

## JOURNAL OF THE HOUSE

## Forty-eighth Legislative Assembly

\* \* \* \* \*

## FOURTH DAY

Bismarck, January 7, 1983

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

Prayer was offered by Rev. Edward C. Hults, United Community Church, Beach.

## ROLL CALL

The roll was called and all members were present, except Representatives DeMers, Nicholas, Sinner, Strinden, and Unhjem.

A quorum was declared by the Speaker.

## REVISION AND CORRECTION OF THE JOURNAL

MADAM SPEAKER: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Third day and finds the same to be correct.

REP. LAUGHLIN, Chairman

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

MESSAGE FROM THE SENATE  
SENATE CHAMBER

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

SB 2204, SB 2225

LEO LEIDHOLM, Secretary

## REPORTS OF STANDING COMMITTEES

MADAM SPEAKER: Your Committee on State and Federal Government to which was referred HB 1118 has had the same under consideration and recommends by a vote of 15 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 3, overstrike the words "state treasurer"

On page 2, line 3, delete the underscored comma " , "

and renumber the lines accordingly

REP. L. HANSON, Chairman

HB 1118 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Political Subdivisions to which was referred HB 1179 has had the same under consideration and recommends by a vote of 10 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

REP. DOTZENROD, Chairman

HB 1179 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Transportation to which was referred HB 1197 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. HJELLE, Chairman

HB 1197 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Natural Resources to which was referred HB 1209 has had the same under consideration and recommends by a vote of 17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. BROKAW, Chairman

HB 1209 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

#### FIRST READING OF HOUSE BILLS

Rep. Conny introduced:

HB 1250: A BILL for an Act to create and enact a new subsection to section 16.1-05-04 of the North Dakota Century Code, relating to duties of the members of election boards; and to amend and reenact section 16.1-07-09 of the North Dakota Century Code, relating to the canvassing of mailed absent voters' ballots received late.

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

Rep. Gerl introduced:

HB 1251: A BILL for an Act to create and enact two new sections to chapter 54-42 of the North Dakota Century Code, relating to the organization, meetings, and compensation of the merit system council and federal grant-in-aid programs; and to amend and reenact subdivision a of subsection 1 of section 28-32-01 and section 54-42-01 of the North Dakota Century Code, relating to agencies not included in the definition of administrative agencies and the composition of the North Dakota merit system council; and to repeal chapter 54-44.3 of the North Dakota Century Code, relating to the central personnel system.

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

Rep. Thompson introduced:

HB 1252: A BILL for an Act to amend and reenact section 15-39.1-23 of the North Dakota Century Code, relating to penalties for failing to make the required reports and payments to the teachers' fund for retirement.

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

Rep. Serenus Hoffner and Sen. Peterson introduced:

HB 1253: A BILL for an Act to amend and reenact sections 15-20.1-08, 57-15-14, 57-15-52.1, and 57-16-05 of the North Dakota Century Code, relating to passage of mill levies with an ordinary majority of approval by the voters.

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

Rep. Sanstead introduced:

HB 1254: A BILL for an Act to create and enact a new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to assignment of points against motor vehicle operators for speeding violations; and to amend and reenact section 39-06.1-06 of the North Dakota Century Code, relating to the amount of statutory fees for speeding violations.

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

Reps. Koski, Richard introduced:

HB 1255: A BILL for an Act to create and enact a new section to chapter 11-33.1 of the North Dakota Century Code, relating to special assessments in rural areas; and to amend and reenact sections 11-33.1-01, 11-33.1-03, and 11-33.1-04 of the North Dakota Century Code, relating to special assessments in rural areas.

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

Rep. Halmrast introduced:

HB 1256: A BILL for an Act to create and enact a new chapter to title 61 of the North Dakota Century Code, relating to the designation of the Missouri River as scenic, recreational, and free-flowing.

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

Reps. O'Shea, Brokaw introduced:

HB 1257: A BILL for an Act to prohibit double employment by state employees; and to amend and reenact section 37-01-25 of the North Dakota Century Code, relating to paid leave of absence for officers and employees of the state or political subdivisions.

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

Rep. Black introduced:

HB 1258: A BILL for an Act to amend and reenact section 15-59-04 of the North Dakota Century Code, relating to school districts providing special education.

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

Reps. O'Shea, Hill introduced:

HB 1259: A BILL for an Act to amend and reenact subdivision o of subsection 2 of section 39-04-18 of the North Dakota Century Code, relating to exemption from registration for certain motor vehicles owned by spouses of prisoners of war.

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

Rep. Lloyd introduced:

HB 1260: A BILL for an Act to amend and reenact section 15-53.1-06 of the North Dakota Century Code, relating to annexation hearings, equalization, and notice of hearings.

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

Reps. C. Martin, Knudson introduced:

HB 1261: A BILL for an Act to amend and reenact section 23-24-05 of the North Dakota Century Code, relating to board of commissioners for vector control districts and per diem compensation for commissioners.

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

#### SIXTH ORDER OF BUSINESS

REP. JACOBSON MOVED that the amendments to HB 1127 as recommended by the Committee on Education as printed on page 131 of the House Journal be adopted, which motion lost on a verification vote.

REP. JACOBSON MOVED that the amendments to HB 1181 as recommended by the Committee on Education as printed on pages 131 and 132 of the House Journal be adopted, which motion prevailed.

#### SECOND READING OF HOUSE BILLS

HB 1012: A BILL for an Act to transfer a portion of the motor vehicle fuel tax revenues to the general fund for the cost of administering the motor vehicle fuel tax laws.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 101 YEAS, 1 NAY, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Black; Boyle; Brokaw; Conmy; Dotzenrod; DuBord; Eagles; Erdman; Gates; Gerl; Goetz; Gorder; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer; Hill; Hjelle; Hoffner; Serenus;

Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kent; Kingsbury; Kloubec; Knudson; Koehn; Koski; Kretschmar; Kuchera; Lang; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Mertens; Meyer, R.; Meyer, W.; Moore; Murphy; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Olafson; Olsen, D.; Olson, A.; Opedahl; O'Shea; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Rice; Richard; Riehl; Riley; Rued; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Solberg; Stofferahn; Swiontek; Thompson; Timm; Vander Vorst; Vig; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold; Madam Speaker

NAYS: Melby

ABSENT AND NOT VOTING: DeMers; Sinner; Strinden; Unhjem

So HB 1012 passed and the title was agreed to.

\*\*\*\*\*

HB 1047: A BILL for an Act to amend and reenact subdivision e of subsection 1 of section 39-12-04 of the North Dakota Century Code, relating to registration requirements of commercial haystack movers.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 3 YEAS, 98 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Gerl; Hoffner, Serenus; Mertens

NAYS: Anderson, C.; Anderson, R.; Aubol; Backes; Black; Boyle; Brokaw; Conmy; Dotzenrod; DuBord; Eagles; Erdman; Gates; Goetz; Gorder; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer; Hill; Hjelle; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kent; Kingsbury; Kloubec; Knudson; Koehn; Koski; Kretschmar; Kuchera; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Melby; Meyer, R.; Meyer, W.; Moore; Murphy; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Olafson; Olsen, D.; Olson, A.; Opedahl; O'Shea; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Rice; Richard; Riehl; Riley; Rued; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Solberg; Stofferahn; Swiontek; Thompson; Timm; Vander Vorst; Vig; Watne; Wentz; Whalen;

Williams, A.; Williams, C.; Williams, W.; Wold; Madam Speaker

ABSENT AND NOT VOTING: DeMers; Lang; Sinner; Strinden; Unhjem

So HB 1047 was declared lost.

\*\*\*\*\*

HB 1064: A BILL for an Act relating to extending state immunity from federal antitrust law to cities and city governing bodies exercising powers delegated to them by state law.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 101 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Black; Boyle; Brokaw; Conmy; Dotzenrod; DuBord; Eagles; Erdman; Gates; Gerl; Goetz; Gorder; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kent; Kingsbury; Kloubec; Knudson; Koehn; Koski; Kretschmar; Kuchera; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipslea; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Melby; Mertens; Meyer, R.; Meyer, W.; Moore; Murphy; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Olafson; Olsen, D.; Olson, A.; Opedahl; O'Shea; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Rice; Richard; Riehl; Riley; Rued; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Solberg; Stofferahn; Swiontek; Thompson; Timm; Vander Vorst; Vig; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold; Madam Speaker

NAYS: None

ABSENT AND NOT VOTING: DeMers; Lang; Sinner; Strinden; Unhjem

So HB 1064 passed and the title was agreed to.

\*\*\*\*\*

HB 1137: A BILL for an Act to amend and reenact sections 10-15-36 and 10-15-54 of the North Dakota Century Code, relating to annual reports, filing thereof, fees, and penalties of cooperatives.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 98 YEAS, 2 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Backes; Black; Boyle; Brokaw; Conmy; DuBord; Eagles; Erdman; Gates; Gerl; Goetz; Gorder; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kent; Kingsbury; Kloubec; Knudson; Koehn; Koski; Kretschmar; Kuchera; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Melby; Mertens; Meyer, R.; Meyer, W.; Moore; Murphy; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Olafson; Olsen, D.; Olson, A.; Opedahl; O'Shea; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Rice; Richard; Riehl; Riley; Rued; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Solberg; Stofferahn; Swiontek; Thompson; Timm; Vander Vorst; Vig; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold; Madam Speaker

NAYS: Aubol; Dotzenrod

ABSENT AND NOT VOTING: DeMers; Haugland; Lang; Sinner; Strinden; Unhjem

So HB 1137 passed and the title was agreed to.

\*\*\*\*\*

HB 1139: A BILL for an Act to repeal section 20.1-04-08 of the North Dakota Century Code, relating to the colors to be displayed by hunters of wild turkeys; 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 100 YEAS, 1 NAY, 5 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Black; Boyle; Brokaw; Conmy; Dotzenrod; DuBord; Eagles; Erdman; Gates; Gerl; Goetz; Gorder; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kent; Kingsbury; Kloubec; Knudson; Koehn; Koski; Kretschmar; Kuchera; Larson, B.; Larson, R.; Laughlin;

Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Melby; Mertens; Meyer, R.; Meyer, W.; Moore; Murphy; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Olafson; Olsen, D.; Olson, A.; Opedahl; O'Shea; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Rice; Richard; Riehl; Riley; Rued; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Solberg; Stofferahn; Swiontek; Thompson; Timm; Vander Vorst; Vig; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold; Madam Speaker

NAYS: Lardy

ABSENT AND NOT VOTING: DeMers; Lang; Sinner; Strinden; Unhjem

So HB 1139 passed and the title was agreed to, and the emergency clause carried.

\*\*\*\*\*

HB 1155: A BILL for an Act to amend and reenact subsection 1 of section 40-57-09 and sections 40-57-10 and 40-57-11 of the North Dakota Century Code, relating to municipal industrial development bonds.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 101 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Black; Boyle; Brokaw; Conmy; Dotzenrod; DuBord; Eagles; Erdman; Gates; Gerl; Goetz; Gorder; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer; Hill; Hjelle; Hoffner; Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kent; Kingsbury; Kloubec; Knudson; Koehn; Koski; Kretschmar; Kuchera; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Melby; Mertens; Meyer, R.; Meyer, W.; Moore; Murphy; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Olafson; Olsen, D.; Olson, A.; Opedahl; O'Shea; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Rice; Richard; Riehl; Riley; Rued; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Solberg; Stofferahn; Swiontek; Thompson; Timm; Vander Vorst; Vig; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold; Madam Speaker

NAYS: None

ABSENT AND NOT VOTING: DeMers; Lang; Sinner; Strinden;  
Unhjem

So HB 1155 passed and the title was agreed to.

\*\*\*\*\*

MOTION

REP. KLOUBEC MOVED that the HB 1080 be returned to the House floor from the Committee on Natural Resources, which motion prevailed.

REQUEST

REP. KLOUBEC REQUESTED the unanimous consent of the House to withdraw HB 1080. There being no objection, it was so ordered by the Speaker.

MOTION

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

REP. BACKES MOVED that the House stand adjourned until 1:00 p.m., Monday, January 10, 1983, which motion prevailed.

The House stood adjourned pursuant to Representative Backes' motion.

CHARLES FLEMING, Chief Clerk