

JOURNAL OF THE HOUSE

Forty-eighth Legislative Assembly

THIRD DAY

Bismarck, January 6, 1983

The House convened at 2:00 p.m., with Speaker Kelly presiding.

Prayer was offered by Rev. Richard Hutton, St. John's Lutheran Church, Jamestown.

ROLL CALL

The roll was called and all members were present, except Representatives Kretschmar, Shockman, 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 Second day and finds the same to be correct.

REP. LAUGHLIN, Chairman

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

REPORTS OF STANDING COMMITTEES

MADAM SPEAKER: Your Committee on Education to which was referred HB 1127 has had the same under consideration and recommends by a vote of 17 YEAS, 0 NAYS, 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 11, delete the word "eighteen" and insert immediately thereafter the word "twenty-one" and renumber the lines accordingly

REP. JACOBSON, Chairman

HB 1127 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Education to which was referred HB 1181 has had the same under consideration and recommends by a vote of 17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS.

On page 1, line 2, after the word "district" delete the word "supplies" and insert immediately thereafter the words "report forms"

On page 1, line 7, overstrike the words "School supplies"

On page 1, line 8, immediately after overstruck word "lists", insert the words "Provision of required school district report forms"

On page 1, line 9, overstrike the words "prepare and cause to be printed and furnished" and insert immediately thereafter the word "provide"

On page 2, line 1, after the word "depository" insert immediately thereafter the words "in public school districts"

On page 2, line 2, after the word "as" insert immediately thereafter the words "may be"

On page 2, line 2, overstrike the word "state"

On page 2, line 2, delete the underscored words "and statute" and insert immediately thereafter the words "or otherwise by law"

And renumber the lines accordingly

REP. JACOBSON, Chairman

HB 1181 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Transportation to which was referred HB 1047 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 NOT PASS.

REP. HJELLE, Chairman

HB 1047 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Appropriations to which was referred HB 1012 has had the same under consideration and recommends by a vote of 21 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. MERTENS, Chairman

HB 1012 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Political Subdivisions to which was referred HB 1064 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. DOTZENROD, Chairman

HB 1064 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Agriculture to which was referred HB 1137 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. W. MEYER, Chairman

HB 1137 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 1139 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING that the same DO PASS.

REP. BROKAW, Chairman

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

MADAM SPEAKER: Your Committee on Political Subdivisions to which was referred HB 1155 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. DOTZENROD, Chairman

HB 1155 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

FIRST READING OF HOUSE BILLS

Rep. Conmy introduced:

HB 1245: A BILL for an Act to amend and reenact section 65-01-09 of the North Dakota Century Code, relating to the workmen's compensation bureau's right of subrogation.

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

Reps. Conmy, Gates introduced:

HB 1246: A BILL for an Act to provide for a foster care parent grievance procedure.

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

Rep. Strinden introduced:

HB 1247: A BILL for an Act to amend and reenact section 16.1-06-04 of the North Dakota Century Code, relating to the form of the ballot for use by electronic voting systems.

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

Rep. Strinden introduced:

HB 1248: A BILL for an Act to amend and reenact section 10-23-02 of the North Dakota Century Code, relating to the filing of annual corporate reports.

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

Reps. Goetz, R. Anderson, Hughes introduced:

HB 1249: A BILL for an Act to create and enact a new section to chapter 57-62 of the North Dakota Century Code, providing for establishment and funding of an oil and gas development fund and an oil and gas impact grant fund, administration of the funds, and terms and conditions of loans and repayment through the oil and gas development fund; to repeal section 15-40.1-13 of the North Dakota Century Code, relating to dedication of funds received by the state through the Federal Mineral Leasing Act to the foundation aid program; and to provide an appropriation.

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

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

Rep. Conmy introduced:

HCR 3009: A concurrent resolution directing the Legislative Council to conduct a study of the structure and administration of counsel services for indigent defendants and prosecution witness fees.

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

MOTION

REP. S. F. HOFFNER MOVED that HB 1213 be returned to the House from the Committee on Industry, Business, and Labor and be rereferred to the Committee on Agriculture, which motion prevailed.

SPEAKER KELLY ANNOUNCED that HB 1213 was rereferred to the Committee on Agriculture.

MOTION

REP. S. HOFFNER MOVED that the HB 1093 be returned to the House floor from the Committee on State and Federal Government, which motion prevailed.

REQUEST

REP. S. HOFFNER REQUESTED the unanimous consent of the House to withdraw HB 1093. There being no objection, it was so ordered by the Speaker.

SECOND READING OF HOUSE BILLS

HB 1107: A BILL for an Act to create and enact a new subsection to section 54-52-01 of the North Dakota Century Code, relating to the definition of the phrase "account balance"; and to amend and reenact subsections 7 and 8 of section 54-52-17 of the North Dakota Century Code, relating to distribution of account balances.

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 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Black; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gates; Gerl; Goetz; Gorder; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer; Hill; Hjelle; Hoffner, S.F.; Hoffner, Serenus; Horgan; Hughes; Jacobson; Keller; Kent; Kingsbury; Kloubec; Knudson; Koehn; Koski; 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; 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; Sinner; Solberg; Stofferahn; Swiontek; Thompson; Timm; Vander Vorst; Vig; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold; Madam Speaker

NAYS: Kuchera

ABSENT AND NOT VOTING: Kretschmar; Murphy; Shockman; Strinden; Unhjem

So HB 1107 passed and the title was agreed to.

HB 1108: A BILL for an Act to amend and reenact subsection 6 of section 54-52-17 of the North Dakota Century Code, relating to the benefits payable to a surviving spouse.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 99 YEAS, 2 NAYS, 5 ABSENT AND NOT VOTING.

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

NAYS: Brokaw; O'Connell

ABSENT AND NOT VOTING: Kretschmar; Murphy; Shockman;
 Strinden; Unhjem

So HB 1108 passed and the title was agreed to.

HB 1123: A BILL for an Act to amend and reenact section 15-11-19
 of the North Dakota Century Code, relating to the library
 of the law college.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was
 called and there were 99 YEAS, 2 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Black;
 Boyle; Brokaw; Conny; DeMers; Dotzenrod; DuBord;
 Eagles; Erdman; Gates; Gerl; Goetz; Gorder; Gullickson;
 Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.;
 Haugland; Hausauer; Hill; Hjelle; Hoffner, S.F.;
 Hoffner, Serenus; 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; 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; Sanstead; Schindler; Schneider;
 Schoenwald; Shide; Sinner; Solberg; Stofferahn;
 Swiontek; Thompson; Timm; Vander Vorst; Vig; Watne;
 Wentz; Whalen; Williams, A.; Williams, C.;
 Williams, W.; Wold; Madam Speaker

NAYS: Kingsbury; Rued

ABSENT AND NOT VOTING: Kretschmar; Murphy; Shockman;
 Strinden; Unhjem

So HB 1123 passed and the title was agreed to.

HB 1152: A BILL for an Act to impose civil penalties upon persons who knowingly make or cause to be made false claims for payment of moneys upon or against the state of North Dakota, its departments, or political subdivisions and to provide for the additional assessment of costs and attorneys' fees.

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, 97 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Kingsbury; Melby

NAYS: Anderson, C.; Anderson, R.; Aubol; Backes; Black; Boyle; Brokaw; Conmy; DeMers; DuBord; Eagles; Erdman; Gates; Gerl; Goetz; Gordier; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Hausauer; Hill; Hjelle; Hoffner, S.F.; Hoffner, Serenus; Horgan; Hughes; Jacobson; Keller; Kent; Kloubec; Knudson; Koehn; Koski; 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; 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; Sinner; Solberg; Stofferahn; Swiontek; Thompson; Timm; Vander Vorst; Vig; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold; Madam Speaker

ABSENT AND NOT VOTING: Haugland; Kretschmar; Murphy; Shockman; Strinden; Unhjem

So HB 1152 was declared lost.

RECOGNITION

SPEAKER KELLY ANNOUNCED that Grand Forks Mayor H. C. "Bud" Wessman, a former Representative, was in the chambers, and requested that the House recognize Mayor Wessman, and Mayor Wessman was thereupon introduced to the House.

SECOND READING OF HOUSE BILLS

HB 1171: A BILL for an Act to amend and reenact sections 12-47-03, 12-48.1-02, 12-54.1-03, 39-01-02, and 54-21-25 of the North Dakota Century Code, relating to the service of process in the penitentiary by law enforcement officers or

the warden's designee, short leaves for state farm inmates, good time for penitentiary inmates as a control and security measure, penitentiary vehicles and cars, contracts for services with private or other correctional facilities, and the exchange and transfer of prisoners.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 96 YEAS, 5 NAYS, 5 ABSENT AND NOT VOTING.

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

NAYS: Hanson, O.; Retzer; Stofferahn; Thompson; Whalen

ABSENT AND NOT VOTING: Kretschmar; Murphy; Shockman; Strinden; Unhjem

So HB 1171 passed and the title was agreed to.

HB 1212: A BILL for an Act to amend and reenact section 16.1-12-07 of the North Dakota Century Code, relating to filing deadline to withdraw from a nomination.

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; Dotzenrod; DuBord; Eagles; Erdman; Gates; Gerl; Goetz; Gorder; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.;

Haugland; Hausauer; Hill; Hjelle; Hoffner, S. F.; Hoffner, Serenus; Horgan; Hughes; Jacobson; Keller; Kent; Kingsbury; Kloubec; Knudson; Koehn; Koski; 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; 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; Sinner; 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: Kretschmar; Murphy; Shockman; Strinden; Unhjem

So HB 1212 passed and the title was agreed to.

MOTION

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

REP. BACKES MOVED that the House stand adjourned until 12:30 p.m., Friday, January 7, 1983, which motion prevailed.

The House stood adjourned pursuant to Representative Backes' motion.

CHARLES FLEMING, Chief Clerk