

## JOURNAL OF THE HOUSE

## Fifty-second Legislative Assembly

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Bismarck, January 31, 1991

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

The prayer was offered by Pastor Sam Freshwater, Washington Community Church, Bismarck.

The roll was called and all members were present except Representatives Hanson, Jensen, and Svedjan.

A quorum was declared by the Speaker.

## REQUEST

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

## ANNOUNCEMENT BY THE SPEAKER

SPEAKER R. ANDERSON ANNOUNCED that the record would show that Rep. Svedjan was also present.

## HOUSE ENROLLING REPORT

The following resolution was enrolled: HCR 3028.

## MOTION

REP. KLOUBEC MOVED that the rules be suspended and that the amendments on the Sixth order of business to HB 1191, HB 1240, HB 1244, HB 1280, HB 1286, HB 1336, HB 1405, HB 1412, HB 1424, HB 1436, and HB 1550 be adopted, which motion prevailed.

HB 1280 was rereferred to the Committee on Appropriations.

HB 1191, HB 1240, HB 1244, HB 1286, HB 1336, HB 1405, HB 1412, HB 1424, HB 1436, and HB 1550, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2031, SB 2111, SB 2167, SB 2242.

## 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 1038, HB 1051, HB 1070, HB 1071, HB 1086, HB 1132, HB 1134, HB 1145, HB 1151, HB 1159, HB 1167, HB 1171, HB 1182, HB 1245, HB 1325, HB 1351, HB 1389, HB 1411, HB 1427.

THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative Vern Thompson

## SECOND READING OF HOUSE BILL

HB 1486: A BILL for an Act to create and enact a new subsection to section 33-06-01 of the North Dakota Century Code, relating to grounds for eviction.

## ROLL CALL

The question being on the final passage of the bill, which has been read and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 64 YEAS, 41 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bateman; Belter; Berg, R.; Bernstein; Boehm; Brown; Byerly; Carlisle; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeWitz; Dorso; Freier;

Gabrielson; Gates; Gerntholz; Gorder; Gorman; Grosz; Hausauer; Henegar; Howard; Jensen; Kelsch; Kloubec; Kretschmar; Kunkel; Larson; Martin; Martinson; Miller; Muhs; Myrdal; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Payne; Porter; Price; Rennerfeldt; Rydell; Schimke; Schindler; Schmidt; Shide; Skjerven; Soukup; St. Aubyn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Speaker R. Anderson

NAYS: Aarsvold; Anderson, B.; Bodine; Boucher; Brokaw; Carlson; DeMers; Enget; Erickson; Flaagan; Gilmore; Goffe; Grumbo; Hanson; Hokana; Huether; Jacobson; Kaldor; Kerzman; Kolbo; Kroeber; Laughlin; Linderman; Mahoney; Meyer; Mutzenberger; Nelson; Nichols; Oban; Peterson; Pyle; Ring; Ritter; Scherber; Schneider; Skar; Snyder; Starke; Stofferahn; Thorpe; Williams

ABSENT AND NOT VOTING: Berg, G.

HB 1486 passed and the title was agreed to.

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CONFLICT OF INTEREST

REP. G. BERG STATED that the reason that he did not vote on HB 1486 was because he felt that he had a conflict of interest.

SECOND READING OF HOUSE BILLS

HB 1557: A BILL for an Act relating to approval of sale of the physical plant of a telephone cooperative.

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, 51 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Berg, G.; Boucher; Brokaw; Carlson; Cleary; Delzer; DeMers; DeWitz; Erickson; Flaagan; Gilmore; Grosz; Grumbo; Hanson; Hokana; Huether; Jacobson; Kaldor; Kerzman; Kolbo; Laughlin; Linderman; Mahoney; Martin; Meyer; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olson, A.; Peterson; Porter; Price; Pyle; Ring; Scherber; Schimke; Schindler; Schneider; Skar; Skjerven; Snyder; Starke; Stofferahn; Thorpe; Trautman; Urlacher; Wentz; Wilkie; Williams

NAYS: Bateman; Belter; Berg, R.; Bernstein; Bodine; Boehm; Brown; Byerly; Carlisle; Clayburgh; Coats; Dalrymple; Dorso; Enget; Freier; Gabrielson; Gates; Gerntholz; Goffe; Gorder; Gorman; Hausauer; Henegar; Howard; Jensen; Kelsch; Kloubec; Kretschmar; Kroeber; Kunkel; Larson; Martinson; Miller; Muhs; Olsen, D.; Payne; Rennerfeldt; Ritter; Rydell; Schmidt; Shide; Soukup; St. Aubyn; Svedjan; Thompson; Timm; Tollefson; Wald; Wardner; Whalen; Speaker R. Anderson

HB 1557 passed and the title was agreed to.

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HB 1072: A BILL for an Act to create and enact a new paragraph to subdivision i of subsection 18 of section 52-01-01 of the North Dakota Century Code, relating to the exclusion of golf caddies under the age of eighteen from the definition of employment under the unemployment compensation law.

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 102 YEAS, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Muhs; Scherber; Stofferahn

ABSENT AND NOT VOTING: Timm

HB 1072 passed and the title was agreed to.

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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 105 YEAS, 1 NAY, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Freier

HB 1150 passed and the title was agreed to.

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HB 1295: A BILL for an Act to amend and reenact section 40-18-15.1 of the North Dakota Century Code, relating to transfer of criminal cases between county and municipal courts.

#### 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 40 YEAS, 65 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Berg, R.; Bernstein; Boucher; Brokaw; Carlson; Delzer; DeMers; Dorso; Gabrielson; Gilmore; Gorman; Grosz; Hausauer; Hokana; Howard; Kaldor; Kerzman; Kloubec; Larson; Meyer; Oban; Olsen, D.; Olson, A.; Payne; Pyle; Ring; Scherber; Schmidt; Schneider; Shide; Skjerven; Stofferahn; Thorpe; Tollefson; Trautman; Urlacher; Wald; Wardner; Whalen

NAYS: Aarsvold; Bateman; Belter; Berg, G.; Bodine; Boehm; Brown; Byerly; Carlisle; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Enget; Erickson; Flaagan; Freier; Gates; Gerntholz; Goffe; Gorder; Grumbo; Hanson; Henegar; Huether; Jacobson; Jensen; Kelsch; Kolbo; Kretschmar; Kroeber; Kunkel; Laughlin; Linderman; Mahoney; Martin; Martinson; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Peterson; Porter; Price; Rennerfeldt; Ritter; Rydell; Schimke; Schindler; Skar; Snyder; St. Aubyn; Starke; Svedjan; Thompson; Timm; Wentz; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Soukup

HB 1295 was declared lost.

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HB 1397: A BILL for an Act to amend and reenact subsection 4 of section 23-25-04.1 of the North Dakota Century Code, relating to permits for asbestos contractors.

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, 1 NAY, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Dalrymple

HB 1397 passed and the title was agreed to.

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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.

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; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; 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; Skjervan; 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: Laughlin

HB 1429 passed and the title was agreed to.

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HB 1442: A BILL for an Act to amend and reenact section 48-01-01 of the North Dakota Century Code, relating to bond requirements on contracts for public buildings or improvements.

#### 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; Dairymple; 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; Skjervan; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

HB 1442 passed and the title was agreed to.

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HB 1469: A BILL for an Act to create and enact a new subsection to section 57-39.2-04 of the North Dakota Century Code, relating to a sales and use tax exemption for sales of recapped tires.

#### 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 75 YEAS, 30 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bateman; Belter; Berg, R.; Bernstein; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Clayburgh; Delzer; DeWitz; Dorso; Gabrielson; Gates; Gerntholz; Gilmore; Gorder; Gorman; Grosz; Hanson; Hausauer; Henegar; Howard; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kroeber; Kunkel; Larson; Martin; Martinson; Meyer; Miller; Mutzenberger; Myrdal; Nelson; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Porter; Price; Pyle; Rennerfeldt; Rydell; Schimke; Schindler; Schmidt; Schneider; Shide; Skjervan; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Timm; Tollefson; Trautman; Wald; Wardner; Wentz; Whalen; Williams; Speaker R. Anderson

NAYS: Anderson, B.; Berg, G.; Bodine; Carlson; Cleary; Coats; DeMers; Enget; Erickson; Flaagan; Freier; Goffe; Grumbo; Hokana; Huether; Kolbo; Kretschmar; Laughlin; Linderman; Mahoney; Muhs; Nichols; Peterson; Ring; Ritter; Scherber; Skar; Thorpe; Urlacher; Wilkie

ABSENT AND NOT VOTING: Dalrymple

HB 1469 passed and the title was agreed to.

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HB 1487: A BILL for an Act to amend and reenact section 32-09.1-08 of the North Dakota Century Code, relating to service of the garnishee summons and notice to a defendant.

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, 1 NAY, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Ritter

HB 1487 passed and the title was agreed to.

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MOTION

REP. KLOUBEC MOVED that 200 copies of HB 1043 and 500 copies of HCR 3004 be reprinted, which motion prevailed.

FIRST READING OF SENATE CONCURRENT RESOLUTION

SCR 4026: A concurrent resolution declaring Wednesday, February 13, 1991, as Higher Education Awareness Day. Was read the first time.

MOTION

REP. KLOUBEC MOVED that the rules be suspended, that SCR 4026 be read in its entirety and placed on the calendar for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4026: A concurrent resolution declaring Wednesday, February 13, 1991, as Higher Education Awareness Day.

The question being on the final adoption of the resolution, which has been read, SCR 4026 was declared adopted on a voice vote.

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MOTIONS

REP. KLOUBEC MOVED that the rules be suspended and that all bills acted upon on the Sixth order today, with the exception of HB 1280, be deemed properly

engrossed and placed on the Eleventh order on today's calendar for second reading and final passage, which motion prevailed.

REP. G. BERG MOVED that HB 1067 and HB 1068 be returned to the House floor from the Committee on Natural Resources for the purpose of withdrawal, which motion prevailed.

REQUEST

REP. G. BERG REQUESTED the unanimous consent of the House to withdraw HB 1067 and HB 1068. There being no objection, it was so ordered by the Speaker.

SECOND READING OF HOUSE BILL

HB 1191: A BILL for an Act to amend and reenact section 38-08-22 of the North Dakota Century Code, relating to certification of welders.

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 31 YEAS, 74 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Berg, G.; Bodine; Brokaw; Carlson; Coats; DeMers; Enget; Erickson; Flaagan; Gabrielson; Hanson; Hokana; Kaldor; Kroeber; Laughlin; Linderman; Mahoney; Mutzenberger; Nelson; Nichols; Nowatzki; Oban; Peterson; Ring; Scherber; Schneider; Snyder; Stofferahn; Williams

NAYS: Bateman; Belter; Berg, R.; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Clayburgh; Cleary; Dalrymple; Delzer; DeWitz; Dorso; Freier; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hausauer; Henegar; Howard; Huether; Jacobson; Jensen; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kunkel; Larson; Martin; Martinson; Meyer; Miller; Muhs; Myrdal; Nicholas; Olsen, D.; Olson, A.; Payne; Porter; Price; Pyle; Rennerfeldt; Ritter; Rydell; Schimke; Schindler; Schmidt; Shide; Skar; Skjerven; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Speaker R. Anderson

ABSENT AND NOT VOTING: Wilkie

HB 1191 was declared lost.

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MOTION

REP. KLOUBEC MOVED that HB 1412 be placed at the head of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1412: A BILL for an Act to amend and reenact section 38-08-22 of the North Dakota Century Code, relating to regulation of welders; 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 84 YEAS, 22 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Starke; Stofferahn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Speaker R. Anderson

NAYS: Anderson, B.; Berg, G.; Bodine; Brokaw; Carlson; Coats; DeMers; Enget; Flaagan; Gabrielson; Gilmore; Hokana; Huether; Mahoney; Mutzenberger; Oban; Ring; Schneider; Snyder; Thorpe; Wilkie; Williams

HB 1412 passed and the title was agreed to.

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HB 1240: A BILL for an Act to create and enact a new chapter to title 15 and a new subsection to section 21-10-06 of the North Dakota Century Code, relating to the Dakota scholars program and the Dakota scholars trust fund; and to provide a contingent appropriation.

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

YEAS: Aarsvold; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Dalrymple; DeMers; Dorso; Gabrielson; Gates; Gerntholz; Gorman; Hausauer; Henegar; Hokana; Howard; Huether; Jensen; Kaldor; Kelsch; Kloubec; Kretschmar; Larson; Mahoney; Martinson; Myrdal; Nelson; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Payne; Porter; Price; Rennerfeldt; Ring; Rydell; Schmidt; Shide; Soukup; St. Aubyn; Svedjan; Timm; Tollefson; Trautman; Wald; Wardner; Wentz; Whalen; Williams; Speaker R. Anderson

NAYS: Anderson, B.; Bateman; Bodine; Boehm; Boucher; Cleary; Coats; Delzer; DeWitz; Enget; Erickson; Flaagan; Freier; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Jacobson; Kerzman; Kolbo; Kroeber; Kunkel; Laughlin; Linderman; Martin; Meyer; Miller; Muhs; Mutzenberger; Nichols; Oban; Peterson; Pyle; Ritter; Scherber; Schimke; Schindler; Schneider; Skar; Skjerven; Snyder; Starke; Stofferahn; Thompson; Thorpe; Urlacher; Wilkie

HB 1240 passed and the title was agreed to.

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#### REQUEST

REP. SOUKUP REQUESTED that the record show that he intended to vote "Yea" on HB 1295, which request was granted.

#### MOTIONS

REP. KLOUBEC MOVED that the House reconsider its action whereby HB 1240 passed, which motion prevailed.

REP. KLOUBEC MOVED that Engrossed HB 1240, be rereferred to the Committee on Appropriations, which motion prevailed. Pursuant to Rep. Kloubec's motion, Engrossed HB 1240 was rereferred.

#### SECOND READING OF HOUSE BILL

HB 1244: A BILL for an Act to create and enact a new section to chapter 57-39.2 of the North Dakota Century Code, relating to sales taxes and exemptions from sales taxes for purchases by contractors of property to be installed in certain health care facilities; to amend and reenact subsection 15 of section 57-39.2-04 and section 57-40.2-03.3 of the North Dakota Century Code, relating to sales and use tax exemptions for purchases by contractors of property to be installed in certain health care facilities; and to provide an effective date.

## 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 14 YEAS, 91 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Dorso; Gilmore; Henegar; Howard; Martin; Myrdal; Olsen, D.; Olson, A.; Porter; Shide; Urlacher; Wald; Wardner; Wentz

NAYS: 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; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Hokana; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martinson; Meyer; Miller; Muhs; Mutzenberger; Nelson; Nicholas; Nichols; Nowatzki; Oban; Payne; Peterson; 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; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Whalen

HB 1244 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 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, February 1, 1991, which motion prevailed.

## REPORTS OF STANDING COMMITTEES

HB 1165: Committee on Judiciary (Rep. Kretschmar, 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 1, replace "subsection" with "subsections", after "1" insert "and 2", and remove the second "and"

Page 1, line 2, remove "subsection 1 of section 12-44.1-24"

Page 1, line 3, replace "the confinement of an inmate in a grade one jail for more than one year" with "grades of jail facilities"

Page 1, remove lines 4 and 5

Page 1, line 6, remove "complied with in promulgating jail rules"

Page 1, line 8, replace "Subsection" with "Subsections" and after "1" insert "and 2"

Page 1, line 9, replace "is" with "are"

Page 1, line 12, after "unless" insert "written request from the board of county commissioners and"

Page 1, after line 13, insert:

"2. "Grade two" means a jail for confining inmates not more than ~~twenty~~ one hundred eighty days."

Page 1, remove lines 14 through 20

Renumber accordingly

HB 1170: Committee on Natural Resources (Rep. A. Olson, Chairman) recommends DO NOT PASS (9 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). HB 1170 was placed on the Eleventh order on the calendar.

HB 1250: Committee on Natural Resources (Rep. A. Olson, Chairman) recommends DO NOT PASS (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1250 was placed on the Eleventh order on the calendar.

HB 1253: Committee on Judiciary (Rep. Kretschmar, 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 3, after "chance" insert "; and to declare an emergency"

Page 1, after line 15, insert:

"SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

HB 1267: Committee on Natural Resources (Rep. A. Olson, Chairman) recommends DO PASS (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1267 was placed on the Eleventh order on the calendar.

HB 1289: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (8 YEAS, 6 NAYS, 2 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, remove line 8

Page 1, line 9, replace "2" with "1"

Page 1, line 11, replace "3" with "2"

Page 1, line 17, replace "4" with "3"

Page 1, line 19, replace "5" with "4"

Page 2, line 1, replace "6" with "5"

Page 2, line 4, replace "7" with "6"

Page 2, line 11, replace "8" with "7"

Page 2, line 20, after "business" insert "or a radio, television, or cable television station in connection with its business"

Page 3, line 1, replace "commission" with "attorney general"

Page 3, line 2, replace "commission" with "attorney general"

Page 3, line 4, replace "commission" with "attorney general"

Page 3, line 5, replace "commission" with "attorney general"

Page 3, line 7, replace "commission" with "attorney general"

Page 3, line 9, replace "general" with "consumer protection" and after "fund" insert ", which may be used only to defray the costs of producing the listing"

Page 3, line 12, replace "commission" with "attorney general"

Page 4, line 26, replace "or" with a comma

Page 4, line 27, after "newspaper" insert ", or a radio station, television station, or cable television station"

Page 5, line 8, replace "commission's" with "attorney general's"

Page 5, line 11, replace "commission" with "attorney general"

Page 5, line 13, replace "commission" with "attorney general"

Page 5, line 14, remove "commission or the"

Page 5, line 18, remove "commission or by the"

Page 5, line 19, replace "or the commission or the" with " The"

Page 6, line 11, remove "commission or the"

Page 6, line 17, replace "commission" with "attorney general"

Page 6, line 18, after "companies" insert "and telephone directory companies"

Page 6, line 19, replace "may" with "must" and remove "an annual insert in the"

Page 6, line 20, remove "billing statements mailed to customers and conspicuous"

Renumber accordingly

HB 1309: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1309 was placed on the Eleventh order on the calendar.

HB 1313: Committee on Natural Resources (Rep. A. Olson, Chairman) recommends DO PASS (9 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING). HB 1313 was placed on the Eleventh order on the calendar.

HB 1367: 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 amend and reenact subsection 1 of section 51-18-02 and subsection 4 of section 51-18-07 of the North Dakota Century Code, relating to cancellation of personal solicitation sales.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 51-18-02 of the North Dakota Century Code is amended and reenacted as follows:

1. In addition to any right otherwise to revoke an offer, the buyer may cancel a personal solicitation sale until midnight of the third business day after the day on which the buyer enters into an enforceable agreement subject to signs an agreement that complies with this chapter. In addition to other requirements of this chapter, the seller shall orally

inform the buyer, at the time the transaction is entered into, of the buyer's right to cancel.

SECTION 2. AMENDMENT. Subsection 4 of section 51-18-07 of the North Dakota Century Code is amended and reenacted as follows:

4. The buyer may not cancel a personal solicitation sale if ~~he~~ the buyer initiates the contract with the seller and requests the seller to provide goods or services without delay ~~because~~ of an emergency and the seller in good faith makes a substantial beginning of performance before notice of cancellation, and the goods cannot be returned to the seller in substantially as good condition as when the buyer received them."

Renumber accordingly

HB 1435: Committee on Natural Resources (Rep. A. Olson, Chairman) recommends DO NOT PASS (11 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1435 was placed on the Eleventh order on the calendar.

HB 1501: Committee on Political Subdivisions (Rep. Martin, Chairman) recommends DO PASS (16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1501 was placed on the Eleventh order on the calendar.

#### FIRST READING OF HOUSE CONCURRENT RESOLUTION

Reps. Skjerven, Meyer, Gorder introduced:

HCR 3039: A concurrent resolution directing the Legislative Council to study all aspects of special education.

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

#### FIRST READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4005: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of consolidating the Retirement and Investment Office, Public Employees Retirement System, and Teachers' Fund for Retirement.

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

SCR 4011: A concurrent resolution urging the Garrison Diversion Conservancy District, with the cooperation of the State Water Commission, the Governor, the Garrison Diversion Overview Committee, and each member of the North Dakota Congressional Delegation, to attempt to negotiate promptly, with the appropriate federal officials, a greater role for the state in the development, construction, operation, and maintenance of the Garrison Diversion Project.

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

#### FIRST READING OF SENATE BILLS

SB 2063: A BILL for an Act to amend and reenact subsection 1 of section 53-06.1-01 and subsection 3 of section 53-06.1-11 of the North Dakota Century Code, relating to the definition of adjusted gross proceeds with regard to charitable gaming activities and expenses allowed to charitable gaming organizations.

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

SB 2083: A BILL for an Act to amend and reenact subsection 2 of section 39-06.1-11 of the North Dakota Century Code, relating to temporary restricted licenses; and to declare an emergency.

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

SB 2290: A BILL for an Act to create and enact a new section to chapter 39-10 of the North Dakota Century Code, relating to traffic regulations governing funeral processions; and to amend and reenact paragraph 16 of subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota

Century Code, relating to point assessments for noncriminal traffic violations; and to declare an emergency.  
Was read the first time and referred to the Committee on Transportation.

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.

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

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

ROY GILBREATH, Chief Clerk