

JOURNAL OF THE HOUSE

Fifty-first Legislative Assembly

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Bismarck, March 7, 1989

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

The prayer was offered by Rep. Graba.

The roll was called and all Representatives were present, except Representative Peterson.

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 Forty-second Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1278, line 44, replace "Oban" with "Tomac"

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

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
 MR. SPEAKER: The Senate has passed unchanged: HB 1066, HB 1070, HB 1105, HB 1108, HB 1204, HB 1232, HB 1236, HB 1239, HB 1243, HB 1253, HB 1255, HB 1260, HB 1263, HB 1269, HB 1270, HB 1274, HB 1291, HB 1305, HB 1317, HB 1328, HB 1377, HB 1394, HB 1397, HB 1464.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
 MR. SPEAKER: The Senate has amended and subsequently passed: HB 1195, HB 1512.

SENATE AMENDMENTS TO ENGROSSED HB 1195

Page 13, after line 17, insert:

"4. Notwithstanding subsection 4 of section 54-01.1-02, in any case in which a displacing agency acquires property for a program or project, any person who occupies that property on a rental basis, for a short term or a period subject to termination when the property is needed for the program or project, is eligible for advisory services to the extent determined by the displacing agency."

Renumber accordingly

SENATE AMENDMENTS TO HB 1512

Page 1, line 15, remove "director of the legislative council,"

Renumber accordingly

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
 MR. SPEAKER: The Senate has concurred in the House amendments to SB 2195 and subsequently passed the same.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2520.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
MR. SPEAKER: The Senate has failed to pass: HB 1265, HB 1346, HB 1378.

MOTIONS

REP. WENTZ MOVED that the House reconsider its action whereby the amendments to SB 2048 were adopted and the committee report was accepted and SB 2048 was placed on the Sixth order of business on the calendar, which motion prevailed.

REP. WENTZ MOVED that SB 2048 be rereferred to the Committee on Judiciary, which motion prevailed. Pursuant to Rep. Wentz's motion, SB 2048 was rereferred.

REP. KLOUBEC MOVED that the rules be suspended and that the committee reports on SB 2059, SB 2072, SB 2219, and SCR 4030 recommending amendments on the Sixth order of business on the legislative calendar of the Forty-third Day be adopted, which motion prevailed.

SIXTH ORDER OF BUSINESS

REP. HAUGLAND MOVED that the amendments to Engrossed SB 2059 as recommended by the Committee on Human Services and Veterans Affairs as printed on pages 1292-1293 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

Engrossed SB 2059, as amended, was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REP. HAUGLAND MOVED that the amendments to Engrossed SB 2072 as recommended by the Committee on Human Services and Veterans Affairs as printed on page 1293 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

Engrossed SB 2072, as amended, was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REP. HAUGLAND MOVED that the amendments to Engrossed SB 2219 as recommended by the Committee on Human Services and Veterans Affairs as printed on pages 1293-1294 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

Engrossed SB 2219, as amended, was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REP. HAUGLAND MOVED that the amendments to SCR 4030 as recommended by the Committee on Human Services and Veterans Affairs as printed on page 1295 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

SCR 4030, as amended, was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MOTION

REP. KLOUBEC MOVED that the House be on the Tenth order of business on the calendar, which motion prevailed.

REQUESTS

REP. RING REQUESTED that SCR 4024 be removed from the consent calendar, which request was granted.

REP. CARLSON REQUESTED that SCR 4011 be removed from the consent calendar, which request was granted.

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS AND
SENATE CONCURRENT RESOLUTIONS ON CONSENT CALENDAR

HCR 3069: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of adopting an alternative method of delivery of special education and related services to developmentally disabled students in this state.

HCR 3076: A concurrent resolution directing the Legislative Council to study motorboat license fees.

SCR 4004: A concurrent resolution directing the Legislative Council to study the state's game and fish laws and rules.

SCR 4016: A concurrent resolution directing the Legislative Council to study the present trends of social service program funding and the equitable distribution of costs for such programs.

SCR 4029: A concurrent resolution urging the State Engineer to adopt measures to require the plugging of abandoned water wells.

SCR 4036: A concurrent resolution directing the Legislative Council to study the feasibility of establishing an unused pesticide and pesticide container disposal program.

HCR 3081: A concurrent resolution directing the Legislative Council to study legislative employee compensation.

HCR 3082: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of replacing county and city emergency management organizations with regional emergency management organizations and transferring responsibility for the state radio broadcasting system to the Adjutant General.

HCR 3083: A concurrent resolution directing the Legislative Council to study the adequacy of property insurance coverage to replace state buildings.

SCR 4035: A concurrent resolution directing the Legislative Council to study the purposes, powers, management, and operations of the Bank of North Dakota.

SCR 4044: A concurrent resolution urging the Secretary of Labor to select North Dakota as one of the sites to open a Job Corps Center and to enter an agreement to open the center in Minot.

SCR 4045: A concurrent resolution urging Congress to reverse its action whereby the Department of the Treasury was directed to issue

regulations to restrict income tax deductibility of expenses of members of state legislatures.

The question being on the final adoption of the resolutions, which have been read.

The resolutions were declared adopted on a voice vote.

MOTION

REP. KLOUBEC MOVED that Paragraph 3 of House Rule 341 be suspended for one day, which motion prevailed.

HOUSE ENROLLING REPORT

The following bills were enrolled: HB 1028, HB 1095, HB 1251.

HOUSE ENROLLING REPORT

The following bills were enrolled: HB 1135, HB 1148, HB 1157, HB 1159, HB 1165, HB 1187, HB 1193, HB 1214, HB 1224, HB 1231.

HOUSE ENROLLING REPORT

The following resolution was enrolled: HCR 3034.

SIGNING of BILLS and RESOLUTIONS (Roy Gilbreath, Chief Clerk)

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following enrolled bills: HB 1048, HB 1053, HB 1054, HB 1055, HB 1059, HB 1100, HB 1118, HB 1121, HB 1177.

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

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested: HB 1048, HB 1053, HB 1054, HB 1055, HB 1059, HB 1100, HB 1118, HB 1121, HB 1177.

SIGNING of BILLS and RESOLUTIONS (Roy Gilbreath, Chief Clerk)

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following enrolled bills and resolutions: HB 1073, HB 1081, HB 1082, HB 1086, HB 1087, HB 1091, HB 1092, HB 1093, HB 1096, HB 1099, HB 1102, HB 1103, HB 1107, HB 1109, HB 1111, HB 1112, HB 1114, HB 1115, HB 1120, HB 1129, HB 1133, HB 1137, HB 1138, HB 1141, HB 1143, HB 1147, HB 1150, HB 1154, HB 1156, HB 1162, HB 1168, HB 1174, HB 1176, HB 1179, HB 1180, HB 1203, HCR 3080.

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

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested: HB 1073, HB 1081, HB 1082, HB 1086, HB 1087, HB 1091, HB 1092, HB 1093, HB 1096, HB 1099, HB 1102, HB 1103, HB 1107, HB 1109, HB 1111, HB 1112, HB 1114, HB 1115, HB 1120, HB 1129, HB 1133, HB 1137, HB 1138, HB 1141, HB 1143, HB 1147, HB 1150, HB 1154, HB 1156, HB 1162, HB 1168, HB 1174, HB 1176, HB 1179, HB 1180, HB 1203, HCR 3080.

SIGNING of BILLS and RESOLUTIONS (Roy Gilbreath, Chief Clerk)

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following enrolled bills: SB 2041, SB 2065, SB 2069, SB 2088, SB 2104, SB 2115, SB 2181, SB 2184, SB 2186, SB 2196, SB 2197, SB 2202, SB 2217, SB 2221, SB 2225, SB 2258, SB 2325.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The Speaker has signed: SB 2041, SB 2065, SB 2069, SB 2088, SB 2104, SB 2115, SB 2181, SB 2184, SB 2186, SB 2196, SB 2197, SB 2202, SB 2217, SB 2221, SB 2225, SB 2258, SB 2325.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has passed unchanged: SB 2056, SB 2132, SB 2138, SB 2140, SB 2142, SB 2143, SB 2144, SB 2147, SB 2148, SB 2154, SB 2161, SB 2163, SB 2164, SB 2167, SB 2168, SB 2170, SB 2174, SB 2183.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has failed to pass: SB 2151.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has amended and subsequently passed: SB 2119, SB 2136, SB 2226, SB 2251, SCR 4018.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
MR. SPEAKER: The President has signed: HB 1048, HB 1053, HB 1054, HB 1055, HB 1059, HB 1100, HB 1118, HB 1121, HB 1177.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
MR. SPEAKER: The President has signed: HB 1073, HB 1081, HB 1082, HB 1086, HB 1087, HB 1091, HB 1092, HB 1093, HB 1096, HB 1099, HB 1102, HB 1103, HB 1107, HB 1109, HB 1111, HB 1112, HB 1114, HB 1115, HB 1120, HB 1129, HB 1133, HB 1137, HB 1138, HB 1141, HB 1143, HB 1147, HB 1150, HB 1154, HB 1156, HB 1162, HB 1168, HB 1174, HB 1176, HB 1179, HB 1180, HB 1203, HCR 3080.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

THE SPEAKER ANNOUNCED that the following resolution was delivered to the Secretary of State for his filing at the hour of 1:40 p.m., March 7, 1989: HCR 3080.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

THE SPEAKER ANNOUNCED that the following bills were delivered to the Governor for his approval at the hour of 12:20 p.m., March 7, 1989: HB 1073, HB 1081, HB 1082, HB 1086, HB 1087, HB 1091, HB 1092, HB 1093, HB 1096, HB 1099, HB 1102, HB 1103, HB 1107, HB 1109, HB 1111, HB 1112, HB 1114, HB 1115, HB 1120, HB 1129, HB 1133, HB 1137, HB 1138, HB 1141, HB 1143, HB 1147, HB 1150, HB 1154, HB 1156, HB 1162, HB 1168, HB 1174, HB 1176, HB 1179, HB 1180, HB 1203, HB 1048, HB 1053, HB 1054, HB 1055, HB 1059, HB 1100, HB 1118, HB 1121, HB 1177.

MOTIONS

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

REP. KLOUBEC MOVED that the House be on the Fifth order of business, and at the conclusion of the Fifth order, the House be on the Thirteenth order of business, and at the conclusion of the Thirteenth order, the House stand adjourned until 12:30 p.m., Wednesday, March 8, 1989, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was referred SB 2011 has had the same under consideration and recommends by a vote of 20 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING that the same DO PASS.

SB 2011 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was referred SB 2012 has had the same under consideration and recommends by a vote of 20 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

SB 2012 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education (Rep. Gates, Chairman) to which was referred SB 2039 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

SB 2039 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education (Rep. Gates, Chairman) to which was referred SB 2040 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.

SB 2040 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education (Rep. Gates, Chairman) to which was referred Engrossed SB 2054 has had the same under consideration and recommends by a vote of 12 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING that the same DO PASS.

Engrossed SB 2054 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Human Services and Veterans Affairs (Rep. Haugland, Chairman) to which was referred Engrossed SB 2146 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 3, remove "50-25.1-05.3,"

Page 1, line 10, remove ", unless the context or subject matter otherwise"

Page 1, line 11, remove "requires, and except with respect to rulemaking,"

Page 1, line 12, replace "and its designated agents" with "or its designee"

Page 2, line 25, remove the overstrike over "or the"

Page 2, line 26, remove the overstrike over "department's designee"

Page 2, line 27, remove the overstrike over "or the"

Page 2, line 28, remove the overstrike over "department's designee"

Page 3, remove lines 14 through 22

Re-number accordingly

Engrossed SB 2146 was placed on the Sixth 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 SB 2194 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.

SB 2194 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education (Rep. Gates, Chairman) to which was referred SB 2280 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.

SB 2280 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary (Rep. Wentz, Chairman) to which was referred SB 2315 has had the same under consideration and recommends by a vote of 10 YEAS, 3 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

SB 2315 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary (Rep. Wentz, Chairman) to which was referred Engrossed SB 2356 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 1, replace "a" with "two" and replace "section" with "sections"

Page 1, line 3, after "majority" insert "and the duration of support obligations"

Page 1, line 10, after "support" insert "until the child attains majority"

Page 2, after line 7, insert:

"SECTION 2. A new section to chapter 14-09 of the North Dakota Century Code is hereby created and enacted to read as follows:

Duration of child support obligations. A judgment or order requiring the payment of child support continues as to the child until the end of the month in which the support obligation terminates."

Renumber accordingly

Engrossed SB 2356 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 SB 2406 has had the same under consideration and recommends by a vote of 12 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING that the same DO PASS.

SB 2406 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4049: A concurrent resolution directing the Legislative Council to study mandates causing increased local government expenditures or decreased local government revenues.

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

SCR 4052: A concurrent resolution directing the Legislative Council to study methods of ensuring that all operators of motor vehicles maintain automobile liability insurance.

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

SCR 4055: A concurrent resolution directing the Legislative Council to study the ethical, social, economic, and legal implications of various medical, bioethical, and health issues.

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

SCR 4060: A concurrent resolution directing the Legislative Council to study the methods in which the state acquires and holds real property, the effect of such acquisition on local tax bases, the feasibility of simplifying laws for acquisition and holding of real property by the state, and the feasibility of requiring divestiture of certain real property owned by the state.

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

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

ROY GILBREATH, Chief Clerk

JOINT SESSION

The Joint Session was called to order by Speaker Kretschmar.

REP. R. ANDERSON MOVED that a committee of two be appointed to escort Lt. Governor Lloyd Omdahl to the rostrum, which motion prevailed.

SPEAKER KRETSCHMAR APPOINTED Sen. Waldera and Rep. Wentz to such committee and Lt. Governor Lloyd Omdahl was escorted to the rostrum.

Speaker Kretschmar turned the gavel over to Lt. Governor Omdahl.

REP. R. ANDERSON MOVED that a committee of two be appointed to escort the Honorable George A. Sinner, Governor, to the rostrum, which motion prevailed.

LT. GOVERNOR OMDAHL APPOINTED Sen. Thane and Rep. Schneider to such committee and the Honorable George A. Sinner, Governor, was escorted to the rostrum.

REP. R. ANDERSON MOVED that a committee of two be appointed to escort the Honorable Rudy Perpich, Governor of Minnesota, to the rostrum, which motion prevailed.

LT. GOVERNOR OMDAHL APPOINTED Sen. Shea and Rep. R. Hausauer to such committee and the Honorable Rudy Perpich, Governor of Minnesota, was escorted to the rostrum.

REP. R. ANDERSON MOVED that a committee of two be appointed to escort the Speaker of the Minnesota House, Robert Vanasek, and Senate Majority Leader, Roger Moe, to the rostrum, which motion prevailed.

LT. GOVERNOR OMDAHL APPOINTED Sen. Holmberg and Rep. Kelly to such committee and the Speaker of the Minnesota House, Robert Vanasek, and Senate Majority Leader, Roger Moe, were escorted to the rostrum.

Speeches were given by the Governor of Minnesota, Rudy Perpich; Speaker of the Minnesota House of Representatives, Robert Vanasek; and Senate Majority Leader of the Minnesota Senate, Roger Moe.

Responsive remarks were presented by George A. Sinner, Governor of North Dakota.

The Joint Session was declared dissolved by Lt. Governor Omdahl.