

JOURNAL OF THE HOUSE

Forty-eighth Legislative Assembly

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NINTH DAY

Bismarck, January 14, 1983

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

The prayer was offered by Rev. Dave Ewing, Century Baptist Church, Bismarck.

ROLL CALL

The roll was called and all members were present, except Representatives Boyle, Koski, Kuchera, Mertens, Retzer, Strinden, and Unhjem.

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 Eighth day and finds the same to be correct.

REP. LAUGHLIN, Chairman

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

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 1056, HB 1074, HB 1076, HB 1099, HB 1110, HB 1122,
HB 1142, HB 1145, HB 1160

Very respectfully,
CHARLES FLEMING, Chief Clerk

REPORT OF PROCEDURAL COMMITTEE

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

HB 1114, HB 1176

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 2053, SB 2056, SB 2061, SB 2081, SB 2089, SB 2090,
SB 2097, SB 2102, SB 2111, SB 2112, SB 2130, SB 2188,
SB 2192, SB 2199

Very respectfully,
LEO LEIDHOLM, Secretary

REPORTS OF STANDING COMMITTEES

MADAM SPEAKER: Your Committee on Natural Resources to which was referred HB 1141 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.

REP. BROKAW, Chairman

HB 1141 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Social Services and Veterans Affairs to which was referred HB 1163 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 NOT PASS.

REP. R. MEIERS, Chairman

HB 1163 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 1204 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.

REP. DOTZENROD, Chairman

HB 1204 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 1231 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 1231 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SIXTH ORDER OF BUSINESS

REP. S. F. HOFFNER MOVED that the amendments to HB 1044 as recommended by the Committee on Industry, Business, and Labor as printed on page 198 of the House Journal be adopted, which motion prevailed.

REP. L. HANSON MOVED that the amendments to HB 1049 as recommended by the Committee on State and Federal Government as printed on page 199 of the House Journal be adopted, which motion prevailed.

REP. L. HANSON MOVED that the amendments to HB 1086 as recommended by the Committee on State and Federal Government as printed on page 200 of the House Journal be adopted, which motion prevailed.

REP. L. HANSON MOVED that the amendments to HB 1112 as recommended by the Committee on State and Federal Government as printed on page 200 of the House Journal be adopted, which motion prevailed.

REP. JACOBSON MOVED that the amendments to HB 1127 as recommended by the Committee on Education as printed on page 201 of the House Journal be adopted, which motion prevailed.

REP. E. POMEROY MOVED that the amendments to HB 1130 as recommended by the Committee on Judiciary as printed on page 201 of the House Journal be adopted, which motion prevailed.

REP. E. POMEROY MOVED that the amendments to HB 1151 as recommended by the Committee on Judiciary as printed on pages 201 and 202 of the House Journal be adopted, which motion prevailed.

REP. E. POMEROY MOVED that the amendments to HB 1202 as recommended by the Committee on Judiciary as printed on page 202 of the House Journal be adopted, which motion prevailed.

REP. E. POMEROY MOVED that the amendments to HB 1208 as recommended by the Committee on Judiciary as printed on pages 202 and 203 of the House Journal be adopted, which motion prevailed.

REP. S. F. HOFFNER MOVED that the amendments to HB 1210 as recommended by the Committee on Industry, Business, and Labor as printed on page 203 of the House Journal be adopted, which motion prevailed.

REP. S. F. HOFFNER MOVED that the amendments to HB 1225 as recommended by the Committee on Industry, Business, and Labor as printed on page 203 of the House Journal be adopted, which motion prevailed.

REP. JACOBSON MOVED that the amendments to HCR 3003 as recommended by the Committee on Education as printed on page 203 of the House Journal be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1114: A BILL for an Act to create and enact a new section to chapter 43-06 of the North Dakota Century Code, relating to use of national examining board examination of chiropractors; and to amend and reenact sections 43-06-05,

43-06-08, 43-06-09, 43-06-10, 43-06-12, and 43-06-13 of the North Dakota Century Code, relating to the board of chiropractic examiners and relating to licensure of chiropractors; and to declare an emergency.

Which has been read.

ROLL CALL

The question being on final passage of the bill as amended on pages 179 and 180 of the House Journal, the roll was called and there were 100 YEAS, 0 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Backes; Black; Brokaw; Conmy; DeMers; Dotzenrod; 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; Hughes; Jacobson; Keller; Kent; Kingsbury; Kloubec; Knudson; Koehn; Kretschmar; Lang; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Melby; Meyer, R.; Meyer, W.; Moore; Murphy; 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; Shockman; Sinner; Solberg; Stofferahn; Strinden; Swiontek; Thompson; Timm; Vander Vorst; Vig; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold; Madam Speaker

NAYS: None

ABSENT AND NOT VOTING: Aubol; Boyle; Koski; Kuchera; Mertens; Unhjem

HB 1114 passed, the title was agreed to, and the emergency clause carried.

MOTION

REP. W. WILLIAMS MOVED that the House reconsider its action whereby HB 1148 failed to pass.

REQUEST

REP. SANSTEAD REQUESTED a recorded roll call vote on Representative W. Williams' motion to reconsider HB 1148, which request was granted.

ROLL CALL

The question being on the motion of Representative W. Williams to reconsider HB 1148, there were 71 YEAS, 30 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Anderson, R.; Aubol; Backes; Black; Brokaw; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gates; Gerl; Gorder; Halmrast; Hanson, L.; Hanson, O.; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Jacobson; Keller; Kloubec; Koehn; Kretschmar; Lang; Lardy; Larson, B.; Laughlin; Linderman; Lloyd; Martin, C.; Meiers, R.; Meyer, R.; Meyer, W.; Moore; Murphy; Mushik; Nowatzki; O'Connell; Olafson; Olson, A.; Opedahl; O'Shea; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Richard; Riehl; Rued; Schindler; Schneider; Shockman; Sinner; Solberg; Stofferahn; Timm; Vander Vorst; Vig; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Wold; Madam Speaker

NAYS: Anderson, C.; Conmy; Goetz; Gullickson; Gunsch; Hamerlik; Hughes; Kent; Kingsbury; Knudson; Larson, R.; Lautenschlager; Lipsiea; Martin, G.; Martinson; Meier, A.; Melby; Nalewaja; Nicholas; Olsen, D.; Retzer; Rice; Riley; Sanstead; Schoenwald; Shide; Strinden; Swiontek; Thompson; Whalen

ABSENT AND NOT VOTING: Boyle; Koski; Kuchera; Mertens; Unhjem

Representative W. Williams' motion to reconsider HB 1148 passed.

SECOND READING OF HOUSE BILL

HB 1148: A BILL for an Act to amend and reenact sections 16.1-11-01 and 16.1-11-05 of the North Dakota Century Code, relating to the primary election; and to repeal sections 16.1-11-02, 16.1-11-03, 16.1-11-04, 16.1-11-07, 16.1-11-23, and 16.1-11-34 of the North Dakota Century Code, relating to the presidential preference primary.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 75 YEAS, 26 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Anderson, R.; Aubol; Backes; Black; Brokaw; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gates; Gerl; Gorder; Gullickson; Halmrast; Hanson, L.; Hanson, O.; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Jacobson; Keller; Koehn; Kretschmar; Lang; Lardy; Larson, B.; Laughlin; Lautenschlager; Linderman; Lloyd; Martin, C.; Martin, G.; Meier, A.; Meiers, R.; Meyer, R.;

Meyer, W.; Murphy; Mushik; Nowatzki; O'Connell;
 Olafson; Olson, A.; Opedahl; O'Shea; Peltier; Peterson;
 Pomeroy, E.; Pomeroy, G.; Rayl; Rice; Richard; Riehl;
 Rued; Schindler; Schneider; Schoenwald; Shockman;
 Sinner; Solberg; Stofferahn; Timm; Vander Vorst; Vig;
 Watne; Wentz; Williams, A.; Williams, C.; Williams, W.;
 Wold; Madam Speaker

NAYS: Anderson, C.; Conmy; Goetz; Gunsch; Hamerlik;
 Hughes; Kent; Kingsbury; Kloubec; Knudson; Larson, R.;
 Lipsiea; Martinson; Melby; Moore; Nalewaja; Nicholas;
 Olsen, D.; Retzer; Riley; Sanstead; Shide; Strinden;
 Swiontek; Thompson; Whalen

ABSENT AND NOT VOTING: Boyle; Koski; Kuchera; Mertens;
 Unhjem

HB 1148 passed and the title was agreed to.

POINT OF PERSONAL PRIVILEGE

REP. RICE REQUESTED that the record show that he is opposed to
 HB 1148 and that he had inadvertently voted "yes".

MOTION

REP. E. POMEROY MOVED that the vote by which HB 1148 passed be
 reconsidered and the motion to reconsider be laid on the table,
 which motion prevailed on a verification vote.

MOTION

REP. BROKAW MOVED that HB 1138 be laid over one legislative
 day, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1140: A BILL for an Act to amend and reenact subsections 6
 and 10 of section 20.1-01-02 of the North Dakota Century
 Code, relating to the definitions of game and harmful wild
 birds.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was
 called and there were 84 YEAS, 12 NAYS, 10 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Backes; Black; Brokaw;
 Conmy; DeMers; Dotzenrod; DuBord; Eagles; Erdman;
 Gates; Gerl; Gullickson; Gunsch; Halmrast; Hanson, O.;
 Haugland; Hill; Hjelle; Hoffner, Serenus;
 Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kent;
 Kloubec; Knudson; Koehn; Kretschmar; Lang; Lardy;
 Larson, B.; Larson, R.; Laughlin; Lautenschlager;
 Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.;

Martinson; Meier, A.; Meyer, R.; Meyer, W.; Moore; Murphy; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Olsen, D.; Opedahl; O'Shea; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Richard; Riehl; Riley; Sanstead; Schindler; Schoenwald; Shide; Shockman; Sinner; Solberg; Stofferahn; Swiontek; Timm; Vander Vorst; Vig; Watne; Wentz; Whalen; Williams, C.; Williams, W.; Wold; Madam Speaker

NAYS: Aubol; Goetz; Gorder; Hamerlik; Meiers, R.; Melby; Olafson; Olson, A.; Rice; Rued; Schneider; Thompson

ABSENT AND NOT VOTING: Boyle; Hanson, L.; Hausauer; Kingsbury; Koski; Kuchera; Mertens; Strinden; Unhjem; Williams, A.

HB 1140 passed and the title was agreed to.

HB 1172: A BILL for an Act to repeal sections 20.1-02-19, 20.1-02-20, 20.1-02-21, and 20.1-02-22 of the North Dakota Century Code, relating to removal proceedings for game and fish department employees.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 8 YEAS, 90 NAYS, 8 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Hjelle; Kloubec; Murphy; Riley; Rued; Timm; Williams, A.

NAYS: Anderson, R.; Aubol; Backes; Black; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gates; Gerl; Goetz; Gorder; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, O.; Haugland; Hausauer; Hill; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kent; Knudson; Koehn; Kretschmar; Lang; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Melby; 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; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Solberg; Stofferahn; Swiontek; Thompson; Vander Vorst; Vig; Watne; Wentz; Whalen; Williams, C.; Williams, W.; Wold; Madam Speaker

ABSENT AND NOT VOTING: Boyle; Hanson, L.; Kingsbury; Koski; Kuchera; Mertens; Strinden; Unhjem

HB 1172 was declared lost.

MOTION

REP. G. POMEROY MOVED that the rules be suspended, and the House dispense with the reading of the title to HB 1175, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1175: A BILL for an Act to create and enact section 12-62-01.1 and a new section to chapter 54-12 of the North Dakota Century Code, relating to the collection of crime statistics and creating a consumer fraud and antitrust division of the attorney general's office; and to amend and reenact sections 12-60-05 and 12-60-17 and subsection 14 of section 54-12-01 of the North Dakota Century Code, relating to the power of the attorney general to act as superintendent of the bureau of criminal investigation; and to repeal sections 12-60-13.1, 12-60-19, and 12-60-20 of the North Dakota Century Code, relating to consumer fraud, training, and statistics.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 95 YEAS, 1 NAY, 10 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Black; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gates; Gerl; Goetz; Gorder; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, O.; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kent; Kloubec; Knudson; Koehn; Kretschmar; Lang; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Melby; Meyer, R.; Meyer, W.; Moore; Murphy; 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; Shockman; Sinner; Solberg; Stofferahn; Swiontek; Thompson; Vander Vorst; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold; Madam Speaker

NAYS: Vig

ABSENT AND NOT VOTING: Boyle; Hanson, L.; Kingsbury; Koski; Kuchera; Mertens; Rued; Strinden; Timm; Unhjem

HB 1175 passed and the title was agreed to.

HB 1176: A BILL for an Act to create and enact a new section to chapter 51-15 of the North Dakota Century Code, relating to going out-of-business sales.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended on page 181 of the House Journal, the roll was called and there were 5 YEAS, 91 NAYS, 10 ABSENT AND NOT VOTING.

YEAS: Black; Conmy; Hamerlik; Horgan; Vander Vorst

NAYS: Anderson, C.; Anderson, R.; Aubol; Backes; Brokaw; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gates; Gerl; Goetz; Gorder; Gullickson; Gunsch; Halmrast; Hanson, O.; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Hughes; Jacobson; Keller; Kent; Kloube; Knudson; Koehn; Kretschmar; Lang; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Melby; Meyer, R.; Meyer, W.; Moore; Murphy; 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; Shockman; Sinner; Solberg; Stofferahn; Swiontek; Thompson; Vig; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold; Madam Speaker

ABSENT AND NOT VOTING: Boyle; Hanson, L.; Kingsbury; Koski; Kuchera; Mertens; Rued; Strinden; Timm; Unhjem

HB 1176 was declared lost.

HB 1205: A BILL for an Act to amend and reenact section 35-22-01 of the North Dakota Century Code, relating to the foreclosure by the state of a real property mortgage by advertisement.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 92 YEAS, 4 NAYS, 10 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Black; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gates; Gerl;

Goetz; Gorder; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, O.; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kent; Kloubec; Knudson; Koehn; Kretschmar; Lang; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Melby; Meyer, R.; Meyer, W.; Moore; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Olafson; Olsen, D.; Olson, A.; Opedahl; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Rice; Richard; Riehl; Riley; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Solberg; Stofferahn; Swiontek; Thompson; Vander Vorst; Vig; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold; Madam Speaker

NAYS: Brokaw; Conmy; Murphy; O'Shea

ABSENT AND NOT VOTING: Boyle; Hanson, L.; Kingsbury; Koski; Kuchera; Mertens; Rued; Strinden; Timm; Unhjem

HB 1205 passed and the title was agreed to.

HB 1206: A BILL for an Act to amend and reenact section 2-05-10 of the North Dakota Century Code, relating to registration of airmen; 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 97 YEAS, 0 NAYS, 9 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Black; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gates; Gerl; Goetz; Gorder; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, O.; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kent; Kloubec; Knudson; Koehn; Kretschmar; Lang; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Melby; Meyer, R.; Meyer, W.; Moore; Murphy; 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; Shockman; Sinner; Solberg; Stofferahn; Strinden; Swiontek; Thompson; Vander Vorst; Vig; Watne; Wentz; Whalen;

Williams, A.; Williams, C.; Williams, W.; Wold;
Madam Speaker

NAYS: None

ABSENT AND NOT VOTING: Boyle; Hanson, L.; Kingsbury;
Koski; Kuchera; Mertens; Rued; Timm; Unhjem

HB 1206 passed, the title was agreed to, and the emergency clause carried.

HB 1222: A BILL for an Act to amend and reenact section 6 of chapter 208 of the 1979 Session Laws of North Dakota, relating to the sale of the Dickinson experiment station property by the state board of higher education; 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 95 YEAS, 1 NAY, 10 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Black; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gates; Gerl; Goetz; Gorder; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, O.; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kent; Kloubec; Knudson; Koehn; Kretschmar; Lang; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Melby; 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; Shockman; Sinner; Solberg; Stofferahn; Strinden; Swiontek; Thompson; Vander Vorst; Vig; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold; Madam Speaker

NAYS: Murphy

ABSENT AND NOT VOTING: Backes; Boyle; Hanson, L.; Kingsbury; Koski; Kuchera; Mertens; Rued; Timm; Unhjem

HB 1222 passed, the title was agreed to, and the emergency clause carried.

MOTION

REP. BACKES MOVED that HB 1114 be reprinted, which motion prevailed.

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., Monday, January 17, 1983, which motion prevailed.

FIRST READING OF HOUSE BILLS

Rep. Koski introduced:

HB 1317: A BILL for an Act to amend and reenact section 57-01-13 of the North Dakota Century Code, relating to the collection of delinquent sales, use, income, and business and corporation privilege taxes from taxpayers not residing in North Dakota.

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

Rep. Koski introduced:

HB 1318: A BILL for an Act to create and enact a new subsection to section 57-40.2-04 of the North Dakota Century Code, relating to exemptions from the use tax.

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

Rep. Rued introduced:

HB 1319: A BILL for an Act relating to the marking of containers used for liquefied petroleum gas, and regulating the filling, transferring, and possession of marked containers; and to provide a penalty.

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

Rep. Rued introduced:

HB 1320: A BILL for an Act to provide for immunity from liability for provision of assistance during a hazardous materials discharge.

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

Rep. Rued introduced:

HB 1321: A BILL for an Act to amend and reenact subsection 2 of section 26-28-04, section 26-28-07, subsection 2 of section 26-29-04, and section 26-29-07 of the North Dakota Century Code, or in the alternative to amend and reenact subsection 2 of section 26.1-25-04 and section 26.1-25-07 of the North Dakota Century Code as created by House Bill No. 1054, as approved by the forty-eighth legislative

assembly, relating to insurance rate filings made by insurance rating organizations.

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

Rep. Rued introduced:

HB 1322: A BILL for an Act to amend and reenact section 26-03-49 of the North Dakota Century Code, relating to the inception and expiration of policies of insurance.

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

Rep. Vig introduced:

HB 1323: A BILL for an Act to amend and reenact sections 49-07-01.1, 49-07-05.1, and subsection 3 of section 49-22-21 of the North Dakota Century Code, relating to the power of the public service commission to compromise penalties.

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

Rep. Mertens and Sen. Stromme introduced:

HB 1324: A BILL for an Act to create and enact a new subsection to section 57-02-01 of the North Dakota Century Code, relating to the definition of platted land for assessment purposes; to amend and reenact subsection 11 of section 57-02-01 and section 57-02-27 of the North Dakota Century Code, relating to the definition of agricultural property and property classification for assessment purposes; and to provide an effective date.

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

Reps. Sanstead, Gates, Serenus Hoffner, Lipsiea, Schoenwald introduced:

HB 1325: A BILL for an Act to amend and reenact sections 6-06-04, 6-06-11, 6-06-15, 6-06-19, 6-06-21, and 6-06-27 of the North Dakota Century Code, relating to approval of bylaws by directors or members, supervisory and credit committees for credit unions, borrowing by a corporate central credit union, risk assets of credit unions and expulsion of members of credit unions.

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

Rep. Martinson introduced:

HB 1326: A BILL for an Act to establish a state poison control system; and to provide an appropriation.

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

Reps. Lipsiea, Gates, Serenus Hoffner, Lloyd, Sanstead introduced:

HB 1327: A BILL for an Act to create and enact subsection 6 to section 21-04-01 of the North Dakota Century Code, defining financial institutions; to amend and reenact sections 21-04-03, 21-04-05, 21-04-06, 21-04-07, 21-04-08, 21-04-09, 21-04-10, 21-04-12, 21-04-14, 21-04-15, 21-04-16, 21-04-17, 21-04-18, and 21-04-21 of the North Dakota Century Code, relating to including financial institutions within class of depositories for public funds.

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

Reps. Gates, Schoenwald, Lloyd, Lipsiea, Sanstead introduced:

HB 1328: A BILL for an Act to amend and reenact section 10-15-34.1 and subsection 3 of section 47-30-01 of the North Dakota Century Code, relating to unclaimed distributions of credit unions and the definition of financial institution; and to repeal section 6-06-34 of the North Dakota Century Code, relating to unclaimed dividends of credit unions.

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

Rep. Koski and Sen. Tallackson introduced:

HB 1329: A BILL for an Act to repeal subsection 12 of section 57-39.2-04 of the North Dakota Century Code, relating to sales tax exemption on sales to residents of adjoining states and Canada.

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

Reps. Koski, G. Pomeroy, Schindler, Vander Vorst introduced:

HB 1330: A BILL for an Act to amend and reenact subsection 1 of section 57-38-01.8 of the North Dakota Century Code, relating to the income tax credit for installation of geothermal, solar, or wind energy devices; and to provide an effective date.

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

Reps. Sanstead, Lautenschlager, Wentz and Sens. Waldera, Holmberg introduced:

HB 1331: A BILL for an Act to amend and reenact sections 15-40.1-09 and 15-47-33 of the North Dakota Century Code, relating to parent-teacher conference days included in the required one hundred eighty days of elementary and secondary school terms.

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

Reps. Mertens, B. Larson, S. F. Hoffner and Sens. Leibhan, Stromme introduced:

HB 1332: A BILL for an Act to amend and reenact sections 11-01-04 and 11-01-37 of the North Dakota Century Code, relating to correction of boundary descriptions of Benson County and Ramsey County.

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

Reps. Nicholas, Nowatzki:

HB 1333: A BILL for an Act to create and enact a new subsection to section 4-22-26 of the North Dakota Century Code, relating to taxes levied by soil conservation districts; and to provide an effective date.

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

Rep. Unhjem introduced:

HB 1334: A BILL for an Act to create and enact a new section to chapter 35-05 of the North Dakota Century Code, relating to a crop mortgage; and to amend and reenact sections 35-08-03, 35-09-03, 35-10-01, and 35-11-03 of the North Dakota Century Code, relating to the relative priorities of various agriculturally related liens.

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

Reps. Shockman, W. Williams, Brokaw and Sen. Moore introduced:

HB 1335: A BILL for an Act to amend and reenact section 2-05-18 of the North Dakota Century Code, relating to the application requirements for aerial spray licenses.

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

Rep. Koehn and Sen. Leibhan introduced:

HB 1336: A BILL for an Act to create and enact a new section to chapter 39-21 of the North Dakota Century Code, relating to the requirements of materials on windows or windshields.

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

Rep. Gerl introduced:

HB 1337: A BILL for an Act to amend and reenact section 52-04-06 of the North Dakota Century Code, relating to unemployment compensation contribution rates; 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.

Reps. DeMers, Peltier introduced:

HB 1338: A BILL for an Act to amend and reenact section 37-15-02 of the North Dakota Century Code, relating to the soldiers' home.

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

Reps. Olafson, Kent introduced:

HB 1339: A BILL for an Act to amend and reenact section 49-20-15 of the North Dakota Century Code, relating to the liability

of electric light and power facilities for inductive interference caused in communication circuits.

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

Reps. Conmy, Thompson introduced:

HB 1340: A BILL for an Act to amend and reenact section 27-07.1-07 of the North Dakota Century Code, relating to magistrates in county courts.

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

Rep. Kingsbury and Sen. Tallackson introduced:

HB 1341: A BILL for an Act to amend and reenact subsection 5 of section 16.1-01-04 and section 25-01.2-03 of the North Dakota Century Code, relating to the qualifications of electors.

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

Reps. Kingsbury, Strinden and Sens. Tallackson, Streibel introduced:

HB 1342: A BILL for an Act to require individuals, spouses, and parents to pay, on a sliding income scale basis for residents and at full costs for nonresidents, the cost of services provided to the individual by the Grafton state school, San Haven, and other facilities providing services to developmentally disabled persons; to create and enact a new subsection to section 54-44-04 of the North Dakota Century Code, relating to the powers and duties of the director of the office of management and budget; to amend and reenact sections 25-04-05, 25-09-01, 25-09-02, 25-09-02.2, 25-09-03, 25-09-05, 25-09-06, 25-09-07, 25-09-08, 25-09-09, and 25-09-10 of the North Dakota Century Code, relating to the liability of individuals, spouses, and parents for the cost of services provided for the developmentally disabled persons and the expense of care and treatment of patients at the state hospital; and to repeal section 25-09-04.1 of the North Dakota Century Code, relating to the expense of care and treatment of patients at Grafton state school.

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

Reps. R. Anderson, Thompson, Murphy and Sens. Maixner, D. Meyer introduced:

HB 1343: A BILL for an Act to amend and reenact sections 38-11.1-05, 38-11.1-08, and 38-11.1-09 of the North Dakota Century Code, relating to notice of oil and gas drilling operations to surface owners, offers of settlement for damages resulting from drilling operations, and legal actions in regard to damages resulting from drilling operations.

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

Reps. R. Anderson, Opedahl, Aubol and Sens. Wright, Stromme introduced:

HB 1344: A BILL for an Act to amend and reenact section 11-18-19 of the North Dakota Century Code, providing for treble damages and reasonable attorney fees and costs in suits for damages to buried transmission facilities.

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

Reps. R. Anderson, Hughes introduced:

HB 1345: A BILL for an Act to amend and reenact subsection 1 of section 6-08-16 and subsection 2 of section 6-08-16.2 of the North Dakota Century Code, relating to the penalties for issuing checks with insufficient funds or without an account.

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

Rep. Olafson introduced:

HB 1346: A BILL for an Act to amend and reenact section 32-15-05 of the North Dakota Century Code, relating to standards to be applied in eminent domain proceedings when the land taken is agricultural land.

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

Reps. Olafson, Melby introduced:

HB 1347: A BILL for an Act to provide for the underground burial of electric transmission lines; and to provide penalties.

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

Rep. O. Hanson introduced:

HB 1348: A BILL for an Act to amend and reenact section 57-50-01 of the North Dakota Century Code, or in the alternative if House Bill No. 1073 is approved by the forty-eighth legislative assembly and becomes effective, section 57-43.1-03 of the North Dakota Century Code, relating to reduction of the refunds of the motor vehicle fuel and special fuel taxes and distribution of the revenue to township road and bridge funds.

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

Rep. Richard introduced:

HB 1349: A BILL for an Act to repeal section 57-38-36 of the North Dakota Century Code, relating to payment of tax in quarterly installments; and to provide an effective date.

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

Rep. Richard introduced:

HB 1350: A BILL for an Act to amend and reenact subsection 1 of section 57-39.2-02.1 and subsection 22 of section 57-39.2-04 of the North Dakota Century Code, relating to

sales tax exemptions for hotel or motel room and tourist court accommodations.

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

Reps. Richard, Vig introduced:

HB 1351: A BILL for an Act to create and enact four new sections to chapter 10-06 of the North Dakota Century Code, relating to property ownership limitations of certain corporations engaged in farming and ranching; and to repeal sections 10-06-07, 10-06-08, 10-06-09, 10-06-10, 10-06-11, 10-06-12, 10-06-13, 10-06-14, and 10-06-15 of the North Dakota Century Code, authorizing certain family type corporations to engage in farming and ranching, and providing for reports and enforcement.

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

Rep. Richard introduced:

HB 1352: A BILL for an Act to establish a tuition assistance grant program for North Dakota American Indian students to attend postsecondary educational institutions in North Dakota; and to provide an appropriation.

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

Rep. Vig introduced:

HB 1353: A BILL for an Act to amend and reenact section 49-22-19 of the North Dakota Century Code, relating to judicial review of the issuance of a certificate of corridor compatibility by the public service commission.

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

Rep. Sinner introduced:

HB 1354: A BILL for an Act to amend and reenact section 10-06-07 of the North Dakota Century Code, relating to the requirements for corporate farming; and to provide a civil penalty.

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

Reps. Richard, Schneider, Vig introduced:

HB 1355: A BILL for an Act to amend and reenact section 12.1-14-03 of the North Dakota Century Code, relating to conduct in connection with any election.

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

Reps. Richard, Vig, Schneider, Black introduced:

HB 1356: A BILL for an Act to amend and reenact section 16.1-10-04.1 of the North Dakota Century Code, relating to disclosing the name of a sponsor on certain political advertisements.

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

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

Reps. Swiontek, Kretschmar, Peltier and Sens. Wenstrom, Holmberg, Stenehjem introduced:

HCR 3011: A concurrent resolution for the amendment of sections 12 and 13 of article V and section 12 of article X of the Constitution of the State of North Dakota, relating to the office of state treasurer; to repeal section 15 of article XII of the Constitution of the State of North Dakota, relating to the duties of state treasurer on issuance of legal tender by banks in the state; and to provide an effective date.

Was read the first time and referred to the Committee on Constitutional Revision.

Rep. O. Hanson introduced:

HCR 3012: A concurrent resolution recognizing the need for public awareness of the leafy spurge problem in North Dakota, designating and urging the Governor to proclaim the second week of June as "Leafy Spurge Awareness and Eradication Week", and urging all appropriate state agencies to promote public awareness of the leafy spurge problem.

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

FIRST READING OF SENATE BILLS

SB 2053: A BILL for an Act to amend and reenact section 51-13-02 of the North Dakota Century Code, relating to retail installment contract requirements; and declaring an emergency.

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

SB 2056: A BILL for an Act to amend and reenact section 13-01-14 of the North Dakota Century Code, relating to late payment charges on accounts receivable.

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

SB 2061: A BILL for an Act to amend and reenact section 12.1-32-02.1 of the North Dakota Century Code, relating to minimum prison terms for armed offenders.

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

SB 2081: A BILL for an Act to prohibit the sale of metal beverage containers with detachable parts; and to provide a penalty.

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

SB 2089: A BILL for an Act to create and enact section 54-52-02.7 of the North Dakota Century Code, relating to the purchase by certain employees of prior service credit

for service with a mental health and retardation center prior to January 1, 1982.

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

SB 2090: A BILL for an Act to amend and reenact subsection 8 of section 54-52-01 and section 54-52-05 of the North Dakota Century Code, relating to the definition of the phrase "permanent employee".

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

SB 2097: A BILL for an Act to amend and reenact section 43-07-13 of the North Dakota Century Code, relating to contractor's license records and certified copies thereof.

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

SB 2102: A BILL for an Act to amend and reenact subsection 2 of section 45-10-02, subsections 3, 4, and 5 of section 45-10-25, and sections 45-11-01, 45-11-02, 45-11-05, 45-11-06, and 45-11-07 of the North Dakota Century Code, relating to the place of filing a partnership, amendments and cancellations of certificates of partnership, and the use of a fictitious partnership name; and to repeal subsection 20 of section 11-17-04 of the North Dakota Century Code, relating to fees charged by the clerk of district court for filing a partnership.

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

SB 2111: A BILL for an Act to amend and reenact subsection 3 of section 41-09-43, sections 41-09-44 and 41-09-45, and subsection 2 of section 41-09-46 of the North Dakota Century Code, relating to secretary of state fees for filing and recording Uniform Commercial Code instruments.

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

SB 2112: A BILL for an Act to create and enact section 10-21-13.2 of the North Dakota Century Code, relating to involuntary dissolution of corporations for failure to file annual reports; and to amend and reenact section 10-21-13.1 of the North Dakota Century Code, relating to reinstatement of corporations by the secretary of state.

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

SB 2130: A BILL for an Act to amend and reenact section 51-05.1-01 of the North Dakota Century Code, relating to auctioneer's license, clerk's license, fees, and bonds.

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

SB 2188: A BILL for an Act to amend and reenact sections 15-20.1-06 and 15-20.1-07 of the North Dakota Century Code, relating to the approval and reimbursement for vocational education subjects.

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

SB 2192: A BILL for an Act to amend and reenact sections 15-22-02, 15-22-10, 15-22-11, 15-22-13, 15-22-16, 15-22-20, 15-22-23, 15-36-10, and 15-38-02 of the North Dakota Century Code, relating to changes in the powers and duties of the county superintendents.

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

SB 2199: A BILL for an Act to amend and reenact section 15-34.2-14 of the North Dakota Century Code, relating to qualifications, character, and age of schoolbus drivers.

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

The House stood adjourned pursuant to Representative Backes' motion.

CHARLES FLEMING, Chief Clerk