke; Stofferahn; Wald; Wardner; Wilkie; Williams

ABSENT AND NOT VOTING: Grosz; Olsen, D.; Whalen

HB 1033 was declared lost.

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HB 1174: A BILL for an Act to amend and reenact section 39-06-27 of the North Dakota Century Code, relating to the suspension of drivers' licenses upon conviction, suspension, or revocation in another state.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 89 YEAS, 13 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

NAYS: Brown; Delzer; Dorso; Gorman; Kerzman; Martin; Meyer; Olson, A.; Schneider; Thorpe; Timm; Urlacher; Speaker R. Anderson

ABSENT AND NOT VOTING: Dalrymple; Grosz; Kloubec; Olsen, D.

HB 1174 passed and the title was agreed to.

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HB 1269: A BILL for an Act relating to killing or injuring livestock in a grazing area or district; and to provide a penalty.

## ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 11 YEAS, 91 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Boehm; Brown; Delzer; Muhs; Ritter; Schindler; Schmidt; Skjervén; Thompson; Whalen; Speaker R. Anderson

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

ABSENT AND NOT VOTING: Dalrymple; Grosz; Nicholas; Olsen, D.

HB 1269 was declared lost.

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## MOTION

REP. TOLLEFSON MOVED that the House waive the reading of the title to HB 1279, which motion prevailed.

## SECOND READING OF HOUSE BILLS

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.

## ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 37 YEAS, 65 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Bernstein; Brown; Clayburgh; Cleary; Dorso; Enget; Freier; Gorder; Gorman; Howard; Jacobson; Jensen; Kloube; Kretschmar; Kunkel; Miller; Muhs; Myrdal; Nichols; Olson, A.; Payne; Peterson; Porter; Price; Rennerfeldt; Scherber; Schindler; Shide; Skar; Skjervén; Soukup; Thompson; Trautman; Wald; Wardner; Wentz; Whalen

NAYS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bodine; Boehm; Boucher; Brokaw; Byerly; Carlisle; Carlson; Coats; Delzer; DeMers; DeWitz; Erickson; Flaagan; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Grumbo; Hanson; Hausauer; Henegar; Hokana; Huether; Kaldor; Kelsch; Kerzman; Kolbo; Kroeber; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Mutzenberger; Nelson; Nowatzki; Oban; Pyle; Ring; Ritter; Rydell; Schimke; Schmidt; Schneider; Snyder; St. Aubyn; Starke; Stofferahn; Svedjan; Thorpe; Timm; Tollefson; Urlacher; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Dalrymple; Grosz; Nicholas; Olsen, D.

HB 1279 was declared lost.

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HB 1302: A BILL for an Act to amend and reenact subsection 2 of section 39-06-42 of the North Dakota Century Code, relating to community service alternative to imprisonment for certain driving while licenses suspended offenses.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 53 YEAS, 48 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Berg, G.; Berg, R.; Bernstein; Boehm; Brokaw; Brown; Byerly; Carlson; Clayburgh; Delzer; Dorso; Flaagan; Freier; Gates; Gorman; Hausauer; Henegar; Hokana; Jensen; Kaldor; Kloubec; Kretschmar; Kunkel; Laughlin; Martin; Meyer; Miller; Muhs; Mutzenberger; Nelson; Nowatzki; Oban; Olson, A.; Payne; Ring; Ritter; Rydell; Schindler; Schneider; Shide; Skjerven; Snyder; St. Aubyn; Svedjan; Timm; Tollefson; Urlacher; Wentz; Williams; Speaker R. Anderson

NAYS: Belter; Bodine; Boucher; Carlisle; Cleary; Coats; DeMers; DeWitz; Enget; Erickson; Gabrielson; Gerntholz; Gilmore; Goffe; Gorder; Grumbo; Hanson; Howard; Huether; Jacobson; Kelsch; Kerzman; Kolbo; Kroeber; Larson; Linderman; Mahoney; Martinson; Myrdal; Nichols; Peterson; Porter; Price; Pyle; Rennerfeldt; Scherber; Schimke; Skar; Soukup; Starke; Stofferahn; Thompson; Thorpe; Trautman; Wald; Wardner; Whalen; Wilkie

ABSENT AND NOT VOTING: Dalrymple; Grosz; Nicholas; Olsen, D.; Schmidt

HB 1302 was declared lost for want of a Constitutional majority.

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HB 1303: A BILL for an Act to amend and reenact section 39-06-13 of the North Dakota Century Code, relating to locations of motor vehicle operators' examinations.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 24 YEAS, 77 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Brokaw; Brown; DeWitz; Enget; Freier; Gorman; Hausauer; Howard; Kerzman; Kretschmar; Laughlin; Miller; Muhs; Myrdal; Nichols; Nowatzki; Olson, A.; Schindler; Schmidt; Stofferahn; Thompson; Tollefson; Whalen; Speaker R. Anderson

NAYS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Delzer; DeMers; Dorso; Erickson; Flaagan; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grumbo; Hanson; Henegar; Hokana; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kolbo; Kroeber; Kunkel; Larson; Linderman; Mahoney; Martin; Martinson; Meyer; Mutzenberger; Nelson; Oban; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Svedjan; Thorpe; Timm; Trautman; Urlacher; Wald; Wardner; Wentz; Wilkie; Williams

ABSENT AND NOT VOTING: Dalrymple; Grosz; Kloubec; Nicholas; Olsen, D.

HB 1303 was declared lost.

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HB 1326: A BILL for an Act to create and enact a new subsection to section 57-40.3-04 of the North Dakota Century Code, relating to an exemption from motor vehicle excise taxes for certain motor vehicle leases or rentals; to amend and reenact subdivision f of subsection l of section 57-39.2-02.1, relating to application of sales taxes to motor vehicles leased or rented and the transfer of title to which has not been subjected to motor vehicle excise taxes; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 0 YEAS, 99 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

NAYS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grumbo; Hanson; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nichols; Nowatzki; Oban; 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: Dalrymple; Grosz; Hausauer; Kloubec; Nicholas; Olsen, D.; Whalen

HB 1326 was declared lost.

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HB 1334: A BILL for an Act to create and enact a new section to chapter 11-11 of the North Dakota Century Code, relating to the reorganization of county governments.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 30 YEAS, 71 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Belter; Berg, R.; Bernstein; Brown; Byerly; Delzer; Dorso; Gabrielson; Gerntholz; Gorman; Hokana; Howard; Huether; Kaldor; Myrdal; Nelson; Oban; Olson, A.; Rennerfeldt; Schmidt; Schneider; Shide; Snyder; Starke; Stofferahn; Thorpe; Timm; Williams

NAYS: Bateman; Berg, G.; Bodine; Boehm; Boucher; Brokaw; Carlisle; Carlson; Clayburgh; Cleary; Coats; DeMers; DeWitz; Enget; Erickson; Flaagan; Freier; Gates; Gilmore; Goffe; Gorder; Grumbo; Hanson; Henegar; Jacobson; Jensen; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Nichols; Nowatzki; Payne; Peterson; Porter; Price; Pyle; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Skar; Skjerven; Soukup; St. Aubyn; Svedjan; Thompson; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Speaker R. Anderson

ABSENT AND NOT VOTING: Dalrymple; Grosz; Hausauer; Nicholas; Olsen, D.

HB 1334 was declared lost.

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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 Thirteenth order of business, and at the conclusion of the Thirteenth order, the House stand adjourned until 1:00 p.m., Tuesday, February 5, 1991, which motion prevailed.

## REPORTS OF STANDING COMMITTEES

HB 1122: Committee on Finance and Taxation (Rep. Timm, Chairman) recommends DO NOT PASS (10 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1122 was placed on the Eleventh order on the calendar.

HB 1141: Committee on State and Federal Government (Rep. Martinson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 10, overstrike ", who", remove "may be", and overstrike "representative of each type of industry" and insert immediately thereafter "three of whom are representatives of industries"

Page 1, line 14, after the underscored period insert "Members may not serve more than two consecutive terms."

Page 1, line 15, overstrike "not less than twice a year by the director who must"

Page 1, line 16, overstrike "be the chairperson of the committee" and insert immediately thereafter "by the chairman who must be elected from within the membership"

Renumber accordingly

HB 1152: Committee on Transportation (Rep. Belter, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (10 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 7, overstrike "or" and insert immediately thereafter an underscored comma and after "c" insert ", or g"

Page 1, line 8, remove "Any"

Page 1, remove line 9

Page 1, line 10, remove "assessed a fee of one hundred dollars."

Page 1, line 13, remove the overstrike over "twenty-five", remove "one hundred", and after "dollars" insert "; however, any person who operates an unregistered snowmobile on land owned, leased, or managed by the parks and recreation department must be assessed a fee of one hundred dollars"

Renumber accordingly

HB 1157: Committee on Transportation (Rep. Belter, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 8, overstrike "or" and insert immediately thereafter an underscored comma and after "c" insert ", or g"

Page 1, line 9, remove "Violation of subdivision g of"

Page 1, remove line 10

Page 1, line 11, remove "hundred dollars must be assessed."

Page 1, line 14, remove the overstrike over "~~twenty-five~~", remove "one hundred", and after "assessed" insert " ; however, if the violation occurs on land owned, leased, or managed by the parks and recreation department a fee of one hundred dollars must be assessed"

Renumber accordingly

HB 1201: Committee on State and Federal Government (Rep. Martinson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 22, remove the overstrike over "~~the~~"

Page 2, line 1, replace "any of its affiliated facilities" with "Missouri River correctional center"

Page 3, line 22, replace "any of its affiliated facilities" with "the Missouri River correctional center"

Page 4, line 11, replace "any of its affiliated facilities" with "the Missouri River correctional center"

Page 4, line 28, replace "any of its affiliated facilities" with "the Missouri River correctional center"

Page 10, line 6, remove the overstrike over "~~the~~" and replace "any of its affiliated facilities" with "Missouri River correctional center"

Page 10, line 17, replace "any of its" with "the Missouri River correctional center"

Page 10, line 18, remove "affiliated facilities"

Page 10, line 20 replace "any of its affiliated facilities" with "the Missouri River correctional center"

Page 10, line 29, replace "any of" with "the Missouri River correctional center"

Page 11, line 1, remove "its affiliated facilities"

Page 11, line 7, replace "any of its affiliated facilities" with "the Missouri River correctional center"

Page 11, line 9, replace "any of its affiliated facilities" with "the Missouri River correctional center"

Page 11, line 11, replace "any of its affiliated" with "the Missouri River correctional center"

Page 11, line 12. remove "facilities"

Page 11, line 17, replace "any of its affiliated facilities" with "the Missouri River correctional center"

Page 11, line 24, remove the overstrike over "~~the~~"

Page 11, line 25, replace "any of its affiliated facilities" with "Missouri River correctional center"

Page 12, line 18, replace "any of its affiliated facilities" with "Missouri River correctional center"

Page 12, line 27, replace "or any of its affiliated facilities" with "and the Missouri River correctional center"

Page 13, line 24, replace "any of its affiliated facilities" with "Missouri River correctional center"

Page 14, line 8, replace "any of its affiliated facilities" with "Missouri River correctional center"

Re-number accordingly

HB 1203: Committee on Transportation (Rep. Belter, 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 17, overstrike "shall" and insert immediately thereafter "must"

Page 1, line 18, remove the overstrike over "advertised by publication" and after the overstruck comma insert "at least three weeks"

Page 1, remove the overstrike over line 19

Page 1, line 20, remove the overstrike over "which the project is located:", after "such" insert "The", and remove the overstrike over "advertisement"

Page 1, line 21, replace "utilizing one" with "must utilize two" and replace the underscored period with an underscored colon

Page 2, line 9, remove "once"

Page 2, line 10, remove "during the" and replace "preceding" with "prior to"

Page 2, line 17, overstrike "Burleigh County" and insert immediately thereafter "the county in which the department district is located. The advertisement must be published"

Re-number accordingly

HB 1248: Committee on Agriculture (Rep. Nicholas, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 9, line 18, after "each" insert ". material, foliar fertilizer, micronutrient, specialty fertilizer"

Page 15, line 18, overstrike "the fifteenth day" and insert immediately thereafter "the end"

Page 15, line 23, remove the overstrike over "ten" and remove "twenty-five"

Page 16, line 2, remove the overstrike over "is responsible for"

Page 16, line 3, remove the overstrike over "reporting the tonnage and paying the"

Page 18, line 17, overstrike "the state department of health and consolidated"

Page 18, line 18, overstrike "laboratories may find"

Page 19, line 21, overstrike the first "to" and insert immediately thereafter "may" and overstrike the second "to" and insert immediately thereafter "may"

Page 19, line 23, after "or" insert "may refuse"

Page 22, line 15, remove "In addition to the criminal sanctions that may be imposed, a person"

Page 22, remove lines 16 through 20

Page 22, line 21, remove "4."

Page 22, line 26, remove the overstrike over "~~4.~~" and remove "5."

Page 23, line 1, remove the overstrike over "~~5.~~" and remove "6."

ReNUMBER accordingly

HB 1331: Committee on Judiciary (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (10 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 2, line 21, after the underscored period insert "The mortgage contract must contain a statement in bold type that the mortgagee has the right, upon default by the mortgagor, to foreclosure or, if foreclosure is waived, to bring an action on the promissory note or other obligation of the mortgagor."

ReNUMBER accordingly

HB 1390: Committee on Transportation (Rep. Belter, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REFERRED to the Committee on Appropriations (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 9, after "bear" insert "the national guard insignia designated by the adjutant general and"

ReNUMBER accordingly

HB 1421: Committee on Agriculture (Rep. Nicholas, Chairman) recommends DO NOT PASS (10 YEAS, 4 NAYS, 3 ABSENT AND NOT VOTING). HB 1421 was placed on the Eleventh order on the calendar.

HB 1434: Committee on Natural Resources (Rep. A. Olson, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1434 was placed on the Eleventh order on the calendar.

HB 1437: Committee on Judiciary (Rep. Kretschmar, Chairman) recommends DO NOT PASS (11 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1437 was placed on the Eleventh order on the calendar.

HB 1449: Committee on Judiciary (Rep. Kretschmar, Chairman) recommends DO PASS (14 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1449 was placed on the Eleventh order on the calendar.

HB 1451: Committee on State and Federal Government (Rep. Martinson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 31, line 14, remove "are" and overstrike "deemed state employees"

Page 31, line 15, overstrike "for purposes of immunity and participation in fringe benefits" and insert immediately thereafter "are not liable for acts performed within the scope of their employment"

ReNUMBER accordingly

HB 1454: Committee on Judiciary (Rep. Kretschmar, Chairman) recommends DO PASS (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1454 was placed on the Eleventh order on the calendar.

HB 1497: Committee on Agriculture (Rep. Nicholas, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 13, replace "national" with "natural"

Re-number accordingly

HB 1588: Committee on Judiciary (Rep. Kretschmar, Chairman) recommends DO PASS (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1588 was placed on the Eleventh order on the calendar.

HCR 3030: Committee on Finance and Taxation (Rep. Timm, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (13 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HCR 3030 was placed on the Tenth order.

#### FIRST READING OF SENATE BILLS

SB 2092: A BILL for an Act to amend and reenact subsections 3 and 5 of section 61-24-01 and section 61-24-02 of the North Dakota Century Code, relating to the Garrison Diversion Conservancy District.  
Was read the first time and referred to the Committee on Natural Resources.

SB 2151: A BILL for an Act to amend and reenact subsection 3 of section 4-10.2-02 and sections 4-10.2-08 and 4-10.2-11 of the North Dakota Century Code, relating to designated handlers of certain crops, assessments, and penalties; to repeal sections 4-10.2-12 and 4-10.2-14 of the North Dakota Century Code, relating to penalties for nonpayment of assessment and violations of the chapter; and to provide a penalty.  
Was read the first time and referred to the Committee on Agriculture.

SB 2174: A BILL for an Act to amend and reenact section 5-02-04, subsection 2 of section 43-31-14, section 53-04-02, and section 57-36-02 of the North Dakota Century Code, relating to license reinstatement fees for state beer or liquor licenses, detection of deception examiner licenses, amusement game or device licenses, and tobacco distributor and dealer's licenses.  
Was read the first time and referred to the Committee on Industry, Business and Labor.

SB 2191: A BILL for an Act to amend and reenact subsection 3 of section 4-10.3-02, sections 4-10.3-08, and 4-10.3-11 of the North Dakota Century Code, relating to the definition of a designated handler of edible beans and to assessments and penalties, and to repeal sections 4-10.3-12 and 4-10.3-14 of the North Dakota Century Code, relating to penalties; and to provide a penalty.  
Was read the first time and referred to the Committee on Agriculture.

SB 2240: A BILL for an Act to amend and reenact section 21-10-02 of the North Dakota Century Code as amended by section 5 of chapter 667 of the 1989 Session Laws of North Dakota, and sections 21-10-04, 21-10-05, 21-10-06.1, and 21-10-08 of the North Dakota Century Code, relating to state investment board powers and duties, meetings, investment director, funds under management, investment reports, and reserves.  
Was read the first time and referred to the Committee on State and Federal Government.

SB 2251: A BILL for an Act to amend and reenact subsection 1 of section 39-21-41.2 of the North Dakota Century Code, relating to the required use of child restraint devices in motor vehicles.  
Was read the first time and referred to the Committee on Transportation.

FIRST READING OF SENATE CONCURRENT RESOLUTION

SCR 4021: A concurrent resolution requesting that the Congress of the United States propose for ratification by the states an amendment to the federal Constitution to provide that Congress and the states would have the power to prohibit the physical desecration of the flag of the United States.

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

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

ROY GILBREATH, Chief Clerk