

JOURNAL OF THE HOUSE

Fiftieth Legislative Assembly

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SEVENTH DAY

Bismarck, January 14, 1987

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

The prayer was offered by Ed Bartel, Bismarck Baptist Church, Bismarck, North Dakota.

ROLL CALL

The roll was called and all Representatives were present, except Representatives Riehl and Rydell.

A quorum was declared by the Speaker.

CORRECTION AND REVISION OF THE JOURNAL

MR. SPEAKER: Your Committee on Correction and Revision of the Journal has carefully examined the Journal of the Sixth Day and finds the same to be correct.

REP. THOMPSON, Chairman

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

SIXTH ORDER OF BUSINESS

REP. A. HAUSAUER MOVED that the amendments to HB 1062 as recommended by the Committee on Finance and Taxation as printed on page 239 of the House Journal be adopted, and when so adopted, recommends that HB 1062 DO PASS, which motion prevailed.

HB 1062 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. GATES MOVED that the amendments to HB 1161 as recommended by the Committee on Education as printed on page 240 of the House Journal be adopted, and when so adopted, recommends that HB 1161 DO PASS, which motion prevailed.

HB 1161 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SECOND READING OF HOUSE BILL

HB 1132: A BILL for an Act to amend and reenact section 23-07-01.1 of the North Dakota Century Code, relating to the agency to which certain physical and mental disorders must be reported.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 104 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Kingsbury; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Peterson; Rice; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Starke; Stofferahn; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: None

ABSENT AND NOT VOTING: DeMers, P.; Riehl

HB 1132 passed and the title was agreed to.

**MESSAGE FROM THE SENATE
SENATE CHAMBER**

MR. SPEAKER: I have the honor to transmit herewith the following which the Senate has passed and your favorable consideration is requested on:

SB 2112, SB 2118, SB 2138, SB 2139, SB 2140, SB 2153,
SB 2154, SB 2209, SB 2211

PERRY GROTEBERG, Secretary

SECOND READING OF HOUSE BILL

HB 1164: A BILL for an Act to amend and reenact section 15-12-21 of the North Dakota Century Code, relating to the authority of the state toxicologist to appoint deputy state toxicologists.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 92 YEAS, 13 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Christman; Cleveland; Dalrymple; Dorso; Dotzenrod; Flaagan; Frey; Gerntholz; Goetz; Gorman; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hokana; Kelly; Kent; Kingsbury; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Kuchera; Lang; Larson; Laughlin; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Meyer; Moore; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Peterson; Rice; Rydell; Scherber; Schindler; Shaft; Shaw; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Starke; Stofferahn; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Brokaw; DeMers, J.; DeMers, P.; Enget; Gates; Graba; Hill; Hoffner; Lautenschlager; Murphy; Oban; Schneider; Watne

ABSENT AND NOT VOTING: Riehl

HB 1164 passed and the title was agreed to.

REQUEST

REP. HAMERLIK REQUESTED the unanimous consent of the House to amend Engrossed HB 1189 as follows:

FLOOR AMENDMENT TO ENGROSSED HB 1189

On page 2, line 30, of the engrossed bill, delete the word "concessionnaires", and insert in lieu thereof the word "concessionaires".

The Floor Amendment to Engrossed HB 1189 was adopted as requested.

SECOND READING OF HOUSE BILL

HB 1189: A BILL for an Act to amend and reenact section 55-08-05 of the North Dakota Century Code, relating to the sale of alcoholic beverages by concessionaires operating within state parks and state recreation areas.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 40 YEAS, 65 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Almlie; Anderson; Berg, G.; Berg, R.; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Gates; Goetz; Gorman; Halmrast; Hamerlik; Haugen; Hausauer, R.; Hill; Hoffner; Kent; Kretschmar; Kuchera; Larson; Lindgren; Martin; Mertens; Moore; Nelson, C.; Oban; Olsen, D.; Olson, V.; Payne; Peterson; Rydell; Shide; Stofferahn; Strinden; Ulmer; Wald; Whalen; Speaker Kloubec

NAYS: Aas; Belter; Brokaw; Christman; Dotzenrod; Enget; Flaagan; Frey; Gerntholz; Graba; Gunsch; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hokana; Kelly; Kingsbury; Klundt; Knell; Knudson; Koland; Kolbo; Lang; Laughlin; Lautenschlager; Linderman; Marks; Martinson; Melby; Meyer; Murphy; Myrdal; Nelson, J.; Nicholas; Nowatzki; O'Connell; Olson, A.; Opedahl; O'Shea; Rice; Scherber; Schindler; Schneider; Shaft; Shaw; Shockman; Skjerven; Smette; Solberg; Sorensen; Starke; Thompson; Tokach; Tollefson; Tomac; Trautman; Vander Vorst; Watne; Wentz; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman

ABSENT AND NOT VOTING: Riehl

HB 1189 was declared lost.

MOTION

REP. GOETZ MOVED that the House waive the reading of the title to HB 1050, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1050: A BILL for an Act to amend and reenact sections 6-05-06, 10-06-01, subsection 3 of section 10-19.1-92, section 10-19.1-123, subsection 1 of section 10-30.1-04, sections 11-28.3-06, 21-03-09, 26.1-03-03, subsection 2 of section 26.1-18-28, section 26.1-21-22, subsection 3 of section 26.1-27-06, subsection 7 of section 26.1-33-05, sections 28-22-02, 29-07-01.1, 34-01-09.1, subsection 2 of section 34-11.1-04, sections 34-13-15, 35-08-04, 37-17.1-20, subsection 2 of section 39-10-07, sections 39-10-69, 39-10.1-01, 39-10.1-08, 39-20-12, 40-05-02, subsection 6 of section 41-09-42, sections 43-01-20, 43-33-07, 45-11-01, 50-06-05.2, subsection 1 of section 50-06-05.3, sections 54-14-03.1, 54-40-01, 54-54-03, 57-02-14, 57-11-03, 57-23-08, 57-28-18, 57-38-30.3, 61-21-46, and 65-14-01 of the North Dakota Century Code, relating to improper, inaccurate, redundant, or obsolete references; and to repeal section 35-20-10 of the North

Dakota Century Code, relating to lien notices for federal taxes.

Which has been read.

ROLL CALL

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

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Kingsbury; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Peterson; Rice; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Slide; Shockman; Skjerven; Smette; Solberg; Sorensen; Starke; Stofferahn; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: None

ABSENT AND NOT VOTING: Riehl

HB 1050 passed and the title was agreed to.

HB 1110: A BILL for an Act to amend and reenact section 54-34-03 of the North Dakota Century Code, relating to economic development commission membership.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 94 YEAS, 10 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Gorman; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Lang;

Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Meyer; Moore; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, V.; Opedahl; O'Shea; Payne; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Starke; Stofferahn; Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Belter; Goetz; Hanson, O.; Kent; Kingsbury; Kuchera; Murphy; Olson, A.; Rice; Strinden

ABSENT AND NOT VOTING: Peterson; Riehl

HB 1110 passed and the title was agreed to.

HB 1115: A BILL for an Act to amend and reenact section 57-43.2-03 of the North Dakota Century Code, authorizing an increase in the tax on special fuel used for agricultural purposes and providing for allocation of revenue from the increased tax.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 1 YEA, 103 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Nicholas

NAYS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Kingsbury; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Rice; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Starke; Stofferahn; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

ABSENT AND NOT VOTING: Peterson; Riehl

HB 1115 was declared lost.

HB 1120: A BILL for an Act to amend and reenact section 15-12-21 of the North Dakota Century Code, relating to fees charged by the state toxicologist.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 78 YEAS, 24 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Almlie; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Gunsch; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hill; Hokana; Kent; Kingsbury; Klundt; Knell; Kolbo; Kretschmar; Laughlin; Lautenschlager; Linderman; Marks; Martinson; Melby; Meyer; Moore; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, V.; Opedahl; O'Shea; Payne; Rice; Rydell; Scherber; Schindler; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Starke; Stofferahn; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Vander Vorst; Wald; Watne; Wentz; Wilkie; Williams, C.; Williams, W.; Speaker Kloubec

NAYS: Aas; Anderson; Belter; DeMers, J.; Halmrast; Hanson, O.; Haugen; Hoffner; Kelly; Knudson; Koland; Kuchera; Lang; Larson; Lindgren; Martin; Murphy; Olson, A.; Schneider; Shaw; Ulmer; Whalen; Williams, A.; Winkelman

ABSENT AND NOT VOTING: Hausauer, R.; Mertens; Peterson; Riehl

HB 1120 passed and the title was agreed to.

HB 1153: A BILL for an Act to amend and reenact subsection 5 of section 15-27.1-06 of the North Dakota Century Code, relating to the powers of the county committee and the state board of public school education.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 91 YEAS, 12 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Meyer; Moore; Myrdal; Nelson, C.; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Rice; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shide; Skjerven; Smette; Solberg; Sorensen; Starke; Stofferahn; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer; Wald; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Brokaw; Dotzenrod; Hamerlik; Hanson, O.; Kingsbury; Melby; Murphy; Nelson, J.; Opedahl; Shockman; Vander Vorst; Watne

ABSENT AND NOT VOTING: Mertens; Peterson; Riehl

HB 1153 passed and the title was agreed to.

HB 1167: A BILL for an Act to amend and reenact section 16.1-12-03 of the North Dakota Century Code, relating to participation in election nominations.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 102 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Kingsbury; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Meyer; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl;

O'Shea; Payne; Rydell; Scherber; Schindler; Schneider;
 Shaft; Shaw; Shide; Shockman; Skjerven; Smette;
 Solberg; Sorensen; Starke; Stofferahn; Strinden;
 Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer;
 Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie;
 Williams, A.; Williams, C.; Williams, W.; Winkelman;
 Speaker Kloubec

NAYS: Rice

ABSENT AND NOT VOTING: Mertens; Peterson; Riehl

HB 1167 passed and the title was agreed to.

HB 1168: A BILL for an Act to create and enact a new section to chapter 14-05 of the North Dakota Century Code, relating to the preparation of a transcript of divorce action proceedings.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 90 YEAS, 12 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Almlie; Berg, R.; Brokaw; Christman; Cleveland;
 Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod;
 Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman;
 Graba; Halmrast; Hamerlik; Hanson, L.; Hanson, O.;
 Haugland; Hausauer, R.; Hill; Hoffner; Hokana; Kelly;
 Kent; Kingsbury; Klundt; Knell; Knudson; Koland; Kolbo;
 Kretschmar; Lang; Larson; Laughlin; Lautenschlager;
 Linderman; Lindgren; Marks; Martin; Martinson; Melby;
 Meyer; Moore; Myrdal; Nelson, C.; Nelson, J.; Nicholas;
 Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.;
 Olson, V.; Opedahl; O'Shea; Payne; Rydell; Scherber;
 Schindler; Shaft; Shaw; Shide; Shockman; Skjerven;
 Smette; Solberg; Sorensen; Starke; Stofferahn;
 Strinden; Thompson; Tokach; Tollefson; Trautman; Ulmer;
 Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.;
 Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Aas; Anderson; Belter; Gunsch; Haugen;
 Hausauer, A.; Kuchera; Murphy; Rice; Schneider; Tomac;
 Wilkie

ABSENT AND NOT VOTING: Berg, G.; Mertens; Peterson;
 Riehl

HB 1168 passed and the title was agreed to.

HB 1181: A BILL for an Act to amend and reenact section 52-01-03 of the North Dakota Century Code, relating to the providing of information obtained pursuant to the administration of the North Dakota Unemployment Compensation Law to the state housing finance agency.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 58 YEAS, 46 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Berg, R.; Christman; Cleveland; Dalrymple; Dorso; Dotzenrod; Enget; Gates; Gerntholz; Goetz; Gorman; Hamerlik; Hanson, O.; Haugen; Hausauer, R.; Kent; Klundt; Knudson; Kretschmar; Kuchera; Lang; Larson; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Moore; Myrdal; Nelson, J.; Nicholas; Olson, A.; Olson, V.; Opedahl; Payne; Peterson; Rice; Rydell; Shaft; Shaw; Shide; Smette; Solberg; Sorensen; Starke; Stofferahn; Strinden; Thompson; Tokach; Vander Vorst; Wald; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.

NAYS: Aas; Almlie; Belter; Berg, G.; Brokaw; DeMers, J.; DeMers, P.; Flaagan; Frey; Graba; Gunsch; Halmrast; Hanson, L.; Haugland; Hausauer, A.; Hill; Hoffner; Hokana; Kelly; Kingsbury; Knell; Koland; Kolbo; Laughlin; Lautenschlager; Meyer; Murphy; Nelson, C.; Nowatzki; Oban; O'Connell; Olsen, D.; O'Shea; Scherber; Schindler; Schneider; Shockman; Skjerven; Tollefson; Tomac; Trautman; Ulmer; Watne; Williams, W.; Winkelman; Speaker Kloubec

ABSENT AND NOT VOTING: Mertens; Riehl

HB 1181 passed and the title was agreed to.

HB 1182: A BILL for an Act to amend and reenact section 44-08-04 of the North Dakota Century Code, relating to travel expenses for state and public employees.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 102 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates;

Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Kingsbury; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Meyer; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Peterson; Rice; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Starke; Stofferahn; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Dotzenrod; Williams, A.

ABSENT AND NOT VOTING: Mertens; Riehl

HB 1182 passed and the title was agreed to.

MOTIONS

REP. ULMER MOVED that HCR 3005 be returned to the Committee on Industry, Business and Labor, which motion prevailed.

SPEAKER KLOUBEC ANNOUNCED that HCR 3005 was rereferred to the Committee on Industry, Business and Labor.

REP. GATES MOVED that HB 1199 be laid over one legislative day, which motion prevailed.

REP. GATES MOVED that HB 1095, HB 1096, and HB 1098 be returned to the House floor from the Committee on Education for the purpose of withdrawal, which motion prevailed.

REQUEST

REP. GATES REQUESTED the unanimous consent of the House to withdraw HB 1095, HB 1096, and HB 1098. There being no objection, it was so ordered by the Speaker.

SECOND READING OF HOUSE BILL

HB 1216: A BILL for an Act to authorize the state board of higher education to issue and sell self-liquidating, tax-exempt bonds for the construction of revenue-producing parking lots at the university of North Dakota; to provide an appropriation; and to declare an emergency.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 67 YEAS, 37 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aas; Berg, G.; Berg, R.; Brokaw; Cleveland; Dalrymple; DeMers, J.; Dorso; Dotzenrod; Flaagan; Gates; Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hamerlik; Haugland; Hausauer, A.; Hausauer, R.; Hokana; Kelly; Kent; Knell; Knudson; Koland; Kolbo; Kretschmar; Kuchera; Larson; Laughlin; Lautenschlager; Lindgren; Martinson; Mertens; Meyer; Moore; Myrdal; Nelson, J.; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Opedahl; Payne; Peterson; Rydell; Scherber; Schindler; Schneider; Shaft; Shide; Skjerven; Solberg; Sorensen; Stofferahn; Strinden; Thompson; Tollefson; Trautman; Vander Vorst; Wald; Wentz; Williams, A.; Williams, C.; Speaker Kloubec

NAYS: Almlie; Anderson; Belter; Christman; DeMers, P.; Enget; Frey; Hanson, L.; Hanson, O.; Haugen; Hill; Hoffner; Kingsbury; Klundt; Lang; Linderman; Marks; Melby; Murphy; Nelson, C.; Oban; O'Connell; Olson, V.; O'Shea; Rice; Shaw; Shockman; Smette; Starke; Tokach; Tomac; Ulmer; Watne; Whalen; Wilkie; Williams, W.; Winkelman

ABSENT AND NOT VOTING: Martin; Riehl

HB 1216 passed, the title was agreed to, and the emergency clause lost.

MOTIONS

REP. STRINDEN MOVED that the House reconsider its action whereby HB 1216 passed, which motion prevailed.

REP. STRINDEN MOVED that HB 1216 be rereferred to the Committee on Appropriations, which motion prevailed.

SPEAKER KLOUBEC ANNOUNCED that HB 1216 was referred to the Committee on Appropriations.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3002: A concurrent resolution directing the Legislative Council to study methods for providing and maintaining model municipal ordinances for the protection of small North Dakota cities.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3002 was declared adopted on a voice vote.

MOTIONS

REP. GOETZ MOVED that the absent members be excused, which motion prevailed.

REP. GOETZ 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 1:00 p.m., Thursday, January 15, 1987, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER: Your Committee on Judiciary to which was referred HB 1039 has had the same under consideration and recommends by a vote of 11 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. KRETSCHMAR, Chairman

HB 1039 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government to which was referred HB 1057 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. MARTINSON, Chairman

HB 1057 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government to which was referred HB 1077 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. MARTINSON, Chairman

HB 1077 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government to which was referred HB 1081 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. MARTINSON, Chairman

HB 1081 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor to which was referred HB 1093 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING

that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 6, line 5, delete the word "three" and insert in lieu thereof the word "one"

On page 6, line 33, delete the words "equal to the" and insert in lieu thereof the words "of twenty dollars"

On page 6, delete line 34

On page 6, line 35, delete the words "the commission"

And renumber the lines and pages accordingly

REP. WHALEN, Chairman

HB 1093 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Finance and Taxation to which was referred HB 1103 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

On page 1, line 2, after the numerals "57-38.3-02" insert the words "and subsection 2 of section 57-38.3-10"

On page 1, line 15, delete the words "North Dakota guaranteed student loan"

On page 1, line 16, delete the words "Bank of North Dakota" and insert in lieu thereof the words "state authorized to administer the state guaranteed student loan programs under chapter 15-62.1"

On page 1, after line 16, insert the following new section:

"SECTION 2. AMENDMENT. Subsection 2 of section 57-38.3-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. If more than one claimant agency asserts a debt, or if a claimant agency asserts more than one debt against a debtor, and the total amount of the debts asserted exceeds the total amount of the refund available for setoff, the commissioner shall approve the transfer of funds to claimant agencies in the following order:

- a. Debts for services or benefits otherwise paid for in whole by the state or a political subdivision thereof due and owing to the

child support unit of the department of human services.

- b. Debts for services or benefits otherwise paid for in part by the state or political subdivisions thereof due and owing to the student loan department of the Bank of North Dakota.
- c. All other debts Debts due and owing to the agency of the state authorized to administer the state guaranteed student loan program under chapter 15-62.1."

And renumber the lines and pages accordingly

REP. A. HAUSAUER, Chairman

HB 1103 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government to which was referred HB 1146 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. MARTINSON, Chairman

HB 1146 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government to which was referred HB 1149 has had the same under consideration and recommends by a vote of 12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. MARTINSON, Chairman

HB 1149 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education to which was referred HB 1165 has had the same under consideration and recommends by a vote of 10 YEAS, 8 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. GATES, Chairman

HB 1165 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government to which was referred HB 1172 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. MARTINSON, Chairman

HB 1172 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government to which was referred HB 1230 has had the same under consideration and recommends by a vote of 12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. MARTINSON, Chairman

HB 1230 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Finance and Taxation to which was referred HB 1261 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

REP. A. HAUSAUER, Chairman

HB 1261 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary to which was referred HCR 3003 has had the same under consideration and recommends by a vote of 14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2, line 4, after the first word "Indian" insert the word "people"

And renumber the lines accordingly

REP. KRETSCHMAR, Chairman

HCR 3003 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

FIRST READING OF HOUSE BILLS

Rep. Moore introduced:

HB 1297: A BILL for an Act to amend and reenact section 40-22-27 of the North Dakota Century Code, relating to rejection of bids on city projects for improvements by special assessment.

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

Reps. Shaw, Ulmer, Tokach and Sens. Mushik, W. Meyer introduced:

HB 1298: A BILL for an Act to create and enact a new section to chapter 61-16.1 of the North Dakota Century Code, relating to agreements between water resource boards and state and federal agencies for certain improvements.

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

Reps. Klundt, Schindler and Sen. Heinrich introduced:

HB 1299: A BILL for an Act to amend and reenact sections 15-45-01, 32-12.1-08, 40-55-08, 40-55-09, 52-09-08, 57-15-14, and 57-15-14.2 of the North Dakota Century Code, relating to kindergartens, the insurance reserve fund, recreation systems, old-age survivors' fund, tax levy limitations, and consolidation of school district mill levies; and to repeal section 57-15-14.3 of the North Dakota Century Code, relating to school district general fund mill levies.

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

Reps. Martinson, A. Hausauer, Halmrast and Sens. Lips, Nelson, Heinrich introduced:

HB 1300: A BILL for an Act to place Bismarck state community college under the jurisdiction of the university of North Dakota; and to amend and reenact section 15-10-01 of the North Dakota Century Code, relating to institutions administered by the state board of higher education.

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

Rep. Martinson introduced:

HB 1301: A BILL for an Act to amend and reenact sections 37-07.1-03, 37-07.1-05, 37-07.1-06, and 37-07.2-01 of the North Dakota Century Code, relating to national guard tuition waivers and grants.

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

Rep. Ulmer and Sen. Mushik introduced:

HB 1302: A BILL for an Act to create a parks and recreation facilities development loan fund to be used for loans to nonprofit corporations for construction, reconstruction, repair, or renovation of facilities under the control of the parks and recreation department; and to provide an appropriation.

Was read the first time and referred to the **Committee on Appropriations.**

Reps. Graba, Schneider, Frey and Sen. Ingstad introduced:

HB 1303: A BILL for an Act to amend and reenact subdivision d of subsection 12 of section 65-01-02 of the North Dakota Century Code, relating to definition of diseases fairly traceable to employment under the workmen's compensation law.

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

Reps. Graba, Schneider, Frey and Sen. Ingstad introduced:

HB 1304: A BILL for an Act to provide for notification of firemen and emergency medical technicians after exposure to infectious diseases; and to amend and reenact subdivision d of subsection 12 of section 65-01-02 of the North Dakota Century Code, relating to definition of diseases fairly

traceable to employment under the workmen's compensation law.

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

Reps. Graba, Haugland, Frey and Sens. Schoenwald, Stenehjem introduced:

HB 1305: A BILL for an Act to amend and reenact sections 65-05.2-01 and 65-05.2-02 of the North Dakota Century Code, relating to supplementary workmen's compensation benefits. Was read the first time and referred to the **Committee on Industry, Business and Labor.**

Reps. Graba, Oban and Sen. Shea introduced:

HB 1306: A BILL for an Act to create and enact a new section to chapter 54-03 of the North Dakota Century Code, relating to leave of absence from employment for certain members of the legislative assembly; and to provide for eligibility for certain holdover senators.

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

Reps. Shaft, Schneider and Sen. Maxson introduced:

HB 1307: A BILL for an Act to amend and reenact sections 27-12-02 and 27-12-03 of the North Dakota Century Code, relating to membership of the state bar association of North Dakota.

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

Rep. R. Hausauer introduced:

HB 1308: A BILL for an Act to amend and reenact section 40-39-04 of the North Dakota Century Code, relating to electric facilities existing on vacated streets and alleys.

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

Reps. Strinden, Wald, Kloubec and Sens. Moore, D. Meyer introduced:

HB 1309: A BILL for an Act to amend and reenact section 9-10-07 of the North Dakota Century Code, relating to joint and several liability; and to repeal chapter 32-38 of the North Dakota Century Code, relating to contribution among tort-feasors.

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

Rep. Wald introduced:

HB 1310: A BILL for an Act to amend and reenact subsection 1 of section 26.1-39-05 of the North Dakota Century Code, relating to the payment of the face amount of a fire policy.

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

Rep. J. DeMers and Sen. Holmberg introduced:

HB 1311: A BILL for an Act to create and enact a new section to chapter 1-03 of the North Dakota Century Code, relating to designation of the third Monday in January as Martin Luther King Day.

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

Rep. O. Hanson introduced:

HB 1312: A BILL for an Act to amend and reenact subsection 4 of section 57-39.2-04 of the North Dakota Century Code, relating to the sales tax exemption for certain educational, religious, or charitable activities.

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

Rep. Anderson introduced:

HB 1313: A BILL for an Act to amend and reenact sections 57-55-03 and 57-55-04.1 of the North Dakota Century Code, relating to delinquent mobile home taxes, and the time for filing claims for refund of mobile home taxes.

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

Rep. Gorman introduced:

HB 1314: A BILL for an Act to create and enact a new section to chapter 49-18 of the North Dakota Century Code, relating to collective ratemaking discussions by common motor carriers.

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

Rep. Gorman introduced:

HB 1315: A BILL for an Act to amend and reenact section 49-18-18 of the North Dakota Century Code, relating to tariffs of certain motor carriers.

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

Reps. Wald, Murphy, W. Williams and Sens. Maixner, D. Meyer introduced:

HB 1316: A BILL for an Act to amend and reenact subdivision b of subsection 3 of section 39-06.1-10, section 39-06.1-11, and subsection 5 of section 39-08-01 of the North Dakota Century Code, relating to point assessments for certain traffic offenses, and temporary restricted licenses; and to provide a penalty for certain traffic offenses.

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

Rep. J. DeMers and Sen. Holmberg introduced:

HB 1317: A BILL for an Act to amend and reenact sections 11-11-37 and 11-13-09 of the North Dakota Century Code, relating to the publication of the report of the proceedings of the board of county commissioners.

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

Rep. O. Hanson and Sen. Bakewell introduced:

HB 1318: A BILL for an Act to create and enact chapter 4-12.3 of the North Dakota Century Code, relating to the keeping of alfalfa leafcutter bees; to provide a penalty; and to provide an appropriation.

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

Reps. Moore, Lindgren introduced:

HB 1319: A BILL for an Act to amend and reenact subsections 7 and 8 of section 57-39.2-01, section 57-39.2-03.3, and subsection 5 of section 57-40.2-01 of the North Dakota Century Code, relating to imposition of sales and use taxes for property which is or will be sold through vending machines.

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

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

Rep. W. Williams introduced:

HCR 3011: A concurrent resolution for the amendment of subdivision e of subsection 6 of section 6 of article VIII of the Constitution of the State of North Dakota, relating to the authority of the state board of higher education to control the expenditure of funds appropriated for institutions of higher education.

Was read the first time and referred to the **Committee on Joint Constitutional Revision**.

FIRST READING OF SENATE BILLS

SB 2104: A BILL for an Act to repeal section 47-19-37 of the North Dakota Century Code, relating to the requirement that the clerk of district court certify to the signature of a county judge when a document that has been notarized or certified by the county judge is used in a county other than the county in which the judge resides.

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

SB 2111: A BILL for an Act to amend and reenact sections 4-33-01, 4-33-02, and 4-33-12 of the North Dakota Century Code, relating to control of plant pests.

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

SB 2155: A BILL for an Act to amend and reenact section 24-01-06 of the North Dakota Century Code, relating to abandonment of highways.

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

SB 2264: A BILL for an Act to amend and reenact subsection 9 of section 11-11.1-03 of the North Dakota Century Code, relating to the powers and duties of job development authorities.

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

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

ROY GILBREATH, Chief Clerk