

JOURNAL OF THE HOUSE

Forty-ninth Legislative Assembly

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SIXTH DAY

Bismarck, January 15, 1985

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

The prayer was offered by Rev. Walter Schott, Good Shepherd United Methodist Church, Mandan, North Dakota.

ROLL CALL

The roll was called and all Representatives were present, except Representatives Gullickson and Lipsiea.

A quorum was declared by the Speaker.

REVISION AND CORRECTION OF THE JOURNAL

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

REP. KENT, Chairman

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

REPORT OF PROCEDURAL COMMITTEE

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

HB 1109, HB 1167, HB 1201

REP. HEDSTROM, Chairman

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

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 2059, SB 2096, SB 2133, SB 2148, SB 2165, SB 2168,
SB 2169, SB 2185

LEO LEIDHOLM, Secretary

SIXTH ORDER OF BUSINESS

REP. HAUGLAND MOVED that the amendments to HB 1063 as recommended by the Committee on Social Services and Veterans Affairs as

printed on pages 179-180 of the House Journal be adopted, and when so adopted, recommends that HB 1063 DO PASS, which motion prevailed.

HB 1063 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. NICHOLAS MOVED that the amendments to HB 1135 as recommended by the **Committee on Agriculture** as printed on page 180 of the House Journal be adopted, and when so adopted, recommends that HB 1135 DO PASS and be rereferred to the **Committee on Appropriations**, which motion prevailed.

HB 1135 was rereferred to the **Committee on Appropriations**.

REP. TIMM MOVED that the amendments to HB 1137 as recommended by the **Committee on Transportation** as printed on page 181 of the House Journal be adopted, and when so adopted, recommends that HB 1137 DO PASS, which motion prevailed.

HB 1137 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. TIMM MOVED that the amendments to HB 1139 as recommended by the **Committee on Transportation** as printed on page 181 of the House Journal be adopted, and when so adopted, recommends that HB 1139 DO PASS, which motion prevailed.

HB 1139 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. KNUDSON MOVED that the amendments to HCR 3013 as recommended by the **Committee on Education** as printed on pages 181-182 of the House Journal be adopted, and when so adopted, recommends that HCR 3013 DO PASS, which motion prevailed.

HCR 3013 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MOTION

REP. MERTENS MOVED that HB 1096 be returned to the House floor from the **Committee on State and Federal Government**, which motion prevailed.

REQUEST

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

MOTION

REP. HALMRAST MOVED that HB 1092 be returned to the House floor from the **Committee on State and Federal Government**, which motion prevailed.

REQUEST

REP. HALMRAST REQUESTED the unanimous consent of the House to withdraw HB 1092. There being no objection, it was so ordered by the Speaker.

MOTION

REP. WATNE MOVED that HB 1100 be returned to the House floor from the Committee on Appropriations, which motion prevailed.

REQUEST

REP. WATNE REQUESTED the unanimous consent of the House to withdraw HB 1100. There being no objection, it was so ordered by the Speaker.

SECOND READING OF HOUSE BILLS

HB 1109: A BILL for an Act to amend and reenact section 24-01-07 of the North Dakota Century Code, relating to maps of state, county, and municipal highway, road, and street systems.

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: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Peterson, J.; Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: None

ABSENT AND NOT VOTING: Gullickson; Lipsiea

HB 1109 passed and the title was agreed to.

HB 1167: A BILL for an Act to amend and reenact section 26-03.1-13 of the North Dakota Century Code, or in the alternative to amend and reenact section 26.1-36-20 of the North Dakota Century Code as created by Senate Bill No. 2078, as approved by the forty-ninth legislative assembly, relating to conditions for the continuation of a juvenile's accident and sickness insurance coverage.

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: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Peterson, J.; Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: None

ABSENT AND NOT VOTING: Gullickson; Lipsiea

HB 1167 passed and the title was agreed to.

HB 1201: A BILL for an Act to amend and reenact section 39-21-44.2 of the North Dakota Century Code, relating to a drawbar or other connection between vehicles.

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 103 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Peterson, J.; Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: Hanson, O.

ABSENT AND NOT VOTING: Gullickson; Lipsiea

HB 1201 passed and the title was agreed to.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER: Your Committee on State and Federal Government to which was referred HB 1045 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. MARTINSON, Chairman

HB 1045 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 HB 1057 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 17, immediately after the word "residential" insert the word "address"

On page 2, line 22, immediately after the word "Residential" insert the word "Address"

On page 3, line 10, delete the word "substance" and insert in lieu thereof the word "text".

On page 4, line 9, immediately after the word "residential" insert the word "addresses".

And renumber the lines and pages accordingly

REP. WENTZ, Vice Chairman

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

MR. SPEAKER: Your Committee on Judiciary to which was referred HB 1058 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. WENTZ, Vice Chairman

HB 1058 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 HB 1059 has had the same under consideration and recommends by a vote of 8 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. WENTZ, Vice Chairman

HB 1059 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 HB 1068 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. CONMY, Chairman

HB 1068 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 HB 1075 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. WENTZ, Vice Chairman

HB 1075 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 1107 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

REP. KLOUBEC, Chairman

HB 1107 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 HB 1112 has had the same under consideration and recommends by a vote of 12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. WENTZ, Vice Chairman

HB 1112 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 1124 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. KLOUBEC, Chairman

HB 1124 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 1125 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. KLOUBEC, Chairman

HB 1125 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 1127 has had the same under consideration and recommends by a vote of 13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. MARTINSON, Chairman

HB 1127 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 1131 has had the same under consideration and recommends by a vote of 10 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

REP. MARTINSON, Chairman

HB 1131 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 1164 has had the same under consideration and recommends by a vote of 11 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

REP. KLOUBEC, Chairman

HB 1164 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 1178 has had the same under consideration and recommends by a vote of 12 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING that the same DO PASS.

REP. MARTINSON, Chairman

HB 1178 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 1214 has had the same under consideration and recommends by a vote of 10 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. A. HAUSAUER, Chairman

HB 1214 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MESSAGES TO THE SENATE

HOUSE CHAMBER

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

HB 1060, HB 1073, HB 1074, HB 1105, HB 1106, HB 1119,
HB 1120, HB 1140, HB 1176, HCR 3001

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to return herewith the following which the House has passed unchanged:

SCR 4016

ROY GILBREATH, Chief Clerk

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 1:00 p.m., Wednesday, January 16, 1985, which motion prevailed.

FIRST READING OF HOUSE BILLS

Rep. Unhjem introduced:

HB 1255: A BILL for an Act to create and enact a new section to chapter 29-34 of the North Dakota Century Code, relating to notices sent pursuant to the interstate agreement on detainers.

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

Rep. Unhjem introduced:

HB 1256: A BILL for an Act to create and enact two new subsections to section 57-02-08 of the North Dakota Century Code, providing exemptions from property taxes for new single family residential property and condominiums and townhouses which meet certain qualifications; and to provide an effective date and an expiration date.

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

Reps. Dorso, Wold introduced:

HB 1257: A BILL for an Act to create and enact section 15-34.2-07.1 of the North Dakota Century Code, relating to the direct negotiation of school transportation and motor vehicle fuel contracts; and to amend and reenact sections 15-34.2-07, 15-34.2-08, and 15-47-15 of the North Dakota Century Code, relating to school transportation, motor vehicle fuel, and heating fuel contracts.

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

Rep. Nicholas and Sen. Wright introduced:

HB 1258: A BILL for an Act to create and enact a new section to chapter 39-05 of the North Dakota Century Code, relating to title registration for farm tractors and implements of husbandry; and to amend and reenact section 39-05-02.2 and subsection 1 of section 41-09-40 of the North Dakota Century Code, relating to title registration for farm tractors and implements of husbandry.

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

Rep. Wald introduced:

HB 1259: A BILL for an Act to create and enact a new subdivision to subsection 1 of section 57-38-01.2 of the North Dakota Century Code, relating to adjustments to taxable income for education tuition and textbook expenses; and to provide an effective date.

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

Reps. O'Connell, Martin, Smette and Sens. Christensen, Wogsland introduced:

HB 1260: A BILL for an Act to amend and reenact sections 11-10-15, 11-10-16, and 11-15-12 of the North Dakota Century Code, relating to mileage expenses paid to county officials and employees.

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

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

Reps. Unhjem, DeMers and Sens. Heinrich, Lashkowitz introduced:

HCR 3019: A concurrent resolution condemning the persecution of members of the Baha'i faith by the government of Iran.

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

FIRST READING OF SENATE BILLS

SB 2117: A BILL for an Act to amend and reenact section 29-10.1-18 of the North Dakota Century Code, relating to expenses of grand juries.

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

SB 2118: A BILL for an Act to amend and reenact subsection 8 of section 27-07.1-17 of the North Dakota Century Code, relating to the jurisdiction of county courts.

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

SB 2131: A BILL for an Act to amend and reenact sections 28-32-15 and 28-32-21 of the North Dakota Century Code, relating to appeals from decisions of an administrative agency.

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

SB 2134: A BILL for an Act to create and enact two new sections to chapter 45-11 of the North Dakota Century Code, relating to fictitious partnership names; and to amend and reenact sections 45-11-01, 45-11-02, 45-11-03, 45-11-04, 45-11-05, 45-11-06, 45-11-07, and 45-11-08 of the North Dakota Century Code, relating to fictitious partnership names.

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

SB 2142: A BILL for an Act to create and enact a new subsection to section 26.1-03-17 relating to the payment of estimated premium tax; and to amend and reenact subsections 1 and 2 of section 26.1-03-17 of the North Dakota Century Code, relating to premium tax, credits, and penalty.

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

SB 2153: A BILL for an Act to amend and reenact section 15-39.1-08 of the North Dakota Century Code, relating to compensation of the members of the teachers' fund for retirement board.

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

SB 2155: A BILL for an Act to create and enact three new subsections to section 15-39.1-04 of the North Dakota Century Code, relating to the definition of beneficiary, contract, and salary under the teachers' fund for retirement; and to amend and reenact sections 15-39.1-16, 15-39.1-17, 15-39.1-20, and 15-39.1-23 of the North Dakota Century Code, relating to annuity options, payment of benefits to beneficiaries, payment of refunds, and the penalty for failure to make required reports and payments under the teachers' fund for retirement.

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

SB 2186: A BILL for an Act to amend and reenact subsection 2 of section 57-38-31 of the North Dakota Century Code, to require spouses who file separate income tax returns to use the same form; and to provide an effective date.

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

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4004: A concurrent resolution urging the United States Department of Education to approve the application for federal funds for a postsecondary special education program at the North Dakota State University-Bottineau Branch.

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

SCR 4012: A concurrent resolution commending Roger Maris on his major league baseball career and urging the Baseball Writers Association of America to elect Roger Maris to the Baseball Hall of Fame.

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

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

ROY GILBREATH, Chief Clerk