

JOURNAL OF THE HOUSE

Fifty-first Legislative Assembly

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Bismarck, January 17, 1989

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

The prayer was offered by Rev. Robert Nordvall, Charity Lutheran Church, Bismarck.

The roll was called and all Representatives were present, except Representatives Enget and R. Hausauer.

A quorum was declared by the Speaker.

CORRECTION and REVISION of the JOURNAL (Rep. V. Olson, Chairman)

MR. SPEAKER: Your Committee on Correction and Revision of the Journal has carefully examined the Journal of the Ninth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 191, line 27, replace "Rep. Stofferahn" with "Reps. Stofferahn, V. Olson, Solberg and Sen. Stromme"

Page 207, line 40, replace "Rep. Stofferahn" with Reps. Stofferahn, Aarsvold"

Page 208, replace line 8 with "Reps. Oban, Dalrymple, W. Williams, and Sen. Robinson introduced"

Page 208, line 19, replace "Rep. O'Shea" with "Reps. O'Shea, Brokaw and Sens. Krauter, Keller, Freborg"

Page 208, line 29, replace "Rep. Dalrymple" with "Reps. Dalrymple, Belter and Sen. Nelson"

Page 208, line 45, replace "Rep. Whalen" with "Reps. Whalen, Rydell"

Page 209, line 7, replace "Rep. Goetz" with "Reps. Goetz, Haugen, Gerhardt"

Page 210, line 15, after "Wald," replace "Vander Vorst, Kretschmar and Sens. Vosper, Kelsh, Richard" with "D. Olsen, Marks, Brokaw, Wilkie"

Page 213, line 22, after "Tovac" insert ", V. Thompson"

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

CORRECTION and REVISION of the JOURNAL (Rep. V. Olson, Chairman)

MR. SPEAKER: Your Committee on Correction and Revision of the Journal has carefully reexamined the Journal of the Eighth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 169, line 40, after "Olson" insert "and Sen. O'Connell"

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

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1051, HB 1064, HB 1082, HB 1109, HB 1118, HB 1137, HB 1146, HB 1147, HB 1226.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER: Your Committee on Education (Rep. Gates, Chairman) to which was referred HB 1094 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.

HB 1094 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Finance and Taxation (Rep. A. Hausauer, Chairman) to which was referred HB 1237 has had the same under consideration and recommends by a vote of 11 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 4, after the semicolon insert "to amend and reenact section 57-38-34.3 of the North Dakota Century Code, relating to contributions to the nongame wildlife fund;"

Page 1, underscore lines 8 and 9

Page 1, line 10, underscore "United States olympic committee in any amount", after "amount" insert "of one dollar or more but", and underscore "not exceeding ten dollars. The"

Page 1, underscore line 11

Page 1, line 12, underscore "refund that would otherwise be payable by or to the taxpayer.", after the period insert "No refunds may be made by the tax commissioner to any taxpayer unless the balance remaining to be refunded after any contribution designation is at least five dollars.", and underscore "On all state"

Page 1, underscore lines 13 through 21

Page 1, after line 21, insert:

"SECTION 2. AMENDMENT. Section 57-38-34.3 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-38-34.3. Optional contributions to nongame wildlife fund. On all tax returns under this chapter, a taxpayer may designate a contribution to the nongame wildlife fund of any amount of one dollar or more to be added to tax liability or deducted from any refund that would otherwise be payable by or to the taxpayer. No refunds may be made by the tax commissioner to any taxpayer unless the balance remaining to be refunded after any contribution designation is at least five dollars. On all state income tax returns the tax commissioner shall notify taxpayers of this optional contribution. The amount of these optional contributions must be transferred by the tax commissioner to the state treasurer for deposit in the nongame wildlife fund for use as provided in section 20.1-02-16.2."

Renumber accordingly

HB 1237 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary (Rep. Wentz, Chairman) to which was referred HB 1239 has had the same under consideration and recommends by a vote of 15 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same DO PASS.

HB 1239 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 (Rep. Whalen, Chairman) to which was referred HB 1256 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.

HB 1256 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SIXTH ORDER OF BUSINESS

REP. HAUGLAND MOVED that the amendments to HB 1060 as recommended by the Committee on Human Services and Veterans Affairs as printed on pages 175-176 of the House Journal be adopted, and when so adopted, recommends the same DO NOT PASS, which motion prevailed.

HB 1060 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. A. OLSON MOVED that the amendments to HB 1136 as recommended by the Committee on Natural Resources as printed on page 176 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1136 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. A. OLSON MOVED that the amendments to HB 1154 as recommended by the Committee on Natural Resources as printed on page 176 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1154 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. NICHOLAS MOVED that the amendments to HB 1180 as recommended by the Committee on Agriculture as printed on page 175 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1180 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. NICHOLAS MOVED that the amendments to HCR 3010 as recommended by the Committee on Agriculture as printed on page 177 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HCR 3010 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2032, SB 2087, SB 2088, SB 2100, SB 2104, SB 2106, SB 2110, SB 2112, SB 2119, SB 2127, SB 2131, SB 2135, SB 2147, SB 2149, SB 2156, SB 2162, SB 2165, SB 2166, SB 2171, SB 2181, SB 2183, SB 2184, SB 2196, SB 2197, SB 2201, SB 2208, SB 2211.

SECOND READING OF HOUSE BILLS

HB 1107: A BILL for an Act to provide the unsatisfied judgment fund with authority to pay legal costs associated with collections.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 103 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Enget; Hausauer, R.; Peterson

HB 1107 passed and the title was agreed to.

HB 1141: A BILL for an Act to create and enact a new section to chapter 54-12 of the North Dakota Century Code, relating to the establishment of a fund in the state treasury to provide for the deposit of funds in cases where the consumer fraud division acts in a receivership capacity or otherwise provides refunds to consumers of amounts paid by persons or parties found to have violated the consumer fraud laws, for the payment of valid claims against cash deposit bonds posted by applicants for a transient merchant's license, and for the refund to the licensee of any remaining balance of the cash deposit bond posted by an applicant for a transient merchant's license; and to provide a continuing appropriation.

ROLL CALL

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

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J;

DeMers, P.; Dorso; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, V.; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Kingsbury; Murphy; Thompson, K.

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

HB 1141 passed and the title was agreed to.

MOTION

REP. R. ANDERSON MOVED that the House waive the reading of the title to HB 1195, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1195: A BILL for an Act to amend and reenact sections 54-01.1-01, 54-01.1-02, 54-01.1-03, 54-01.1-04, 54-01.1-05, 54-01.1-06, 54-01.1-07, 54-01.1-08, 54-01.1-09, 54-01.1-10, 54-01.1-12, and 54-01.1-16 of the North Dakota Century Code, relating to relocation assistance programs, expanded policy declaration, definitions, displacement expenses and expense limits, mode of payment, advisory information and planning, available housing assurance, adoption of rules, uniform administration, nonduplication of payment, gender neutralization, and reference source; to provide an effective date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 102 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Enget; Hausauer, R.; Peterson; Timm

HB 1195 passed, the title was agreed to, and the emergency clause carried.

HB 1224: A BILL for an Act to amend and reenact section 40-57.3-04 of the North Dakota Century Code, relating to the due date for city lodging and restaurant tax returns; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 102 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Enget; Hausauer, R.; Peterson; Timm

HB 1224 passed and the title was agreed to.

HB 1231: A BILL for an Act to amend and reenact subsections 4 and 9 of section 14-15-16 of the North Dakota Century Code, relating to disclosure of adoption information under the Revised Uniform Adoption Act.

ROLL CALL

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

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kloubec; Kolbo; Kouba; Lang; Larson, D.; Laughlin; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olson, A.; Olson, V.; O'Shea; Payne; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Tokach; Tollefson; Tomac; Ulmer; Urlacher; Vander Vorst; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Gunsch; Hanson, O.; Kingsbury; Knell; Larson, R.; Lindgren; Marks; Olsen, D.; Skjervén; Trautman; Wald; Whalen

ABSENT AND NOT VOTING: Enget; Hausauer, R.; Peterson; Timm

HB 1231 passed and the title was agreed to.

MOTION

REP. A. OLSON MOVED that HB 1501 be returned to the House floor from the Committee on Natural Resources, which motion prevailed.

REQUEST

REP. W. WILLIAMS REQUESTED the unanimous consent of the House to withdraw HB 1501. There being no objection, it was so ordered by the Speaker.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The President has signed: HCR 3014, HCR 3015, HCR 3016.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

THE SPEAKER ANNOUNCED that the following resolutions were delivered to the Secretary of State for his filing at the hour of 1:27 p.m., January 17, 1989: HCR 3014, HCR 3015, HCR 3016.

MOTIONS

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

REP. KLOUBEC 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 18, 1989, which motion prevailed.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

Committee on Appropriations introduced:

HCR 3028: A concurrent resolution regarding the approval of state agency use of block grant funds, and authorizing the Budget Section of the Legislative Council to hold the required legislative hearings on state plans for the receipt and expenditure of new or revised block grants as passed by Congress.

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

FIRST READING OF SENATE BILLS

SB 2007: A BILL for an Act making an appropriation for defraying the expenses of the Indian affairs commission of the state of North Dakota. Was read the first time and referred to the Committee on Appropriations.

SB 2047: A BILL for an Act to provide procedures for appeals from the decisions of local governing bodies; to amend and reenact sections 4-16-09, 4-22-39, 11-11-41, 11-11-43, 11-28-19, 11-33-12, 11-33.2-09, 11-35-01, 15-27.3-07, 21-05-07, 24-07-22, 40-02-06.1, 40-05-02.2, 40-26-01, 40-39-10, subsection 5 of section 40-58-18, sections 40-62-04, 57-25-03, 57-28-12, 58-02-23, 58-03-15, 61-07-33, 61-12-18, 61-12-19, 61-12-23, 61-16.1-51, 61-16.1-53, 61-16.1-54, 61-21-18, 61-21-43.1, 61-21-67, 61-24-17, and 61-32-07 of the North Dakota Century Code, relating to appeals from various local boards,

commissions, and districts; and to repeal sections 61-16.1-55, 61-16.1-56, and 61-16.1-57 of the North Dakota Century Code, relating to appeals from water resource board decisions.

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

SB 2062: A BILL for an Act to amend and reenact subsection 2 of section 26.1-08-03, sections 26.1-08-04, 26.1-08-05, 26.1-08-06, 26.1-08-07, 26.1-08-08, and subsection 4 of section 26.1-08-12 of the North Dakota Century Code, relating to the comprehensive health association's board of directors, benefits, and premium rates.

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

SB 2068: A BILL for an Act to create and enact two new sections to chapter 54-52.1 of the North Dakota Century Code, relating to the establishment of a retiree health benefits fund for the purpose of prefunding group medical and hospital benefits coverage under the uniform group insurance program for certain retired public employees; to amend and reenact sections 39-03.1-10, 54-52-06, and 54-52-06.1, and subsection 3 of section 54-52.1-03 of the North Dakota Century Code, relating to contributions under the highway patrolmen's retirement system and the public employees retirement system and the continuation of benefits under the uniform group insurance program upon termination or retirement; and to provide an appropriation.

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

SB 2128: A BILL for an Act to amend and reenact section 39-19-04 of the North Dakota Century Code, relating to the international registration plan.

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

SB 2148: A BILL for an Act to amend and reenact subsection 3 of section 54-52.1-01 and section 54-52.1-03.1 of the North Dakota Century Code, relating to participation by political subdivisions in the uniform group insurance program.

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

SB 2150: A BILL for an Act to amend and reenact section 37-14-07 of the North Dakota Century Code, relating to repayment to be made to the veterans' aid fund.

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

SB 2204: A BILL for an Act to amend and reenact section 6-09-15.5 of the North Dakota Century Code, relating to the beginning farmer revolving real estate loan fund.

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

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

ROY GILBREATH, Chief Clerk