

FIFTH DAY

Bismarck, January 12, 1981

The House convened at 1:30 p. m., with Speaker Peterson presiding. Prayer was offered by Reverend Jay Stratton, Lord of Life Lutheran Church.

The roll was called and all members were present except Reps. O. Hanson and Richie.

A quorum was declared by the Speaker.

Mr. Speaker ..... Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Fourth day and recommends that the same be corrected as follows: .....

On page 147, line 15, delete the word "Fourth" and insert in lieu thereof the word "Third" .....

On page 149, line 24, delete the word "RESOLUTIONS" and insert in lieu thereof the word "RESOLUTION", .....

And when so corrected recommends that the same be approved.

*Burmes* Chairman

Rep. Gorder ..... moved that the report be adopted, which motion prevailed.

MESSAGE TO THE HOUSE  
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:

- Senate Bill No. 2003
- Senate Bill No. 2064
- Senate Bill No. 2090
- Senate Bill No. 2144

LEO LEIDHOLM, Secretary

MOTIONS

Rep. Timm moved that the House reconsider its action whereby the Committee Report on House Bill 1131, recommending Do Not Pass was accepted, which motion prevailed.

Rep. Timm moved that House Bill 1131 be rereferred to the Committee on Transportation, which motion prevailed.

Speaker Peterson announced that House Bill 1131 was rereferred to the Committee on Transportation.

Rep. Murphy moved that the House reconsider its action whereby the Committee Report on House Bill 1144, recommending Do Pass was accepted, which motion prevailed.

Rep. Murphy moved that House Bill 1144 be rereferred to the Committee on Natural Resources, which motion prevailed.

Speaker Peterson announced that House Bill 1144 was rereferred to the Committee on Natural Resources.

SECOND READING OF HOUSE BILLS

**House Bill No. 1140.** — A Bill for an Act to amend and reenact section 4-35-18 of the North Dakota Century Code, relating to the reciprocal issuance of a pesticide use certification to a nonresident by the pesticide control board.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 100 nays, 0; absent and not voting 0.

NORTH DAKOTA HOUSE OF REPRESENTATIVES											
REGULAR SESSION						ROLL CALL			1981 LEGISLATURE		
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
● ANDERSON, C. #7			● HOFFNER			● METZ			● THOMPSON		
● ANDERSON, R. #36			● HORGAN			● MEYER			● TIMM		
● BACKES			● HOUMANN			● MOORE			● UNHJEM		
● BERG			● HUGHES			● MOUM			● VANDER VORST		
● BERGER			● HUWE			● MURPHY			● VIG		
● BLACK			● JACOBSEN, R.			● MUSHIK			● WAGNER		
● BOYUM			● JACOBSON, I.			● NAGEL			● WALD		
● BROKAW			● KELLY			● NICHOLAS			● WENTZ		
● CONNY			● KENT			● OLAFSON			● WHALEN		
● CRABTREE			● KINGSBURY			● OLSEN			● ZIMBLEMAN		
● DICK			● KLOUBEC			● OLSON, A. #11					
● DIETZ			● KNUDSON			● OLSON, D. #13			● MR. SPEAKER		
● DOTZENROD			● KOLAND			● OPEDAHL					
● DUBORD			● KOSKI			● PELTIER					
● EAGLES			● KRETSCHMAR			● PETERSON					
● FREBORG			● KUCHERA			● POMEROY, E. #24					
● GATES			● LANG			● POMEROY, G. #42					
● GERL			● LARSON, B. #12			● REED					
● GOETZ			● LARSON, G. #29			● REITEN					
● GORDER			● LARSON, H. #7			● REITZER					
● GUNDERSON			● L'PSTEA			● RICE					
● GUNSCH			● MARDEN			● RICHARD					
● HANSON, L. #48			● MARTIN			● RICHIE					
● HANSON, O. #7			● MARTINSON			● RIEHL					
● HAUGLAND			● MATCHIE			● RUED					
● HAUSAUER, A. #49			● MATHENY			● SCHINDLER					
● HAUSAUER, R. #25			● MATTSON			● SOLBERG					
● HEDSTROM			● MEIERS			● SORUM					
● HEIGAARD			● MELBY			● STRINDEN					
● HILL			● MERTENS			● SWONTEK					

So the bill passed and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

**House Concurrent Resolution No. 3003.** — A concurrent resolution directing a Legislative Council study to monitor the establishment of intermediate care facilities-services for developmentally disabled persons during the 1981-83 biennium.

POINT OF PERSONAL PRIVILEGE

Rep. Olsen: "Mr. Speaker, I would like to have my remarks printed in the Journal. I am indeed pleased to present House Concurrent Resolution 3003 to this Assembly. This resolution directs a Legislative Council study to monitor the establishment of intermediate care facilities — services for developmentally disabled persons during the 1981-83 biennium.

Deinstitutionalization has three facets:

1. Improvement of the institutions.
2. Return of mentally retarded people to communities.
3. Prevention of institutionalization by providing community alternatives.

House Concurrent Resolution 3003 deals primarily with the latter two aspects.

With the establishment of intermediate care facilities, residents of the Grafton State School will be transferring to community facilities during the next biennium.

Improved services for developmentally disabled persons will be available to those already residing in various communities of the state.

It is important that a high level of services be delivered to persons in such facilities.

This study directs the Legislative Council to monitor the providers of services on the community level and to report its findings and recommendations to the 48th Legislative Assembly regarding expansion of community services to developmentally disabled persons in the state.

Interim Budget "B" Committee on the Legislative Council has developed a good plan based on projections. Changes may be required during the biennium.

To make the plan work will require a commitment.

To make it accountable will require monitoring.

By unanimous vote, the Social Services and Veterans Affairs Committee recommends a Do Pass."

**ROLL CALL**

The question being on the final adoption of the resolution, the roll was called and there were ayes, 99 nays, 0; absent and not voting 1.

NORTH DAKOTA HOUSE OF REPRESENTATIVES											
REGULAR SESSION			ROLL CALL				1981 LEGISLATURE				
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
● ANDERSON, C. #7			● HOFFNER			● WETZ			● THOMPSON		
● ANDERSON, R. #36			● HORGAN			● MEYER			● TIMM		
● BACKES			● HOUMANN			● MOORE			● UNHJEM		
● BERG			● HUGHES			● MOUM			● VANDER VORST		
● BERGER			● HUWE			● MURPHY			● VIG		
● BLACK			● JACOBSEN, R.			● MUSHIK			● WAGNER		
● BOYUM			● JACOBSON, I.			● NAGEL			● WALD		
● BROKAW			● KELLY			● NICHOLAS			● WENTZ		
● CONMY			● KENT			● OLAFSON	●		● WHALEN		
● CRABTREE			● KINGSBURY			● OLSEN			● ZIMBLEMAN		
● DICK			● KLOUBEC			● OLSON, A. #11					
● DIETZ			● KNUDSON			● OLSON, D. #13			● MR. SPEAKER		
● DOTZENROD			● KOLAND			● OPEDAHL					
● DuBORD			● KOSKI			● PELTIER					
● EAGLES			● KRETSCHMAR			● PETERSON					
● FREBORG			● KUCHERA			● POMEROY, E. #24					
● GATES			● LANG			● POMEROY, G. #42					
● GERL			● LARSON, B. #12			● REED					
● GOETZ			● LARSON, G. #29			● REITEN					
● GORDER			● LARSON, H. #1			● RETZER					
● GUNDERSON			● LIPSIEA			● RICE					
● GUNSCH			● MARSDEN			● RICHARD					
● HANSON, L. #48			● MARTIN			● RICHIE					
● HANSON, O. #3			● MARTINSON			● RIEHL					
● HAUGLAND			● MATCHIE			● RUED					
● HAUSAUER, A. #49			● MATHENY			● SCHINDLER					
● HAUSAUER, R. #25			● MATTSOEN			● SOLBERG					
● HEDSTROM			● MEIERS			● SORUM					
● HEKGAARD			● MELBY			● STRINDEN					
● HILL			● MERTENS			● SWONTEK					

So the House Concurrent Resolution was declared adopted.

**MESSAGE TO THE SENATE  
House Chamber**

Mr. President:

I have the honor to transmit herewith the following, which the House has passed and your favorable consideration is requested on:

House Bill No. 1073

House Bill No. 1085

House Bill No. 1090

ROY GILBREATH, Chief Clerk

## REPORT OF STANDING COMMITTEE

Mr. Speaker: Your Committee on Appropriations to whom was referred HOUSE BILL

Bill No. 1054, has had the same under consideration and recommends, by a vote of

Ayes, 19; Nays, 0; Absent, 0, that the same

do pass.  do not pass.  be placed on calendar  
without recommendation.

be amended as follows:

## AMENDMENTS TO HOUSE BILL 1054

On page 1, line 1, delete the words "reappropriate and"; and on the same line after the word "authorize" insert the word "the"

On page 1, line 2, delete the words "of the unexpended" and insert in lieu thereof the words "pursuant to the"

On page 1, line 11, delete the words "of unexpended funds in" and insert in lieu thereof the words "pursuant to"

On page 1, line 13, after the comma delete the remainder of the line and insert in lieu thereof the following:  
"notwithstanding subsection 2 of section 15-40.1-06 and sections 15-40.1-07 and 15-40.1-08"

On page 1, line 14, delete the words "for the purpose of this Act"

On page 1, line 17, delete the words "be made from the"

On page 1, line 18, delete the words "moneys appropriated by this section, and shall"

On page 1, line 20, delete the word "money" and insert in lieu thereof the words "twelve million dollars"

And renumber the lines and pages accordingly

And when so amended, recommends the same do pass.

Statement of the Purpose of the Amendment:

None



Chairman

House Bill

Rep. Vernon Wagner

Bill No. 1054

was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. Speaker: Your Committee on FINANCE & TAXATION

to whom was referred HOUSE

Bill No. 1067, has had the same under consideration and recommends, by a vote of

Ayes, 14; Nays, 0; Absent, 2, that the same

do pass.  do not pass.  be placed on calendar  
without recommendation.

*A. Hausauer*

Chairman

Rep. A Hausauer

HOUSE Bill No. 1067 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. Speaker: Your Committee on INDUSTRY, BUSINESS AND LABOR to whom was referred HOUSE

Bill No. 1169, has had the same under consideration and recommends, by a vote of Ayes, 15; Nays, 0; Absent, 1, that the same

- do pass.
- do not pass.
- be placed on calendar without recommendation.
- be amended as follows:

*R. Rued*

Chairman

REP. RUED

HOUSE Bill No. 1169 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. Speaker: Your Committee on INDUSTRY, BUSINESS AND LABOR to whom was referred HOUSE

Bill No. 1071, has had the same under consideration and recommends, by a vote of Ayes, 14; Nays, 0; Absent, 2, that the same

- do pass.
- do not pass.
- be placed on calendar without recommendation.
- be amended as follows:

*R. Rued*

Chairman

REP. RUED

HOUSE Bill No. 1071 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. Speaker: Your Committee on STATE AND FEDERAL GOVERNMENT to whom was referred HOUSE

Bill No. 1074, has had the same under consideration and recommends, by a vote of Ayes, 14; Nays, 0; Absent, 1, that the same

- do pass.
- do not pass.
- be placed on calendar without recommendation.

*[Signature]*

Chairman

Rep. Martinson

House Bill No. 1074 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. Speaker: Your Committee on INDUSTRY, BUSINESS AND LABOR

to whom was referred HOUSE

Bill No. 1088, has had the same under consideration and recommends, by a vote of

Ayes, 15; Nays, 0; Absent, 1, that the same

do pass.  do not pass.  be placed on calendar without recommendation.

be amended as follows:



HOUSE Rep. RUED Chairman  
Bill No. 1088 was placed on the 11th  
order of business on the calendar for the succeeding legislative day.

Mr. Speaker: Your Committee on JUDICIARY

to whom was referred HOUSE

Bill No. 1133, has had the same under consideration and recommends, by a vote of

Ayes, 15; Nays, 0; Absent, 0, that the same

do pass.  do not pass.  be placed on calendar without recommendation.



HOUSE Rep. Conmy Chairman  
Bill No. 1133 was placed on the 11th  
order of business on the calendar for the succeeding legislative day.

Mr. Speaker: Your Committee on JUDICIARY

to whom was referred HOUSE

Bill No. 1142, has had the same under consideration and recommends, by a vote of

Ayes, 15; Nays, 0; Absent, 0, that the same

do pass.  do not pass.  be placed on calendar without recommendation.



HOUSE Rep. Conmy Chairman  
Bill No. 1142 was placed on the 11th  
order of business on the calendar for the succeeding legislative day.

Mr. Speaker: Your Committee on FINANCE & TAXATION

to whom was referred HOUSE

Bill No. 1151, has had the same under consideration and recommends, by a vote of

Ayes, 14; Nays, 0; Absent, 2, that the same

do pass. do not pass. be placed on calendar  
without recommendation.

Chairman

Rep. A. Hausauer

Bill No.

1151

was placed on the 11th

HOUSE  
order of business on the calendar for the succeeding legislative day.

## MOTIONS

Rep. Kretschmar moved that the absent members be excused, which motion prevailed.

Rep. Kretschmar moved that 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 1:30 p.m., Tuesday, January 13, 1981, which motion prevailed.

## FIRST READING OF HOUSE BILLS

Reps. Matchie, Wentz, Unhjem and Senators Fritzell and Tierney introduced:

**House Bill No. 1236.** — A Bill for an Act making an appropriation for defraying the expenses of a writing project administered by the board of higher education of the state of North Dakota.

Was read the first time and referred to the committee on Appropriations.

Reps. Black and Reed introduced:

**House Bill No. 1237.** — A Bill for an Act to provide for the registration and regulation of those individuals who work as professional sanitarians and environmental technicians and the creation of a state board for registration of professional sanitarians and environmental technicians; and to provide a penalty.

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

Rep. Koski introduced:

**House Bill No. 1238.** — A Bill for an Act to amend and reenact sections 57-51-15, 57-62-01, subsection 1 of section 57-62-02, and sections 57-62-04, 57-62-05, and 57-62-06 of the North Dakota Century Code to provide for distribution of the oil and gas gross production tax revenues, to recreate the coal development impact office as the energy impact office, and to empower that office to disburse certain portions of the revenue from the oil and gas gross production tax.

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

Rep. Koski introduced:

**House Bill No. 1239.** — A Bill for an Act to amend and reenact subsection 1 of section 57-51-15, section 57-62-01, subsection 1 of section 57-62-02, and sections 57-62-04, 57-62-05, and 57-62-06 of the North Dakota Century Code to provide for distribution of the oil and gas gross production tax, to recreate the coal development impact office as the energy impact office, and to empower that office to disburse certain portions of the revenue from the oil and gas gross production tax.

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

Rep. Black and Senator Stenehjem introduced:

**House Bill No. 1240.** — A Bill for an Act to amend and reenact section 21-03-38.1 of the North Dakota Century Code, relating to disposal of

bond proceeds.

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

Rep. E. Pomeroy introduced:

**House Bill No. 1241.** -- A Bill for an Act to create and enact a new subsection to section 40-05-02 of the North Dakota Century Code to allow cities to prohibit by ordinance the possession of less than one-half ounce of marijuana.

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

Reps. Conmy and Kelly introduced:

**House Bill No. 1242.** -- A Bill for an Act to amend and reenact section 14-09-06.1 of the North Dakota Century Code, relating to award of child custody.

Was read the first time and referred to the committee on Social Services and Veterans Affairs.

Reps. Conmy, Gerl, A. Hausauer and Senators Dykshoorn and Barth introduced:

**House Bill No. 1243.** -- A Bill for an Act making an appropriation to the board of higher education for the construction of a skills acquisition center on the campus of Bismarck junior college.

Was read the first time and referred to the committee on Appropriations.

Reps. Koski, Black, Kelly, Richard and Schindler introduced:

**House Bill No. 1244.** -- A Bill for an Act to create and enact a new section to chapter 57-38 of the North Dakota Century Code, providing that individual income tax brackets be adjusted each year to prevent tax increases due solely to inflation.

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

Rep. Koski introduced:

**House Bill No. 1245.** -- A Bill for an Act to create and enact a new section to chapter 20.1-04 of the North Dakota Century Code, relating to the use of game bird parts for decorative purposes.

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

Reps. Black and Gates and Senators Holmberg and Stenehjem introduced:

**House Bill No. 1246.** -- A Bill for an Act to amend and reenact sections 57-28-01, 57-28-03, 57-28-05, and 57-28-07 of the North Dakota Century Code, relating to the redemption period for real estate sold for taxes and to the form of notice of expiration of the redemption period.

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

Rep. Black and Senator Holmberg introduced:

**House Bill No. 1247.** -- A Bill for an Act to create and enact a new section to chapter 57-38 of the North Dakota Century Code, relating to voluntary withholding of state income taxes.

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

Reps. Black, Gates and Senators Stenehjem and Holmberg introduced:

**House Bill No. 1248.** -- A Bill for an Act to create and enact a new section to chapter 61-01 of the North Dakota Century Code, relating to



draining of lands during times of flooding; and providing a penalty.

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

Reps. Black, Gates and A. Olson and Senators Holmberg and Stenehjem introduced:

**House Bill No. 1249.** -- A Bill for an Act to amend and reenact sections 57-24-12 and 57-24-24 of the North Dakota Century Code to provide twelve percent annual interest on delinquent property taxes and to delete obsolete references to the hail indemnity tax.

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

Reps. Olsen, Goetz and Hedstrom introduced:

**House Bill No. 1250.** -- A Bill for an Act to amend and reenact section 15-59-08 of the North Dakota Century Code, relating to levy limitations for special education programs.

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

Reps. Wald, H. Larson and Senators Iszler and Cussons introduced:

**House Bill No. 1251.** -- A Bill for an Act to amend and reenact sections 5-01-06 and 5-01-09 of the North Dakota Century Code, relating to recovery of damages resulting from intoxication and the unlawful delivery of alcoholic beverages to certain persons; and providing a penalty.

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

Reps. Olsen and Goetz and Senator Reiten introduced:

**House Bill No. 1252.** -- A Bill for an Act to amend and reenact section 15-59-06 of the North Dakota Century Code, relating to foundation aid payments for summer school programs for special education pupils.

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

Reps. Swiontek, Boyum, Meiers and Senators Stenehjem and Holmberg introduced:

**House Bill No. 1253.** -- A Bill for an Act to amend and reenact section 3 of chapter 276 of the 1979 Session Laws of North Dakota, relating to the obligations of delegates to the party national convention.

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

Reps. Black and Gates introduced:

**House Bill No. 1254.** -- A Bill for an Act to amend and reenact sections 40-24-02, 40-29-11, 40-33-05, and 40-54-08 of the North Dakota Century Code, relating to interest allowable on special assessments levied by cities and also special assessments for sidewalks, municipal utilities, and gravel surfacing of city streets.

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

Reps. Swiontek, G. Larson, I. Jacobson and Senators G. Nelson and C. Peterson introduced:

**House Bill No. 1255.** -- A Bill for an Act to create and enact a new section to chapter 15-39.2 of the North Dakota Century Code, relating to postretirement adjustments; and to provide an appropriation.

Was read the first time and referred to the committee on Appropriations.

FIRST READING OF  
HOUSE CONCURRENT RESOLUTION

Rep. Martinson introduced:

**House Concurrent Resolution No. 3012** — A concurrent resolution directing the Legislative Council to conduct a study of the Highway Patrolmen's Retirement System.

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

FIRST READING OF SENATE BILLS

**Senate Bill No. 2003.** — A Bill for an Act to provide an appropriation for additional compensation to North Dakota state employees for the period beginning January 1, 1981, and ending June 30, 1981; and declaring an emergency.

Which was read the first time and referred to the Committee on Appropriations.

The House stood adjourned pursuant to Rep. Kretschmar's motion.

ROY GILBREATH, Chief Clerk