

## JOURNAL OF THE HOUSE

## Fifty-second Legislative Assembly

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Bismarck, January 24, 1991

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

The prayer was offered by Father Al Bitz, St. Mary's Cathedral, Fargo.

The roll was called and all members were present.

A quorum was declared by the Speaker.

## CORRECTION and REVISION of the JOURNAL (Rep. Schmidt, Chairman)

MR. SPEAKER: Your Committee on Correction and Revision of the Journal has carefully examined the Journal of the Thirteenth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 241, line 36, delete the numerals 14-1-1 and insert in lieu thereof the numerals 15-1-0

REP. TRAUTMAN 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 2043, SB 2081, SB 2089, SB 2138, SB 2159, SB 2171, SB 2195, SB 2203, SB 2269, SB 2270.

## 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 1047, HB 1076, HB 1080, HB 1095, HB 1104, HB 1135, HB 1137, HB 1181, HB 1198, HB 1199, HB 1308, HB 1335.

## THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative Art Melby

## MOTIONS

REP. KLOUBEC MOVED that the rules be suspended and that the amendments on the Sixth order of business to HB 1043, HB 1049, and HB 1242 be adopted, which motion prevailed.

REP. KLOUBEC MOVED that HB 1242, as amended, be rereferred to the Committee on Appropriations, which motion prevailed. Pursuant to Rep. Kloubec's motion, HB 1242 was rereferred.

HB 1043 and HB 1049, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. GATES MOVED that HB 1598 be returned to the House floor from the Committee on Education, which motion prevailed.

## REQUEST

REP. MUHS REQUESTED the unanimous consent of the House to withdraw HB 1598. There being no objection, it was so ordered by the Speaker.

## MOTION

REP. TIMM MOVED that HB 1200, which is on the Eleventh order, be rereferred to the Committee on Finance and Taxation, which motion prevailed. Pursuant to Rep. Timm's motion, HB 1200 was rereferred.

## SECOND READING OF HOUSE BILL

HB 1184: A BILL for an Act to amend and reenact subsections 9 and 10 of section 39-01-15 of the North Dakota Century Code, relating to parking privileges for the mobility impaired; and to provide a penalty.

## 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 99 YEAS, 6 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Dorso; Gates; Gorder; Skjerven; St. Aubyn; Timm

ABSENT AND NOT VOTING: Boehm

HB 1184 passed and the title was agreed to.

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THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative Ken Koehn

## MOTION

REP. TOLLEFSON MOVED that the House waive the reading of the title to HB 1230, which motion prevailed.

## SECOND READING OF HOUSE BILL

HB 1230: A BILL for an Act to create and enact sections 23-09-11.1, 23-09-11.2, and 23-09-21.1 and chapter 23-09.4 of the North Dakota Century Code, relating to food establishments, hotels, lodginghouses, restaurants, and boardinghouses; to amend and reenact sections 19-17-05, 23-09-01, 23-09-02.1, 23-09-03, 23-09-05, 23-09-11, 23-09-14, 23-09-16, 23-09-17, 23-09-20.1, 23-09-21, 23-09-22, and subsection 2 of section 23-10-01 of the North Dakota Century Code, relating to flour and bread standards, hotels, lodginghouses, restaurants, boardinghouses, mobile home parks, trailer parks, and campgrounds; to repeal sections 23-09-02, 23-09-06, 23-09-07, 23-09-08, 23-09-09, 23-09-10, 23-09-12, 23-09-18, 23-09-19, and 23-09-20 of the North Dakota Century Code, relating to hotels, lodginghouses, restaurants, and boardinghouses; and to provide penalties.

## 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 49 YEAS, 57 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Berg, G.; Bodine; Boucher; Carlson; Cleary; Coats; DeMers; Erickson; Gabrielson; Gates; Gilmore; Goffe; Grumbo; Hanson; Hausauer; Henegar; Hokana; Huether; Jacobson; Jensen; Kerzman; Kolbo; Kroeber; Larson; Linderman; Mahoney; Meyer; Muhs; Mutzenberger; Nicholas; Nowatzki; Oban; Peterson; Price; Pyle; Ring; Ritter; Rydell;

Scherber; Schneider; Snyder; St. Aubyn; Starke; Stofferahn; Svedjan; Trautman; Wentz; Williams

**NAYS:** Aarsvold; Bateman; Belter; Berg, R.; Bernstein; Boehm; Brokaw; Brown; Byerly; Carlisle; Clayburgh; Dalrymple; Delzer; DeWitz; Dorso; Enget; Flaagan; Freier; Gerntholz; Gorder; Gorman; Grosz; Howard; Kaldor; Kelsch; Kloubec; Kretschmar; Kunkel; Laughlin; Martin; Martinson; Miller; Myrdal; Nelson; Nichols; Olsen, D.; Olson, A.; Payne; Porter; Rennerfeldt; Schimke; Schindler; Schmidt; Shide; Skar; Skjerven; Soukup; Thompson; Thorpe; Timm; Tollefson; Urlacher; Wald; Wardner; Whalen; Wilkie; Speaker R. Anderson

HB 1230 was declared lost.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HCR 3025.

SENATE FLOOR AMENDMENT TO HOUSE CONCURRENT RESOLUTION NO. 3025

Page 2, line 4, replace "Jan Harmon" with "Candace Makeeff"

Page 4, line 20, replace "Lois Scherr" with "Jan Harmon"

Page 6, line 18, insert a comma after "compensation"

Page 6, line 19, replace "ten" with "five"

Renumber accordingly

#### SECOND READING OF HOUSE BILLS

**HB 1024:** A BILL for an Act to amend and reenact subsection 6 of section 28-32-01 of the North Dakota Century Code, relating to the definition of rule as used in the Administrative Agencies Practice Act, North Dakota Century Code chapter 28-32.

#### 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 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 1024 passed and the title was agreed to.

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**HB 1042:** A BILL for an Act to create and enact a new section to chapter 26.1-36 of the North Dakota Century Code, relating to providing basic health insurance coverage for individuals and certain employers; to provide for reports to the legislative council; and to provide an expiration 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 94 YEAS, 12 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; Clayburgh; Cleary; Dalrymple; Delzer; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Martin; Martinson; Meyer; Miller; Muhs; Myrdal; Nicholas; Nichols; Nowatzki; Olsen, D.; Olson, A.; Payne; Porter; Price; Pyle; Rennerfeldt; Rydell; 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: Carlson; Coats; DeMers; Jacobson; Mahoney; Mutzenberger; Nelson; Oban; Peterson; Ring; Ritter; Scherber

HB 1042 passed and the title was agreed to.

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HB 1164: A BILL for an Act to create and enact section 27-21-11 of the North Dakota Century Code, relating to the transfer of students from the state industrial school to other institutions.

## 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 93 YEAS, 11 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Bodine; Carlson; DeMers; Gabrielson; Jacobson; Mahoney; Ring; Schneider; Snyder; Starke; Williams

ABSENT AND NOT VOTING: Hausauer; Wald

HB 1164 passed and the title was agreed to.

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HB 1202: A BILL for an Act to amend and reenact subsection 2 of section 39-20-04 and subsection 1 of section 39-20-05 of the North Dakota Century Code, relating to the time for entering a notice of intent to enter a guilty plea to a driving under the influence charge in lieu of a revocation of driving privileges and the time for scheduling an implied consent administrative hearing.

## 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 98 YEAS, 5 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gerntholz; Gilmore; Goffe; Gorman; Grosz; Grumbo; Hanson; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; 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; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Williams; Speaker R. Anderson

NAYS: Gorder; Laughlin; Olson, A.; Thompson; Wilkie

ABSENT AND NOT VOTING: Berg, R.; Gates; Hausauer

HB 1202 passed and the title was agreed to.

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HB 1264: A BILL for an Act to amend and reenact section 26.1-24-10 of the North Dakota Century Code, relating to insurance audits by insurers.

## 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, 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; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Berg, G.; Wald

HB 1264 passed and the title was agreed to.

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HB 1304: A BILL for an Act to amend and reenact section 16.1-12-03 of the North Dakota Century Code, relating to the nomination and election of a person to more than one office.

## 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; 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; 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; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Wald

HB 1304 passed and the title was agreed to.

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HB 1315: A BILL for an Act to amend and reenact section 51-14-02 of the North Dakota Century Code, relating to revolving charge account requirements.

#### 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.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; 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; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Erickson; Kerzman; Wald

HB 1315 passed and the title was agreed to.

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HB 1403: A BILL for an Act to repeal section 12.1-20-10 of the North Dakota Century Code, relating to unlawful cohabitation.

#### MOTION

REP. HANSON MOVED the previous question, which motion prevailed.

#### 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 27 YEAS, 78 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Carlson; Clayburgh; DeMers; Flaagan; Gabrielson; Hokana; Huether; Jacobson; Jensen; Kaldor; Kolbo; Larson; Mutzenberger; Oban; Peterson; Pyle; Ring; Scherber; Schimke; Schneider; Snyder; Starke; Stofferahn; Thorpe; Wentz; Williams

**NAYS:** Aarsvold; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Cleary; Coats; Dalrymple; Delzer; DeWitz; Dorso; Enget; Erickson; Freier; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Howard; Kelsch; Kerzman; Kloubec; Kretschmar; Kroeber; Kunkel; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Olsen, D.; Olson, A.; Payne; Porter; Price; Rennerfeldt; Ritter; Rydell; Schindler; Schmidt; Shide; Skar; Skjerven; Soukup; St. Aubyn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wardner; Whalen; Wilkie; Speaker R. Anderson

**ABSENT AND NOT VOTING:** Wald

HB 1403 was declared lost.

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#### SECOND READING OF HOUSE CONCURRENT RESOLUTION ON CONSENT CALENDAR

HCR 3014: A concurrent resolution recognizing the 100th anniversary of the National Conference of Commissioners on Uniform State Laws.

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

The resolution was declared adopted on a voice vote.

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#### MOTIONS

REP. KLOUBEC MOVED that HB 1242, as amended on the Sixth order today, be returned to the House floor from the Committee on Appropriations and be placed on the Eleventh order on tomorrow's calendar, as amended, for second reading and final passage, which motion prevailed.

REP. KLOUBEC MOVED that HB 1043, as amended on the Sixth order today, be rereferred to the Committee on Appropriations, which motion prevailed. Pursuant to Rep. Kloubec's motion, HB 1043, as amended, was rereferred.

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 stand adjourned until 12:30 p.m., Friday, January 25, 1991, which motion prevailed.

#### REPORTS OF STANDING COMMITTEES

HB 1010: Committee on Appropriations (Rep. Thompson, Chairman) recommends DO PASS (23 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1010 was placed on the Eleventh order on the calendar.

HB 1012: Committee on Appropriations (Rep. Thompson, Chairman) recommends DO PASS (23 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1012 was placed on the Eleventh order on the calendar.

HB 1031: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 11, replace "is" with "was"

Page 1, line 12, after "provider" insert "before January 1, 1991," and replace "interest and depreciation" with "property"

Page 1, line 14, after "3" insert "made prior to January 1, 1991, and those made thereafter by a seller who has held the property more than five years at the time of the sale"

Page 1, line 17, after "depreciation" insert ". A lease that is not bona fide will be reimbursed at the rate paid as of July 1, 1987. Property costs as referred to herein include depreciation, interest expense on capital and working capital debt, property taxes, including real estate and equipment lease and rental costs, start-up costs, and reasonable legal expenses as defined by rule by the department"

Page 2, line 16, after "sale" insert "determined by an established appraisal process"

Renumber accordingly

HB 1054: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends DO NOT PASS (11 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1054 was placed on the Eleventh order on the calendar.

HB 1083: Committee on Political Subdivisions (Rep. Martin, Chairman) recommends DO PASS (17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1083 was placed on the Eleventh order on the calendar.

HB 1085: Committee on Education (Rep. Gates, Chairman) recommends DO PASS (12 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). HB 1085 was placed on the Eleventh order on the calendar.

HB 1091: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (11 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 7, remove the overstrike over "subsection" and after "2" insert "1"

Page 1, line 8, remove the overstrike over "of"

Renumber accordingly

HB 1106: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 21, after "accept" insert "and expend"

Renumber accordingly

HB 1117: Committee on Finance and Taxation (Rep. Timm, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 8, replace "dealers" with "outlets"

Page 4, line 13, overstrike "dealers"

Page 4, line 14, after "fuels" insert "outlets" and remove the overstrike over "When a wholesale dealer in"

Page 4, line 15, remove the overstrike over "motor vehicle fuels makes a sale to a retail", after "dealer" insert "outlet", and remove the overstrike over "the wholesale dealer"



Page 4, line 16, remove the overstrike over "~~shall credit the retail~~", after "~~dealer~~" insert "outlet", and remove the overstrike over "~~with one percent of the total state motor~~"

Page 4, remove the overstrike over lines 17 and 18

Page 4, line 19, remove the overstrike over "~~consideration of evaporation and shrinkage losses and the~~", after "~~retailer's~~" insert "retail outlet's", and remove the overstrike over "~~cost of~~"

Page 4, remove the overstrike over lines 20 and 21

Page 4, line 22, remove the overstrike over "~~sales to retail~~", after "~~dealers~~" insert "outlets", and remove the overstrike over "~~in motor vehicle fuels under the provisions of this~~"

Page 4, remove the overstrike over line 23

Page 4, remove lines 24 through 28

Page 5, remove lines 1 through 19

Renumber accordingly

HB 1131: Committee on Political Subdivisions (Rep. Martin, Chairman) recommends DO PASS (17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1131 was placed on the Eleventh order on the calendar.

HB 1133: Committee on Judiciary (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 10, replace "the inhalation of anethesia" with "inhalations"

Page 1, line 11, replace the first "or" with a comma and after "dental" insert ", or optometric"

Renumber accordingly

HB 1140: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 8, remove "direct or"

Renumber accordingly

HB 1142: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 11, remove the overstrike over "~~fifteen~~"

Page 1, line 12, remove "thirty"

Page 2, line 22, remove the overstrike over "~~fifteen~~" and remove "thirty"

Renumber accordingly

HB 1160: Committee on Political Subdivisions (Rep. Martin, Chairman) recommends DO PASS (17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1160 was placed on the Eleventh order on the calendar.

HB 1185: Committee on State and Federal Government (Rep. Martinson, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1185 was placed on the Eleventh order on the calendar.

HB 1186: Committee on State and Federal Government (Rep. Martinson, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1186 was placed on the Eleventh order on the calendar.

HB 1187: Committee on State and Federal Government (Rep. Martinson, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1187 was placed on the Eleventh order on the calendar.

HB 1188: Committee on State and Federal Government (Rep. Martinson, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1188 was placed on the Eleventh order on the calendar.

HB 1189: Committee on State and Federal Government (Rep. Martinson, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1189 was placed on the Eleventh order on the calendar.

HB 1190: Committee on State and Federal Government (Rep. Martinson, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1190 was placed on the Eleventh order on the calendar.

HB 1192: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 2 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 chapter 26.1-34.1 of the North Dakota Century Code, relating to creating an exemption that may be granted by the commissioner of insurance for the issuance of charitable gift annuities.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Chapter 26.1-34.1 of the North Dakota Century Code is created and enacted as follows:

26.1-34.1-01. Application for certificate of exemption to issue gift annuities. A domestic or foreign corporation organized and operated exclusively as, or for the purpose of aiding, an educational, religious, charitable, scientific, or philanthropic institution and which is organized as a nonprofit organization without profit to any person, may apply to the commissioner for a certificate of exemption to receive gifts of money or other property conditioned upon, or in return for, its agreement to pay an annuity to a donor or nominee or both. The corporation shall include with its application any documents or information the commissioner reasonably requires, including:

1. Its name, location, and organization date;
2. Evidence that it possesses a current tax-exempt status under the laws of the United States;
3. A designation form appointing the commissioner as its attorney upon whom may be served all lawful process in any action, suit, or proceeding instituted by or on behalf of an annuitant or beneficiary arising out of any annuity contract;
4. A statement of the financial condition, management, and affairs of the organization including an accurate and complete financial statement consisting of a balance sheet and income and expense statement, showing the current financial condition of the corporation and sworn to by the

officer of the corporation having the responsibility for preparing such statement; and

5. A filing fee of one hundred dollars coincident with its application.

**26.1-34.1-02. Issuance of certificate of exemption to issue gift annuities.** The commissioner shall issue a certificate of exemption if:

1. All requirements of this chapter have been met; and
2. The commissioner is satisfied that the corporation is in a position to competently execute its responsibilities relative to such annuity contracts.

**26.1-34.1-03. Segregated account.**

1. Every corporation possessing a certificate of exemption shall maintain a segregated account for all of its gift annuity liabilities.
2. The assets of the segregated account are not liable for any debts of the corporation other than those incurred pursuant to this chapter.
3. The segregated account must be adequate to meet the future payments under all outstanding annuity agreements.

**26.1-34.1-04. Contents of annuity contract or policy form.** Each charitable annuity contract or policy form used or issued by the corporation must include at least the following information:

1. The value of the property to be transferred;
2. The amount of the periodic annuity benefits to be paid;
3. The manner in which and the intervals at which payment is to be made;
4. The age of the person during whose life payment is to be made; and
5. The reasonable value as of the date of the agreement of the benefits thereby created.

**26.1-34.1-05. Continued compliance.** The commissioner may require that a corporation possessing a certificate of exemption submit periodically any report the commissioner determines to be desirable or necessary to ascertain compliance with requirements of this chapter. The commissioner, whenever the commissioner determines it to be expedient, may make or cause to be made an examination of the assets and liabilities and other affairs of the corporation as the same pertains to annuity agreements entered into pursuant to this chapter. The reasonable expenses incurred for any such examination must be fixed and paid in accordance with section 26.1-03-20.

**26.1-34.1-06. Grounds for denial, revocation, or suspension of certificate of exemption.** The commissioner may refuse to grant, or may revoke or suspend, a certificate of exemption if the commissioner finds that the corporation does not meet or continue to meet the requirements of this chapter or that the corporation has violated this chapter or chapter 26.1-04.

**26.1-34.1-07. Other applicable code provisions.** Except as prescribed in this chapter, the corporation is otherwise exempt from the provisions of this code and other insurance laws."

Renumber accordingly

HB 1214: Committee on Finance and Taxation (Rep. Timm, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, remove "create and enact section 10-04-03.1 of the North Dakota"

Page 1, remove line 2

Page 1, line 3, remove "the securities regulatory fund; and to" and remove "section 10-04-03,"

Page 1, line 4, after the first "of" insert "section" and remove ", and subsection 2 of section 51-19-17"

Page 2, remove lines 1 through 28

Page 3, remove lines 1 through 29

Page 4, remove lines 1 through 18

Page 4, remove lines 28 and 29

Page 5, remove lines 1 through 20

Renumber accordingly

HB 1223: Committee on Education (Rep. Gates, Chairman) recommends DO NOT PASS (12 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1223 was placed on the Eleventh order on the calendar.

HB 1268: Committee on Political Subdivisions (Rep. Martin, Chairman) recommends DO PASS (17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1268 was placed on the Eleventh order on the calendar.

HB 1272: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends DO PASS (9 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING). HB 1272 was placed on the Eleventh order on the calendar.

HB 1277: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1277 was placed on the Eleventh order on the calendar.

HB 1278: Committee on Education (Rep. Gates, Chairman) recommends DO NOT PASS (13 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1278 was placed on the Eleventh order on the calendar.

HB 1282: Committee on Education (Rep. Gates, Chairman) recommends DO NOT PASS (9 YEAS, 7 NAYS, 1 ABSENT AND NOT VOTING). HB 1282 was placed on the Eleventh order on the calendar.

HB 1283: Committee on Judiciary (Rep. Kretschmar, Chairman) recommends DO NOT PASS (12 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1283 was placed on the Eleventh order on the calendar.

HB 1293: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends DO PASS (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1293 was placed on the Eleventh order on the calendar.

HB 1294: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 11, after "premium" insert ", except in the sale of variable annuities where the purchaser is entitled to the value of the annuity plus all expense charges"

Page 1, line 15, after "premium" insert ", or such other amount as specified above,"

Renumber accordingly

HB 1307: Committee on State and Federal Government (Rep. Martinson, Chairman) recommends DO PASS (8 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). HB 1307 was placed on the Eleventh order on the calendar.

HB 1311: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends DO NOT PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1311 was placed on the Eleventh order on the calendar.

HB 1312: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1312 was placed on the Eleventh order on the calendar.

HB 1316: Committee on State and Federal Government (Rep. Martinson, Chairman) recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1316 was placed on the Eleventh order on the calendar.

HB 1317: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends DO PASS (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1317 was placed on the Eleventh order on the calendar.

HB 1342: Committee on Political Subdivisions (Rep. Martin, Chairman) recommends DO NOT PASS (17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1342 was placed on the Eleventh order on the calendar.

HB 1344: Committee on State and Federal Government (Rep. Martinson, Chairman) recommends DO PASS (11 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1344 was placed on the Eleventh order on the calendar.

HB 1355: Committee on Education (Rep. Gates, Chairman) recommends DO NOT PASS (9 YEAS, 6 NAYS, 2 ABSENT AND NOT VOTING). HB 1355 was placed on the Eleventh order on the calendar.

HB 1358: Committee on Judiciary (Rep. Kretschmar, Chairman) recommends DO NOT PASS (14 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1358 was placed on the Eleventh order on the calendar.

HB 1366: Committee on State and Federal Government (Rep. Martinson, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1366 was placed on the Eleventh order on the calendar.

HB 1369: Committee on State and Federal Government (Rep. Martinson, Chairman) recommends DO NOT PASS (12 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1369 was placed on the Eleventh order on the calendar.

HB 1407: Committee on Education (Rep. Gates, Chairman) recommends DO PASS and BE REFERRED to the Committee on Appropriations (9 YEAS, 6 NAYS, 2 ABSENT AND NOT VOTING).

HCR 3013: Committee on Education (Rep. Gates, Chairman) recommends DO PASS (16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3013 was placed on the Eleventh order on the calendar.

#### FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

Rep. Kretschmar introduced:

HCR 3026: A concurrent resolution directing the Legislative Council to study and develop a legislative reapportionment plan or plans.

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

Reps. Ring, DeMers, Oban and Sens. Evanson, Heinrich, Mushik introduced:  
HCR 3027: A concurrent resolution directing the Legislative Council to study the current conditions and the feasibility of reducing ground pollution in North Dakota's landfills.

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

#### FIRST READING OF SENATE BILLS

SB 2101: A BILL for an Act to amend and reenact section 54-42-01 and subsection 3 of section 54-44.3-07 of the North Dakota Century Code, relating to the state personnel board constituting the merit system council and the authority of the state personnel board to hear and decide appeals from agency employer actions.

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

SB 2107: A BILL for an Act to amend and reenact section 15-34.2-14 of the North Dakota Century Code, relating to qualifications of schoolbus drivers.

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

SB 2130: A BILL for an Act to amend and reenact section 54-44.4-05 of the North Dakota Century Code, relating to publication of procedures on competitive bidding on purchases by the state.

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

SB 2141: A BILL for an Act to repeal section 54-44-04.8 of the North Dakota Century Code, relating to the purchase of state motor vehicles.

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

SB 2142: A BILL for an Act to amend and reenact section 61-04-04.1 of the North Dakota Century Code, relating to fees for water permit applications.

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

SB 2147: A BILL for an Act to amend and reenact section 61-04-28 of the North Dakota Century Code, relating to correction of errors in applications for water permits or water permits by the state engineer.

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

SB 2260: A BILL for an Act to amend and reenact section 51-07-16 of the North Dakota Century Code, relating to definitions for the purpose of receiving refunds or replacements for defective passenger motor vehicles.

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

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

ROY GILBREATH, Chief Clerk