

JOURNAL OF THE HOUSE

Forty-eighth Legislative Assembly

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THIRTEENTH DAY

Bismarck, January 20, 1983

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

The prayer was offered by Rev. Larry Ediger, Washington Heights Community Church, Bismarck.

ROLL CALL

The roll was called and all members were present.

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 Twelfth day and recommends that the same be corrected as follows and when so corrected, recommends that the same be approved:

On page 314, line 19, after the word "NAYS," delete the "0" and insert in lieu thereof the digit "3"

REP. LAUGHLIN, Chairman

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

MESSAGES TO THE SENATE  
HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith the following which the Speaker has signed:

SB 2225

Very respectfully,  
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

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

SB 2072

Very respectfully,  
CHARLES FLEMING, Chief Clerk

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 1138, HCR 3009

Very respectfully,  
CHARLES FLEMING, Chief Clerk

REPORT OF PROCEDURAL COMMITTEE

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

HB 1002, HB 1073, HB 1090, HB 1100, HB 1105, HB 1109,  
HB 1132

REP. G. MARTIN, Chairman

REP. O'CONNELL MOVED that the report be adopted, which motion prevailed.

MESSAGES 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 2092, SB 2109, SB 2131, SB 2136, SB 2145, SB 2147,  
SB 2159, SB 2164, SB 2211, SB 2263, SCR 4010

Very respectfully,  
LEO LEIDHOLM, Secretary

SENATE CHAMBER

MADAM SPEAKER: I have the honor to return herewith the following which the Senate has passed unchanged:

HB 1012

Very respectfully,  
LEO LEIDHOLM, Secretary

REPORTS OF STANDING COMMITTEES

MADAM SPEAKER: Your Committee on State and Federal Government to which was referred HB 1095 has had the same under consideration and recommends by a vote of 9 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS and be referred to the Committee on Appropriations:

On page 2, line 22, delete the words "The full"

On page 2, delete lines 23 through 27

On page 2, line 28, delete the words "any other purpose."

On page 4, line 12, delete the words "The full"

On page 4, delete lines 13 through 17

On page 4, line 18, delete the word "purpose."

On page 6, line 6, delete the words "The full"

On page 6, delete lines 7 through 11

On page 6, line 12, delete the words "other purpose."

And renumber the lines and pages accordingly  
REP. L. HANSON, Chairman

HB 1095 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Industry, Business, and Labor to which was referred HB 1185 has had the same under consideration and recommends by a vote of 14 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2, line 15, after the word "payment" insert the word "will,"

On page 2, line 16, delete the words "immediately makes" and insert in lieu thereof the words "at the option of the bureau, make"

And renumber the lines accordingly  
REP. S. F. HOFFNER, Chairman

HB 1185 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Industry, Business, and Labor to which was referred HB 1186 has had the same under consideration and recommends by a vote of 16 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 3, line 18, immediately after the overstruck word "bureau" insert the words "only for the purpose of administering their duties"

On page 3, line 19, delete the word "be" and insert in lieu thereof the word "the"

And renumber the lines accordingly  
REP. S. F. HOFFNER, Chairman

HB 1186 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on State and Federal Government to which was referred HB 1270 has had the same under consideration and recommends by a vote of 11 YEAS, 4 NAYS, 1 ABSENT AND NOT

VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 28, delete the second word "one"

On page 2, line 1, delete the word "physician,"

On page 2, line 6, delete the words "state medical"

On page 2, line 7, delete the words "society committee on medical aspects of sports" and insert in lieu thereof the words "medical association"

On page 3, line 15, after the first word "The" insert the words "athletic trainer"

On page 4, line 4, delete the word "take" and insert in lieu thereof the word "pass"

On page 4, line 34, delete the words "nor to licensed"

On page 4, delete line 35

On page 5, delete line 1

On page 5, line 2, delete the words "as defined by law;"

On page 5, after line 17, insert the following new subsection:

"4. Nothing in this Act shall be construed to prevent any person from serving as a student-trainer, assistant trainer, teacher-trainer, or any similar position if such service is not primarily for compensation and is carried out under the supervision of a coach, physician, or a licensed athletic trainer."

And renumber the lines, sections, and pages accordingly

REP. L. HANSON, Chairman

HB 1270 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

**MADAM SPEAKER:** Your Committee on Judiciary to which was referred HB 1274 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 20, after the period insert the following language: "If any district court of this state has jurisdiction over the custodial placement of the

minor child or children involved by virtue of any prior proceedings, the rights conferred by this section may be enforced through motion under the prior proceeding. If no district court has jurisdiction, a proceeding to enforce grandparental rights must be brought as a civil action and venued in the county of residence of the minor children. The custodial parent must be named as defendant. This section may not be construed to require joinder of grandparents in any proceeding to terminate parental rights if the joinder is not otherwise required."

And renumber the lines and pages accordingly

REP. E. POMEROY, Chairman

HB 1274 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Natural Resources to which was referred HB 1081 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 NOT PASS.

REP. BROKAW, Chairman

HB 1081 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 1190 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.

REP. DOTZENROD, Chairman

HB 1190 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 1199 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

REP. BROKAW, Chairman

HB 1199 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Transportation to which was referred HB 1254 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

REP. HJELLE, Chairman

HB 1254 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 1267 has had the same under consideration and recommends by a vote of 16 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. BROKAW, Chairman

HB 1267 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 1294 has had the same under consideration and recommends by a vote of 14 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. DOTZENROD, Chairman

HB 1294 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 HCR 3010 has had the same under consideration and recommends by a vote of 13 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. W. MEYER, Chairman

HCR 3010 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 SB 2085 has had the same under consideration and recommends by a vote of 15 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. W. MEYER, Chairman

SB 2085 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Transportation to which was referred SB 2110 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

REP. HJELLE, Chairman

SB 2110 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Agriculture to which was referred SB 2113 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

REP. W. MEYER, Chairman

SB 2113 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

## SIXTH ORDER OF BUSINESS

REP. MERTENS MOVED that the amendments to HB 1003 as recommended by the Committee on Appropriations as printed on page 310 of the House Journal be adopted, which motion prevailed.

REP. SINNER MOVED that the amendments to HB 1072 as recommended by the Committee on Finance and Taxation as printed on pages 311, 312, and 313 of the House Journal be adopted, which motion prevailed.

REP. L. HANSON MOVED that the amendments to HB 1121 as recommended by the Committee on State and Federal Government as printed on pages 313 and 314 of the House Journal be adopted, which motion prevailed.

REP. HJELLE MOVED that the amendments to HB 1167 as recommended by the Committee on Transportation as printed on page 314 of the House Journal be adopted, which motion prevailed.

REP. DOTZENROD MOVED that the amendments to HB 1173 as recommended by the Committee on Political Subdivisions as printed on pages 314 and 315 of the House Journal be adopted and when so adopted, recommends that HB 1173 be referred to the Committee on Appropriations, which motion prevailed.

SPEAKER KELLY ANNOUNCED that HB 1173 was rereferred to the Committee on Appropriations.

REP. JACOBSON MOVED that the amendments to HB 1180 as recommended by the Committee on Education as printed on page 315 of the House Journal be adopted, which motion prevailed.

REP. HJELLE MOVED that the amendments to HB 1182 as recommended by the Committee on Transportation as printed on page 315 of the House Journal be adopted, which motion prevailed.

REP. L. HANSON MOVED that the amendments to HB 1220 as recommended by the Committee on State and Federal Government as printed on page 316 of the House Journal be adopted, which motion prevailed.

## SECOND READING OF HOUSE BILLS

HB 1002: A BILL for an Act making an appropriation for defraying the expenses of various departments and institutions of the state of North Dakota; and declaring an emergency.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill as amended on pages 294 and 295 of the House Journal, the roll was called and there were 105 YEAS, 0 NAYS, 1 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, Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kent; Kingsbury; 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; Rued; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Solberg; Stoffrahn; Strinden; Swiontek; Thompson; Timm; Unhjem; Vander Vorst; Vig; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold; Madam Speaker

NAYS: None

ABSENT AND NOT VOTING: Murphy

HB 1002 passed, the title was agreed to, and the emergency clause carried.

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HB 1061: A BILL for an Act to create and enact a new section to chapter 54-10 of the North Dakota Century Code, relating to the creation of an operating fund to be used by the state auditor; and to amend and reenact sections 54-10-01, 54-10-13, 54-10-14, and 54-10-15 of the North Dakota Century Code, relating to the deposit of fees in the state auditor operating fund.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 1 YEA, 105 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Dotzenrod

NAYS: Anderson, C.; Anderson, R.; Aubol; Backes; Black; Boyle; Brokaw; Conmy; DeMers; 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; 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; 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; Unhjem; Vander Vorst; Vig; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold; Madam Speaker

ABSENT AND NOT VOTING: None

HB 1061 was declared lost.

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#### MOTION

REP. MOORE MOVED that HB 1073 be laid over one legislative day, which motion prevailed.

#### SECOND READING OF HOUSE BILLS

HB 1090: A BILL for an Act to amend and reenact subsection 4 of section 20.1-03-04 of the North Dakota Century Code, relating to exemptions from hunting, fishing, or trapping license requirements.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill as amended on page 296 of the House Journal, the roll was called and there were 105 YEAS, 0 NAYS, 1 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, Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kingsbury; 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; 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; Unhjem; Vander Vorst; Vig; Watne; Wentz; Whalen;

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

NAYS: None

ABSENT AND NOT VOTING: Kent

HB 1090 passed and the title was agreed to.

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HB 1100: A BILL for an Act to amend and reenact section 63-01.1-12 of the North Dakota Century Code, relating to the preventing of dissemination of noxious weeds.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill as amended on pages 296 and 297 of the House Journal, the roll was called and there were 103 YEAS, 3 NAYS, 0 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, Serenus; Hoffner, S. F.; 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; 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; Timm; Unhjem; Vander Vorst; Vig; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold; Madam Speaker

NAYS: Kingsbury; Mertens; Rued

ABSENT AND NOT VOTING: None

HB 1100 passed and the title was agreed to.

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HB 1105: A BILL for an Act to amend and reenact subdivision 1 of subsection 1 of section 57-38-01.2 of the North Dakota Century Code, relating to adjustments to taxable income for

retired military personnel pay; and to provide an effective date.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill as amended on page 297 of the House Journal, the roll was called and there were 14 YEAS, 92 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Black; Gerl; Hanson, O.; Knudson; Kuchera; Lardy; Lipsiea; Murphy; Olson, A.; Sanstead; Strinden; Thompson; Unhjem; Whalen

NAYS: Anderson, C.; Anderson, R.; Aubol; Backes; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gates; Goetz; Gorder; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kent; Kingsbury; Kloubec; Koehn; Koski; Kretschmar; Lang; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; 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.; Opedahl; O'Shea; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Rice; Richard; Riehl; Riley; Rued; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Solberg; Stofferahn; Swiontek; Timm; Vander Vorst; Vig; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Wold; Madam Speaker

ABSENT AND NOT VOTING: None

HB 1105 was declared lost.

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HB 1109: A BILL for an Act to create and enact a new section to chapter 15-39.1 of the North Dakota Century Code, relating to postretirement adjustments under the teachers' fund for retirement; and to amend and reenact sections 15-39.1-10 and 15-39.1-11 of the North Dakota Century Code, relating to the eligibility for benefits and vesting of the right to retirement benefits under the teachers' fund for retirement.

Which has been read.

#### REQUEST

REPS. GATES, BOYLE, C. ANDERSON, GORDER, LAUTENSCHLAGER, L. HANSON, HILL, A. WILLIAMS, C. WILLIAMS, HALMRAST, G. MARTIN, RICE, GULLICKSON, AND SANSTEAD REQUESTED that they be excused from voting on HB 1109, because of a conflict of interest.

## MOTION

REP. BACKES MOVED that those Representatives who would declare a conflict of interest on HB 1109 be allowed to vote, which motion prevailed.

## ROLL CALL

The question being on the final passage of the bill as amended on pages 297 and 298 of the House Journal, the roll was called and there were 106 YEAS, 0 NAYS, 0 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, Serenus; Hoffner, S. E.; Horgan; Hughes; Jacobson; Keller; Kent; Kingsbury; 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; 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; Unhjem; Vander Vorst; Vig; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold; Madam Speaker

NAYS: None

ABSENT AND NOT VOTING: None

HB 1109 passed and the title was agreed to.

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HB 1132: A BILL for an Act to amend and reenact section 25-02-03 of the North Dakota Century Code, relating to the admittance of mentally ill persons to the state hospital.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill as amended on page 298 of the House Journal, the roll was called and there were 48 YEAS, 56 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Backes; Black; Conmy; Dotzenrod; Gates; Goetz; Gunsch; Hamerlik; Hanson, L.; Hanson, O.; Hughes; Jacobson; Kent; Kingsbury; Kloubec; Knudson; Koehn; Kretschmar; Lang; Larson, R.; Laughlin;

Lipsiea; Lloyd; Martin, C.; Martinson; Melby; Mertens; Meyer, W.; Moore; Murphy; Nalewaja; Nicholas; Opedahl; Retzer; Rice; Riley; Schneider; Strinden; Swiontek; Thompson; Timm; Unhjem; Vander Vorst; Whalen; Williams, W.; Wold

**NAYS:** Aubol; Boyle; Brokaw; DeMers; DuBord; Eagles; Erdman; Gerl; Gorder; Gullickson; Halmrast; Haugland; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Keller; Koski; Lardy; Larson, B.; Lautenschlager; Linderman; Martin, G.; Meier, A.; Meiers, R.; Meyer, R.; Mushik; Nowatzki; O'Connell; Olafson; Olsen, D.; Olson, A.; O'Shea; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Richard; Riehl; Rued; Sanstead; Schindler; Schoenwald; Shide; Shockman; Sinner; Solberg; Stofferahn; Vig; Watne; Wentz; Williams, A.; Williams, C.; Madam Speaker

**ABSENT AND NOT VOTING:** Hausauer; Kuchera

HB 1132 was declared lost.

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**HB 1157:** A BILL for an Act to amend and reenact sections 54-12-08, 54-12-10, 54-12-11, and 54-12-13 of the North Dakota Century Code, relating to the office of attorney general and the appointment and compensation of assistant attorneys general and special assistant attorneys general; and to repeal section 49-01-09 of the North Dakota Century Code, relating to attorneys for the public service commission.

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, 97 NAYS, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson, R.; Hamerlik; Hughes; Murphy; Olafson; Strinden; Timm; Unhjem

**NAYS:** Anderson, C.; Aubol; Backes; Black; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gates; Gerl; Goetz; Gorder; Gullickson; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugland; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Jacobson; Keller; Kent; Kingsbury; 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; 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; Swiontek;  
 Thompson; Vander Vorst; Vig; Watne; Wentz; Whalen;  
 Williams, A.; Williams, C.; Williams, W.; Wold;  
 Madam Speaker

ABSENT AND NOT VOTING: Hausauer

HB 1157 was declared lost.

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HB 1211: A BILL for an Act relating to the general responsibility of state government for the care, treatment, and education of developmentally disabled persons; and to repeal chapter 25-01.2 of the North Dakota Century Code, relating to treatment, services, habilitation, and rights of developmentally disabled persons.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 17 YEAS, 88 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Gorder; Gunsch; Kingsbury; Kuchera;  
 Lang; Melby; Nicholas; Olafson; Olson, A.; Rice;  
 Richard; Rued; Solberg; Strinden; Timm; Vander Vorst

NAYS: Anderson, R.; Aubol; Backes; Black; Boyle; Brokaw;  
 Conmy; DeMers; Dotzenrod; DuBord; Eagles; Erdman;  
 Gates; Gerl; Goetz; Gullickson; Halmrast; Hamerlik;  
 Hanson, L.; Hanson, O.; Haugland; Hill; Hjelle;  
 Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes;  
 Jacobson; Keller; Kent; Kloubec; Knudson; Koehn; Koski;  
 Kretschmar; 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; Murphy; Mushik; Nalewaja;  
 Nowatzki; O'Connell; Olsen, D.; Opedahl; O'Shea;  
 Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl;  
 Retzer; Riehl; Riley; Sanstead; Schindler; Schneider;  
 Schoenwald; Shide; Shockman; Sinner; Stofferahn;  
 Swiontek; Thompson; Unhjem; Vig; Watne; Wentz; Whalen;  
 Williams, A.; Williams, C.; Williams, W.; Wold;  
 Madam Speaker

ABSENT AND NOT VOTING: Hausauer

HB 1211 was declared lost.

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HB 1239: A BILL for an Act to create and enact section 12-48-06.1 of the North Dakota Century Code, authorizing the governor to appoint a penitentiary industry advisory committee; and to amend and reenact section 12-48-06 of the North Dakota Century Code, providing for the disposition of the penitentiary farming, ranching, industry, and inmate hobby products.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 94 YEAS, 10 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Backes; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gates; Gerl; Goetz; Gorder; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hill; Hjelle; Hoffner, Serenus; Hughes; Jacobson; Keller; Kent; Kingsbury; Kloubec; Knudson; Koski; Kretschmar; Kuchera; Lang; 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; 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; Rued; Schindler; Schneider; Shide; Shockman; Sinner; Stofferahn; Swiontek; Thompson; Timm; Unhjem; Vander Vorst; Vig; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold; Madam Speaker

NAYS: Aubol; Black; Hoffner, S. F.; Horgan; Koehn; Lardy; Riley; Sanstead; Schoenwald; Solberg

ABSENT AND NOT VOTING: Hausauer; Strinden

HB 1239 passed and the title was agreed to.

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MOTION

REP. GERL MOVED that HB 1245 be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3008: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of adopting a uniform competitive bid law.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3008 was declared adopted on a voice vote.

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#### MOTIONS

REP. S. F. HOFFNER MOVED that HB 1522, HB 1505, HB 1438, HB 1490, HB 1480, HB 1397, HB 1413, HB 1471, and HB 1430 be returned to the House from the Committee on Industry, Business, and Labor, which motion prevailed.

REP. S. F. HOFFNER MOVED that HB 1522 be rereferred to the Committee on Agriculture, that HB 1505 and HB 1438 be rereferred to the Committee on Judiciary, that HB 1490 and HB 1480 be rereferred to the Committee on State and Federal Government, that HB 1397 be rereferred to the Committee on Transportation, that HB 1413 and HB 1471 be rereferred to the Committee on Political Subdivisions and that HB 1430 be rereferred to the Committee on Social Services and Veterans Affairs, which motion prevailed.

SPEAKER KELLY ANNOUNCED that HB 1522, HB 1505, HB 1438, HB 1490, HB 1480, HB 1397, HB 1413, HB 1471, and HB 1430 were rereferred pursuant to Representative S. F. Hoffner's motion.

#### MOTION

REP. RAYL MOVED that HB 1549 be returned to the House floor from the Committee on Transportation, which motion prevailed.

REP. RAYL REQUESTED the unanimous consent of the House to withdraw HB 1549. There being no objection, it was so ordered by the Speaker.

#### REPORTS OF STANDING COMMITTEE

MADAM SPEAKER: Your Committee on Social Services and Veterans Affairs to which was referred HB 1069 has had the same under consideration and recommends by a vote of 9 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. R. MEIERS, Chairman

HB 1069 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 1102 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 1102 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 1162 has had the same under

consideration and recommends by a vote of 11 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. R. MEIERS, Chairman

HB 1162 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

#### MOTION

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., Friday, January 21, 1983, which motion prevailed.

#### FIRST READING OF HOUSE BILLS

Reps. Keller, Gunsch and Sen. Kusler introduced:

HB 1569: A BILL for an Act to amend and reenact section 57-62-02 of the North Dakota Century Code, relating to the distance of a tippel from a county line of a county in which no coal is produced and allocation of moneys in the coal development fund.

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

Reps. W. Williams, Brokaw, L. Hanson introduced:

HB 1570: A BILL for an Act to amend and reenact section 15-40.2-08 of the North Dakota Century Code, relating to tuition payments for students placed outside district of residence.

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

Rep. Backes introduced:

HB 1571: A BILL for an Act to create and enact a new section to chapter 11-28.3 of the North Dakota Century Code, allowing townships to pay ambulance service levy revenue directly to ambulance service organizations.

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

#### FIRST READING OF SENATE BILLS

SB 2092: A BILL for an Act to create and enact a new section to chapter 54-21 of the North Dakota Century Code, relating to authorizing the director of institutions with the governor's approval to sell or exchange penitentiary land, permitting the mining or extraction of gravel or other mineral or oil resources, and establishing a designated fund in the Bank of North Dakota to be used for the acquisition of additional farmland and ranchland for the state penitentiary.

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

SB 2109: A BILL for an Act to amend and reenact section 20.1-01-05 of the North Dakota Century Code, relating to

the hunting of fur-bearers while carrying a firearm in a motor vehicle.  
Was read the first time and referred to the Committee on Natural Resources.

SB 2131: A BILL for an Act to amend and reenact section 44-08-13 of the North Dakota Century Code, relating to facsimile signatures.  
Was read the first time and referred to the Committee on Judiciary.

SB 2136: A BILL for an Act to amend and reenact section 54-17-03 of the North Dakota Century Code, relating to the secretary and other employees and agents of the industrial commission.  
Was read the first time and referred to the Committee on State and Federal Government.

SB 2145: A BILL for an Act to amend and reenact subsection 4 of section 39-04-19 and section 39-18-03 of the North Dakota Century Code, relating to registration fees for certain trailers and mobile homes, travel trailers and house trailers; and to repeal section 39-04-21.1 of the North Dakota Century Code, relating to prorated registration fees for certain trailers.  
Was read the first time and referred to the Committee on Transportation.

SB 2147: A BILL for an Act to create and enact a new subsection to section 37-17.1-05 of the North Dakota Century Code, relating to penalties for violations of emergency or disaster executive orders, proclamations, or regulations issued by the governor.  
Was read the first time and referred to the Committee on State and Federal Government.

SB 2159: A BILL for an Act to create and enact a new section to chapter 49-04 of the North Dakota Century Code, relating to interest on customer deposits required by public utilities; and to repeal section 49-20-14 of the North Dakota Century Code, relating to meter deposits to electric power companies.  
Was read the first time and referred to the Committee on Industry, Business, and Labor.

SB 2164: A BILL for an Act to amend and reenact subsections 1, 2, and 3 of section 54-17-07.3 of the North Dakota Century Code, relating to the power of the industrial commission, acting as the state housing finance agency, to enter into loan agreements with housing lenders in furtherance of the agency's housing finance programs; and to declare an emergency.  
Was read the first time and referred to the Committee on State and Federal Government.

SB 2211: A BILL for an Act to amend and reenact sections 11-25-05 and 15-29-14 of the North Dakota Century Code, relating to the cancellation of county and school warrants. Was read the first time and referred to the Committee on Political Subdivisions.

SB 2263: A BILL for an Act to amend and reenact section 21-09-05 of the North Dakota Century Code, relating to the validation of bonds and other evidences of indebtedness issued by public bodies of the state prior to July 1, 1983. Was read the first time and referred to the Committee on State and Federal Government.

The House stood adjourned pursuant to Representative Backes' motion.

CHARLES FLEMING, Chief Clerk