

JOURNAL OF THE HOUSE

Forty-eighth Legislative Assembly

* * * * *

FIFTH DAY

The House convened at 1:30 p.m., with Speaker Kelly presiding. Bismarck, January 10, 1983

Prayer was offered by Rev. Don DeKok, Bismarck Reformed Church, Bismarck.

ROLL CALL

The roll was called and all members were present, except Representatives Dotzenrod, Kingsbury, Nowatzki, and Strinden.

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 Fourth day and finds the same to be correct.

REP. LAUGHLIN, Chairman

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

REPORT OF PROCEDURAL COMMITTEE

MADAM SPEAKER: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bill and find the same correctly engrossed:

HB 1181

REP. G. MARTIN, Chairman

REP. O'CONNELL 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 2050, SB 2059, SB 2072, SB 2096, SB 2119, SB 2127,
SB 2193

Very respectfully,
LEO LEIDHOLM, Secretary

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:

HB 1107, HB 1108, HB 1123, HB 1171, HB 1212

Very respectfully,

CHARLES FLEMING, Chief Clerk

REPORTS OF STANDING COMMITTEES

MADAM SPEAKER: Your Committee on Finance and Taxation to which was referred HB 1042 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. SINNER, Chairman

HB 1042 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Industry, Business, and Labor to which was referred HB 1043 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. S. F. HOFFNER, Chairman

HB 1043 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Industry, Business, and Labor to which was referred HB 1048 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. S. F. HOFFNER, Chairman

HB 1048 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on State and Federal Government to which was referred HB 1050 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. L. HANSON, Chairman

HB 1050 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on State and Federal Government to which was referred HB 1066 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. L. HANSON, Chairman

HB 1066 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on State and Federal Government to which was referred HB 1067 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. L. HANSON, Chairman

HB 1067 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Finance and Taxation to which was referred HCR 3006 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. SINNER, Chairman

HCR 3006 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on State and Federal Government to which was referred HCR 3007 has had the same under consideration and recommends by a vote of 12 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. L. HANSON, Chairman

HCR 3007 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SIXTH ORDER OF BUSINESS

REP. L. HANSON MOVED that the amendments to HB 1118 as recommended by the Committee on State and Federal Government as printed on page 141 of the House Journal be adopted, which motion prevailed.

MOTION

REP. JACOBSON MOVED that HB 1127 be rereferred to the Committee on Education, which motion prevailed.

SPEAKER KELLY ANNOUNCED that HB 1127 was rereferred to the Committee on Education.

MOTION

REP. R. MEIERS MOVED that the HB 1161 be returned to the House floor from the Committee on Social Services and Veterans Affairs, which motion prevailed.

REQUEST

REP. R. MEIERS REQUESTED the unanimous consent of the House to withdraw HB 1161. There being no objection, it was so ordered by the Speaker.

MOTION

REP. RETZER MOVED that the HB 1087 be returned to the House floor from the Committee on Industry, Business, and Labor, which motion prevailed.

REQUEST

REP. RETZER REQUESTED the unanimous consent of the House to withdraw HB 1087. There being no objection, it was so ordered by the Speaker.

SECOND READING OF HOUSE BILLS

HB 1179: A BILL for an Act to create and enact a new subsection to section 11-10-06 of the North Dakota Century Code, relating to bonds of county officers.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 93 YEAS, 9 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Boyle; Brokaw; DeMers; 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; Jacobson; Keller; Kent; Kloubec; Knudson; Koski; Kretschmar; Kuchera; Lang; Lardy; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martinson; Meier, A.; Meiers, R.; Melby; Mertens; Meyer, R.; Meyer, W.; Moore; Mushik; Nalewaja; Nicholas; O'Connell; Olafson; Olsen, D.; Opedahls; O'Shea; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Rice; Richard; Riehl; Riley; Rued; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Solberg; Stofferahn; Swiontek; Thompson; Timm; Unhjem; Vander Vorst; Vig; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Wold; Madam Speaker

NAYS: Black; Conmy; Hughes; Koehn; Larson, B.; Martin, G.; Murphy; Olson, A.; Whalen

ABSENT AND NOT VOTING: Dotzenrod; Kingsbury; Nowatzki; Strinden

HB 1179 passed and the title was agreed to.

HB 1181: A BILL for an Act to amend and reenact section 15-21-13 of the North Dakota Century Code, relating to school district report forms.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended on HJ pages 131 and 132, 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; Conmy; DeMers; DuBord; Eagles; Erdman; Gates; Gerl; Gorder; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kent; 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.; Melby; Mertens; Meyer, R.; Meyer, W.; Moore; Murphy; Mushik; Nalewaja; Nicholas; 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; Sinner; Solberg; Stofferahn; Swiontek; Thompson; Timm; Unhjem; Vander Vorst; Vig; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold; Madam Speaker

NAYS: Brokaw

ABSENT AND NOT VOTING: Dotzenrod; Goetz; Kingsbury; Nowatzki; Strinden

HB 1181 passed and the title was agreed to.

HB 1197: A BILL for an Act to create and enact a new section to chapter 39-10 of the North Dakota Century Code, relating to vehicles approaching or entering freeways.

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, 0 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Black; Boyle; Brokaw; Conmy; DeMers; DuBord; Eagles; Erdman; Gates; Gerl; Gorder; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kent; 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.; Melby; Mertens; Meyer, R.;
 Meyer, W.; Moore; Murphy; Mushik; Nalewaja; Nicholas;
 O'Connell; Olafson; Olsen, D.; Olson, A.; Opedahl;
 O'Shea; Peltier; Pomeroy, E.; Pomeroy, G.; Rayl;
 Retzer; Rice; Richard; Riehl; Riley; Rued; Sanstead;
 Schindler; Schneider; Schoenwald; Shide; Shockman;
 Sinner; Solberg; Stofferahn; Swiontek; Thompson; Timm;
 Unhjem; Vander Vorst; Vig; Watne; Wentz; Whalen;
 Williams, A.; Williams, C.; Williams, W.; Wold; Madam
 Speaker

NAYS: None

ABSENT AND NOT VOTING: Dotzenrod; Goetz; Kingsbury;
 Nowatzki; Peterson; Strinden

HB 1197 passed and the title was agreed to.

HB 1209: A BILL for an Act to cancel and declare forfeited water
 permit number 3134, relating to the right of the North
 Dakota parks and recreation department to take water from
 the Turtle River; 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 101 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Black;
 Boyle; Brokaw; Conmy; DeMers; DuBord; Eagles; Erdman;
 Gates; Gerl; Gorder; Gullickson; Gunsch; Halmrast;
 Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer;
 Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan;
 Hughes; Jacobson; Keller; Kent; 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.; Melby; Mertens; Meyer, R.;
 Meyer, W.; Moore; Murphy; Mushik; Nalewaja; Nicholas;
 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; Sinner; Solberg; Stofferahn; Swiontek;
 Thompson; Timm; Unhjem; Vander Vorst; Vig; Watne;
 Wentz; Whalen; Williams, A.; Williams, C.; Williams,
 W.; Wold; Madam Speaker

NAYS: None

ABSENT AND NOT VOTING: Dotzenrod; Goetz; Kingsbury;
Nowatzki; Strinden

HB 1209 passed and the title was agreed to and the emergency clause carried.

RECOGNITION

SPEAKER KELLY ANNOUNCED that a former Representative was in the chambers, and requested that the House recognize former Representative Gilman Wastvedt, and Representative Wastvedt was thereupon introduced to the House.

FIRST READING OF HOUSE BILLS

Rep. Murphy introduced:

HB 1262: A BILL for an Act to amend and reenact section 11-10-02 of the North Dakota Century Code, relating to county officials.

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

Rep. Kloubec introduced:

HB 1263: A BILL for an Act to amend and reenact sections 61-04-03 and 61-04-05 of the North Dakota Century Code, relating to water permit applications and notice of such applications.

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

Rep. Murphy introduced:

HB 1264: A BILL for an Act to amend and reenact subsection 6 of section 21-03-07 and section 21-03-15 of the North Dakota Century Code, relating to the vote required in school district bond issue elections and providing a tax on income of school district residents to pay the interest on and principal of school district bond issues; and to provide an effective date.

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

Rep. Martinson introduced:

HB 1265: A BILL for an Act to amend and reenact subsection 6 of section 37-17.1-05 of the North Dakota Century Code, relating to the governor and disaster emergencies.

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

Reps. Lardy, Koski, Schneider and Sens. Stenehjem, Matchie, Dotzenrod introduced:

HB 1266: A BILL for an Act to create and enact a new subsection to section 57-39.2-01 and a new subsection to section 57-39.2-04 of the North Dakota Century Code, relating to a

definition of natural gas and exemption of sales of natural gas for residential uses from sales tax.

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

Rep. Thompson and Sen. Lee introduced:

HB 1267: A BILL for an Act to amend and reenact subsection 6 of section 20.1-01-02 of the North Dakota Century Code, to remove mourning doves from the definition of game birds.

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

Rep. Murphy introduced:

HB 1268: A BILL for an Act to amend and reenact sections 11-04-04 and 11-04-05 of the North Dakota Century Code, relating to county seat removal petition signatures and the affidavit of verification of the petition.

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

Reps. D. Olsen, W. Meyer, Knudson, Jacobson and Sens. Erickson, Moore introduced:

HB 1269: A BILL for an Act to amend and reenact section 15-40.1-08 of the North Dakota Century Code, relating to the elementary school per-pupil payments under the foundation program.

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

Reps. L. Hanson, G. Martin, Moore and Sens. Matchie, Stenehjem introduced:

HB 1270: A BILL for an Act to provide for a North Dakota Athletic Trainers Act, defining terms, requiring a license for certain athletic trainer activities, granting the state board of medical examiners certain authority relating to such licensing, providing for a North Dakota board of athletic trainers, providing for license terms and fees, providing for the authorization, denial, suspension, or revocation of licenses; and to provide a penalty.

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

FIRST READING OF SENATE BILLS

SB 2050: A BILL for an Act to amend and reenact subsection 1 of section 6-01-03 of the North Dakota Century Code, relating to membership of the state banking board.

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

SB 2059: A BILL for an Act to amend and reenact subsection 2 of section 12.1-08-03 of the North Dakota Century Code, relating to the penalty for hindering law enforcement; and to declare an emergency.

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

SB 2072: A BILL for an Act to amend and reenact section 57-02-03, and subsections 1, 2, 3, 6, 8, 9, 10, 11, and 16 of section 57-02-08 of the North Dakota Century Code, relating to taxation and deleting obsolete references to the personal property tax; and to repeal sections 10-12-03, 57-02-06, 57-02-07, and subsections 12, 18, 19, 21, and 24 of section 57-02-08 of the North Dakota Century Code, relating to the exemption of property of the rural rehabilitation corporation, definitions of merchants and manufacturers, and obsolete references to specific items of personal property exempt from taxation.

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

SB 2096: A BILL for an Act to amend and reenact section 10-22-11 of the North Dakota Century Code, relating to amendment of articles of incorporation of foreign corporations.

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

SB 2119: A BILL for an Act to repeal section 15-11-20 of the North Dakota Century Code, relating to annual inventory report sent to the secretary of state by the university of North Dakota law library.

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

SB 2127: A BILL for an Act to amend and reenact sections 54-29-02 and 54-29-03 of the North Dakota Century Code, relating to the cancellation and destruction of state bonds.

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

SB 2193: A BILL for an Act to amend and reenact section 6-09-04 of the North Dakota Century Code, relating to the powers of the industrial commission to appoint the president and other officers, employees, and agents of the Bank of North Dakota.

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

SB 2204: A BILL for an Act to create and enact subsection 17 to section 52-06-02 and sections 52-06-06.1 and 52-07.1-08.3 of the North Dakota Century Code, relating to disqualification for unemployment compensation benefits, deductions from unemployment compensation benefits for child support obligations, and reduction of extended unemployment compensation benefits on account of trade readjustment allowances; to amend and reenact sections 52-06-30, 52-06-31, subsections 4, 8, 11, and 12 of section 52-07.1-03, and section 52-07.1-08 of the North Dakota Century Code, relating to assignment of unemployment compensation benefits, waiver of rights to unemployment compensation benefits, extended unemployment compensation

benefit definitions, and announcements of extended benefit periods; to repeal subsections 6 and 7 of section 52-07.1-03 of the North Dakota Century Code, relating to extended unemployment compensation benefit definitions; to provide an effective date; and to declare an emergency.

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

SB 2225: A BILL for an Act making a transfer from the lands and minerals trust for distribution to school districts and providing limitations; and declaring an emergency.

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

MOTIONS

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

REP. BACKES 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 1:00 p.m., Tuesday, January 11, 1983, which motion prevailed.

The House stood adjourned pursuant to Representative Backes' motion.

CHARLES FLEMING, Chief Clerk