

JOURNAL OF THE HOUSE

Fifty-second Legislative Assembly

Bismarck, January 18, 1991

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

The prayer was offered by Father Steve Zastoupil, Corpus Christi Church, Bismarck.

The roll was called and all members were present except Representatives Gates, Myrdal, and Rydell.

A quorum was declared by the Speaker.

THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative Jim Haugen

MOTIONS

REP. KLOUBEC MOVED that the rules be suspended and that the amendments on the Sixth order of business to HB 1158, HB 1208, HB 1213, HB 1217, HB 1229, HB 1231, HB 1233, HCR 3001, and HCR 3010 be adopted, which motion prevailed.

HB 1158, HB 1208, HB 1213, HB 1217, HB 1229, HB 1231, HCR 3001, and HCR 3010, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day. HB 1233, as amended, was rereferred to the Committee on Appropriations.

REP. NICHOLAS MOVED that HB 1412 be returned to the House floor from the Committee on Agriculture and be rereferred to the Committee on Industry, Business and Labor, which motion prevailed. Pursuant to Rep. Nicholas' motion, HB 1412 was rereferred.

REP. MARTINSON MOVED that HB 1105 be returned to the House floor from the Committee on State and Federal Government for the purpose of withdrawal, which motion prevailed.

REQUEST

REP. MARTINSON REQUESTED the unanimous consent of the House to withdraw HB 1105. There being no objection, it was so ordered by the Speaker.

MOTIONS

REP. MARTINSON MOVED that HCR 3018 be returned to the House floor from the Committee on State and Federal Government, which motion prevailed.

REP. MARTINSON MOVED that the rules be suspended, that HCR 3018 be read in its entirety and placed on the calendar for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3018: A concurrent resolution recognizing the FM Acro Team for their national prominence and designating the team as Official Goodwill Ambassadors of North Dakota.

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

HCR 3018 was declared adopted on a voice vote.

SECOND READING OF HOUSE BILLS

HB 1077: A BILL for an Act to provide a one-time credit against insurance premium tax liability for certain taxpayers; to provide an expiration date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 104 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; 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

ABSENT AND NOT VOTING: Bernstein; Gates

HB 1077 passed, the title was agreed to, and the emergency clause carried.

HB 1126: A BILL for an Act to amend and reenact section 21-02-10 of the North Dakota Century Code, relating to certificates of indebtedness of political subdivisions.

ROLL CALL

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

YEAS: DeMers

NAYS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; 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: Bernstein; Gates; Hausauer

HB 1126 was declared lost.

HB 1064: A BILL for an Act to amend and reenact subsection 3 of section 15-47-38 of the North Dakota Century Code, relating to causes for immediate dismissal of a teacher.

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 16 YEAS, 88 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Delzer; DeWitz; Dorso; Gorman; Grosz; Myrdal; Nelson; Nichols; Olsen, D.; Olson, A.; Rennerfeldt; Schmidt; Shide; Thompson; Wentz; Whalen

NAYS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; DeMers; Enget; Erickson; Flaagan; Freier; Gabrielson; Gerntholz; Gilmore; Goffe; Gorder; 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; Nicholas; Nowatzki; Oban; Payne; Peterson; Porter; Price; Pyle; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schneider; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Bernstein; Gates

HB 1064 was declared lost.

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 1030, HB 1099, HB 1163, HB 1195, HB 1209, HB 1238.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2036, SB 2071, SB 2072, SB 2073, SB 2074, SB 2080, SB 2103, SB 2106, SB 2114, SB 2117, SB 2150, SB 2156, SB 2162, SB 2184, SB 2190, SB 2193, SB 2218, SB 2222, SB 2236.

SECOND READING OF HOUSE BILLS

HB 1096: A BILL for an Act to create and enact a new section to chapter 54-44 of the North Dakota Century Code, authorizing the selling, leasing, exchanging, or transferring of title of san haven properties by the director of the office of management and budget, 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 104 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; 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

ABSENT AND NOT VOTING: Bernstein; Gates

HB 1096 passed, the title was agreed to, and the emergency clause carried.

HB 1100: A BILL for an Act to adopt the Uniform Statutory Rule Against Perpetuities; and to repeal sections 47-02-27, 47-02-31, 47-04-11, 47-04-12, and 59-05-36 of the North Dakota Century Code, relating to the rule against perpetuities.

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 103 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; 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; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Bernstein; Gates; Starke

HB 1100 passed and the title was agreed to.

HB 1101: A BILL for an Act to adopt the Uniform Foreign-Money Claims Act; 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 PASS, the roll was called and there were 103 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; 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; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Bernstein; Gates; Starke

HB 1101 passed and the title was agreed to.

HB 1107: A BILL for an Act to amend and reenact section 54-06-09 of the North Dakota Century Code, relating to the filing of claims for mileage and travel expenses of state officers and employees.

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 104 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; 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

ABSENT AND NOT VOTING: Bernstein; Gates

HB 1107 passed and the title was agreed to.

HB 1109: A BILL for an Act to amend and reenact section 54-14-07 of the North Dakota Century Code, relating to standard vouchers for claims against public funds and disapproval of claims.

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 103 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; 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; 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: Bernstein; Gates; Nicholas

HB 1109 passed and the title was agreed to.

HB 1118: A BILL for an Act to repeal chapter 4-12.3 of the North Dakota Century Code, relating to the regulation of alfalfa leafcutter bees; 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 DD PASS, the roll was called and there were 103 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh;

Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; 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; 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: Bernstein; Gates; Shide

HB 1118 passed, the title was agreed to, and the emergency clause carried.

HB 1124: A BILL for an Act to amend and reenact sections 18-03-03, 18-03-04, 18-03-05, 18-03-06, 18-03-07, and 18-03-08 of the North Dakota Century Code, relating to transferring budgeting responsibilities for the North Dakota firemen's association from the office of management and budget to the attorney general.

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 2 YEAS, 101 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Ritter; Scherber

NAYS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; 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; Rydell; Schimke; Schindler; Schmidt; Schneider; 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: Bernstein; Gates; Shide

HB 1124 was declared lost.

HB 1150: A BILL for an Act to create and enact a new subsection to section 57-38-12 and a new section to chapter 57-38.1 of the North Dakota Century Code, relating to the gain or loss on the sale of partnership interest when the partnership income or loss was previously determined to be nonbusiness income when taxing the income of a corporation; 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 PASS, the roll was called and there were 100 YEAS, 3 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary;

Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Gabrielson; 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.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Skar; Skjerven; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

NAYS: Berg, R.; Freier; Olson, A.

ABSENT AND NOT VOTING: Bernstein; Gates; Shide

HB 1150 passed and the title was agreed to.

HB 1156: A BILL for an Act to amend and reenact section 54-12-14 of the North Dakota Century Code, relating to the assets forfeiture fund.

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 103 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; 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; Skar; Skjerven; 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: Bernstein; Gates; Shide

HB 1156 passed and the title was agreed to.

HB 1161: A BILL for an Act to amend and reenact section 54-44.1-13 of the North Dakota Century Code, relating to the date the budget requests for the legislative and judicial branches are submitted.

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 103 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; 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; 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: Bernstein; Gates; Shide

HB 1161 passed and the title was agreed to.

HB 1162: A BILL for an Act to amend and reenact section 15-63-01 of the North Dakota Century Code, relating to the membership of the state board for Indian scholarships.

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, 103 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

NAYS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; 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; 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: Bernstein; Gates; Shide

HB 1162 was declared lost.

HB 1178: A BILL for an Act to create and enact two new subsections to section 51-08.1-08 of the North Dakota Century Code, relating to recovery of damages for antitrust injury by an indirect purchaser.

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 103 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; 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; 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: Bernstein; Gates; Shide

HB 1178 passed and the title was agreed to.

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 be on the Thirteenth order of business, and at the conclusion of the Thirteenth order, the House be on the Sixteenth order of business, and at the conclusion of the Sixteenth order, the House stand adjourned until 1:30 p.m., Monday, January 21, 1991, which motion prevailed.

REPORTS OF STANDING COMMITTEES

HB 1034: Committee on Natural Resources (Rep. A. Olson, Chairman) recommends DO PASS (15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1034 was placed on the Eleventh order on the calendar.

HB 1036: Committee on Natural Resources (Rep. A. Olson, Chairman) recommends DO NOT PASS (15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1036 was placed on the Eleventh order on the calendar.

HB 1045: Committee on Political Subdivisions (Rep. Martin, Chairman) recommends DO PASS (17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1045 was placed on the Eleventh order on the calendar.

HB 1055: Committee on State and Federal Government (Rep. Martinson, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1055 was placed on the Eleventh order on the calendar.

HB 1056: Committee on State and Federal Government (Rep. Martinson, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1056 was placed on the Eleventh order on the calendar.

HB 1074: Committee on State and Federal Government (Rep. Martinson, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1074 was placed on the Eleventh order on the calendar.

HB 1080: Committee on Political Subdivisions (Rep. Martin, Chairman) recommends DO PASS (17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1080 was placed on the Eleventh order on the calendar.

HB 1095: 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, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to the North Dakota Century Code, relating to the access of operator services of telecommunications companies.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to the North Dakota Century Code is created and enacted as follows:

Access code number usage. A person who, in the ordinary course of operations, makes telephones available to the public or to transient users of that person's premises, for intrastate telephone calls using a provider of operator services shall ensure that each of its telephones presubscribed to a provider of operator services allows the consumer to

use "800", "950", and "10XXX 0+" access code numbers to obtain access to the provider of operator services desired by the consumer. Each such person shall ensure that no charge to the consumer for using an "800", "950", or "10XXX 0+" access code number is greater than the amount charged for calls placed using the presubscribed provider of operator services."

Renumber accordingly

HB 1104: 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 5, line 2, overstrike "No" and insert immediately thereafter "Except for the institutions and entities under the jurisdiction of the board of higher education, no"

Renumber accordingly

HB 1112: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (10 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 7, remove the overstrike over ~~"health council consists of fifteen"~~

Page 1, line 8, remove the overstrike over ~~"members appointed by the"~~, remove the overstrike over ~~"in the following manner:"~~, and overstrike "shall"

Page 1, line 9, replace "appoint two persons" with "one person" and overstrike "four" and insert immediately thereafter "two"

Page 1, line 10, overstrike "two persons", after "appointed" insert "one person", overstrike "four" and insert immediately thereafter "two"

Renumber accordingly

HB 1135: Committee on Agriculture (Rep. Nicholas, Chairman) recommends DO PASS (16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1135 was placed on the Eleventh order on the calendar.

HB 1137: Committee on Agriculture (Rep. Nicholas, Chairman) recommends DO PASS (16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1137 was placed on the Eleventh order on the calendar.

HB 1181: Committee on State and Federal Government (Rep. Martinson, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1181 was placed on the Eleventh order on the calendar.

HB 1198: Committee on Agriculture (Rep. Nicholas, Chairman) recommends DO PASS (16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1198 was placed on the Eleventh order on the calendar.

HB 1199: 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 1, line 1, replace "section" with "sections" and after "15-43-01" insert ", 15-43-02, and 15-43-03"

Page 1, line 3, after "districts" insert ", and to repeal sections 15-43-04 and 15-43-06 of the North Dakota Century Code, relating to textbook lists and inducements to purchase textbooks"

Page 2, after line 29, insert:

"SECTION 2. AMENDMENT. Section 15-43-02 of the North Dakota Century Code is amended and reenacted as follows:

15-43-02. Approval of bond for sale of textbooks - License by superintendent of public instruction. The bond described in section 15-43-01 ~~shall~~ must be approved as to form by the attorney general, and upon approval, the person, firm, or corporation filing such the bond ~~shall~~ may be licensed by the superintendent of public instruction to sell in this state the book or books of which copies have been as set forth in the published list price filed in the office of the superintendent.

SECTION 3. AMENDMENT. Section 15-43-03 of the North Dakota Century Code is amended and reenacted as follows:

15-43-03. Breach of conditions in bond - Proceedings to collect on bond. If any person, firm, or corporation ~~shall supply~~ supplies to any district school board, or any purchasing agent thereof, ~~books that are inferior to the samples on file with the superintendent of public instruction, or shall charge at a higher price than that filed or than is in the published list price filed in the office of the superintendent of public instruction or charged elsewhere in the United States, the county superintendent of schools, on written complaint filed with him by the school board, shall inform the superintendent of public instruction of the breach of the terms of the bond. The superintendent shall notify the person, firm, or corporation of the complaint, and if the entity disregards the notice is disregarded, or if such person, firm, or corporation fails to comply with the terms of the agreement filed with the superintendent, the bond shall must be forfeited, and the attorney general, on written request of the superintendent of public instruction, shall proceed to collect the full amount thereof.~~

SECTION 4. REPEAL. Sections 15-43-04 and 15-43-06 of the North Dakota Century Code are repealed."

ReNUMBER accordingly

HB 1225: Committee on Political Subdivisions (Rep. Martin, Chairman) recommends DO NOT PASS (17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
HB 1225 was placed on the Eleventh order on the calendar.

FIRST READING OF HOUSE BILLS

Rep. Larson introduced:

HB 1424: A BILL for an Act to amend and reenact section 26.1-17-12 of the North Dakota Century Code, relating to contract limitations of a health service corporation.

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

Rep. Wentz introduced:

HB 1425: A BILL for an Act to amend and reenact section 26.1-17-21 of the North Dakota Century Code, relating to limitations on dental and optometric service contracts.

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

Rep. Henegar introduced:

HB 1426: A BILL for an Act to create and enact a new section to chapter 43-17 of the North Dakota Century Code, relating to authorization of physicians to be employed by hospitals incorporated as nonprofit corporations.

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

Reps. Henegar, Ritter introduced:

HB 1427: A BILL for an Act to amend and reenact sections 57-27-01, 57-27-02, 57-27-03, 57-27-04, 57-27-05, 57-27-07, 57-27-10, 57-28-01, 57-28-02, 57-28-03, 57-28-04, 57-28-05, 57-28-06, 57-28-08, 57-28-09, 57-28-10, 57-28-11, 57-28-12, 57-28-13, 57-28-14, 57-28-15, 57-28-17, 57-28-17.1, 57-28-18, 57-28-19, 57-28-19.1, 57-28-20, 57-28-21, 57-28-22, 57-28-23, 57-28-24, 57-28-25, 57-28-26, and 57-28-27 of the North Dakota Century Code, relating to rights and procedures when property is not redeemed from tax sale.

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

Reps. Gorman, Enget and Sens. Tennefos, Maxson introduced:

HB 1428: A BILL for an Act to amend and reenact subsection 1 of section 14-09-09.7 of the North Dakota Century Code, relating to the establishment of child support guidelines.

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

Reps. Bodine, Mahoney, Gorman and Sen. Tennefos introduced:

HB 1429: A BILL for an Act to amend and reenact section 43-07-10 of the North Dakota Century Code, relating to renewals of contractors' licenses.

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

Reps. Bodine, Mahoney and Sen. Krebsbach introduced:

HB 1430: A BILL for an Act to create and enact a new subsection to section 10-28-01 and a new subsection to section 45-10.1-15 of the North Dakota Century Code, relating to fees for filing documents related to nonprofit corporations and to limited partnerships; and to amend and reenact subsection 2 of section 10-24-07, section 10-27-03, subsection 5 of section 45-10.1-02, sections 45-11-01, 47-25-03, and 47-25-04 of the North Dakota Century Code, relating to deceptively similar corporate, limited partnership, fictitious partnership, and trade names.

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

Reps. Gilmore, DeMers, Schneider and Sens. Redlin, O'Connell, Krebsbach introduced:

HB 1431: A BILL for an Act to amend and reenact section 15-10-02 of the North Dakota Century Code, relating to the state board of higher education.

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

Rep. Byerly and Sen. Solberg introduced:

HB 1432: A BILL for an Act to create and enact a new section to chapter 16.1-10 of the North Dakota Century Code, relating to state employees and elected state officers campaigning on initiative and referral measures.

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

Reps. Oban, Price, Kolbo and Sens. Schoenwald, Tennefos introduced:

HB 1433: A BILL for an Act to amend and reenact subsections 4, 5, 9, and 10 of section 39-01-15 of the North Dakota Century Code, relating to parking privileges for mobility-impaired persons; to provide a penalty; and to provide a continuing appropriation.

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

Reps. Gilmore, Henegar introduced:

HB 1434: A BILL for an Act to create and enact a new section to chapter 20.1-04 of the North Dakota Century Code, relating to gun dog permits and permit fees.

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

Rep. Bateman and Sen. Meyer introduced:

HB 1435: A BILL for an Act to amend and reenact subsection 11 of section 20.1-01-02 and subsection 2 of section 20.1-03-07 of the North Dakota Century Code, relating to the definition of fur-bearers and to nonresidents taking fur-bearers.

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

Reps. Ring, DeMers, Kelsch and Sens. Ingstad, Krauter, Maxson introduced:

HB 1436: A BILL for an Act to create and enact a new section to chapter 49-02 of the North Dakota Century Code, relating to adoption of rules by the public service commission concerning the disconnection of residential utility customers during cold weather.

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

Reps. Ring, Gabrielson, B. Anderson and Sens. Meyer, Nalewaja, Mathern introduced:

HB 1437: 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 disbursements of charitable gaming net proceeds to male and female athletic activities.

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

Rep. Kunkel introduced:

HB 1438: A BILL for an Act to create and enact a new section to chapter 54-52 of the North Dakota Century Code, relating to a benefit adjustment for certain retired members of the public employees retirement system; and to provide for application of this Act.

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

Reps. Whalen, Aarsvold, Wald, Skjerven introduced:

HB 1439: A BILL for an Act to provide for cleanup of petroleum spills through the establishment of a petroleum release compensation fund; to repeal sections 1 through 31 and section 33 of chapter 341 of the 1989 Session Laws of North Dakota; to provide a penalty; to provide a continuing appropriation; to provide an appropriation; to provide an expiration date; and to declare an emergency.

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

Reps. Mutzenberger, Wentz and Sen. Lips introduced:

HB 1440: A BILL for an Act to amend and reenact section 44-06-03 of the North Dakota Century Code, relating to the bond of notaries public.

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

Reps. Skjerven, R. Berg and Sen. Thane introduced:

HB 1441: A BILL for an Act to amend and reenact sections 26.1-13-01, 26.1-13-02, and 26.1-13-15 of the North Dakota Century Code, relating to organization and territorial limits of a county mutual insurance company.

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

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

Reps. Skjerven, Urlacher and Sen. Graba introduced:

HCR 3019: A concurrent resolution directing the Legislative Council to study the impact of state mandates on political subdivisions and to develop a procedure for the funding of new programs, services, or functions that the Legislative Assembly mandates on political subdivisions.

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

Rep. Kretschmar and Sen. Satrom introduced:

HCR 3020: A concurrent resolution directing the Legislative Council to study North Dakota laws relating to the joint exercise of governmental powers by political subdivisions to determine whether those laws unnecessarily

inhibit the broad authority conferred by the state constitution for joint powers agreements among political subdivisions.
Was read the first time and referred to the Committee on Political Subdivisions.

FIRST READING OF SENATE BILL

SB 2098: A BILL for an Act to amend and reenact subsection 1 of section 57-39.2-12 and subsection 7 of section 57-40.2-07 of the North Dakota Century Code, relating to making the references to due dates for May monthly sales and use tax returns permanent in each odd-numbered year; and to declare an emergency.

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

SIGNING of BILLS and RESOLUTIONS

The Speaker signed the following enrolled resolution: SCR 4012.

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

MR. PRESIDENT: The Speaker has signed: SCR 4012.

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

ROY GILBREATH, Chief Clerk