

JOURNAL OF THE HOUSE

Forty-eighth Legislative Assembly

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FORTY-SIXTH DAY

Bismarck, March 10, 1983

The House convened at 1:00 p.m., with Acting Speaker E. Pomeroy presiding.

The prayer was offered by Rev. E. Edward Tornow, Bismarck.

ROLL CALL

The roll was called and all members were present, except Representatives Backes, Hausauer, Hill, Kretschmar, Lipsiea, Rayl, Strinden, Watne, and Speaker Kelly.

A quorum was declared by the Acting Speaker.

REQUEST

REP. MUSHIK REQUESTED that the record show that Speaker Kelly and Representatives Backes, Strinden, and Hausauer are in Washington, D.C., March 10th, 11th, and 12th for a leadership media training program sponsored by the National Conference of State Legislatures, which request was granted.

REVISION AND CORRECTION OF THE JOURNAL

MR. SPEAKER: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Forty-fifth day and finds the same to be correct.

REP. LAUGHLIN, Chairman

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

SIGNING OF BILLS AND RESOLUTIONS

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following:

HB 1039, HB 1153, HB 1222, HB 1378, HB 1383, HB 1413,
HB 1419, HB 1522, HB 1584, HB 1606, HB 1632, HB 1650,
HB 1686, HCR 3009, HCR 3023, HCR 3041, HCR 3042

CHARLES FLEMING, Chief Clerk

MESSAGES FROM THE SENATE

SENATE CHAMBER

MADAM SPEAKER: I have the honor to return herewith HB 1296 which the Senate has amended as follows:

SENATE AMENDMENTS TO HB 1296

On page 1 of the engrossed bill, line 10, overstrike the words "unplatted lands" and insert immediately thereafter the word "land"

On page 1 of the engrossed bill, line 16, after the first word "Property" insert the words "platted on or after March 30, 1981,"

And renumber the lines accordingly

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

MADAM SPEAKER: I have the honor to return herewith the following which the Senate has failed to pass:

HB 1286

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

MADAM SPEAKER: I have the honor to inform you that the President has appointed as a conference committee to act with a like committee from the House on HB 1044:

Sens. Parker, Kilander, Wogsland

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 1143, HB 1250, HB 1317, HB 1318, HB 1389, HB 1426,
HB 1467, HB 1608, HB 1711, HCR 3013, HCR 3053, HCR 3067

Very respectfully,
LEO LEIDHOLM, Secretary

SIXTH ORDER OF BUSINESS

REP. O'SHEA MOVED that the amendments to Engrossed SB 2093 as recommended by the Committee on State and Federal Government as printed on page 1756 of the House Journal be adopted, which motion prevailed.

REP. E. POMEROY MOVED that the amendments to SB 2122 as recommended by the Committee on Judiciary as printed on page 1757 of the House Journal be adopted, which motion prevailed.

REP. E. POMEROY MOVED that the amendments to Engrossed SB 2267 as recommended by the Committee on Judiciary as printed on page 1757 of the House Journal be adopted, which motion prevailed.

REP. SINNER MOVED that the amendments to SB 2327 as recommended by the Committee on Finance and Taxation as printed on pages 1757 and 1758 of the House Journal be adopted, which motion prevailed.

REP. E. POMEROY MOVED that the amendments to SB 2362 as recommended by the Committee on Judiciary as printed on page 1758 of the House Journal be adopted, which motion prevailed.

REP. O'SHEA MOVED that the amendments to Engrossed SB 2368 as recommended by the Committee on State and Federal Government as printed on page 1758 of the House Journal be adopted, which motion prevailed.

REP. E. POMEROY MOVED that the amendments to Engrossed SB 2422 as recommended by the Committee on Judiciary as printed on pages 1759-1761 of the House Journal be adopted, which motion prevailed.

REP. O'SHEA MOVED that the amendments to SCR 4030 as recommended by the Committee on State and Federal Government as printed on page 1762 of the House Journal be adopted, which motion prevailed.

MESSAGES TO THE SENATE
HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House has refused to concur in the Senate amendments to HB 1208, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1208: Reps. E. Pomeroy, Kretschmar, Riley
Very respectfully,
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

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

SB 2088, SB 2164, SB 2192, SB 2217, SB 2282, SB 2446,
SB 2491, SCR 4032

Very respectfully,
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to transmit herewith the following which the Speaker has signed and your signature is respectfully requested:

HB 1039, HB 1153, HB 1222, HB 1378, HB 1383, HB 1413,
HB 1419, HB 1522, HB 1584, HB 1606, HB 1632, HB 1650,
HB 1686, HCR 3009, HCR 3023, HCR 3041, HCR 3042

Very respectfully,
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith the following which the House has failed to pass:

SB 2274, SB 2308, SB 2418, SB 2438

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 2131, SB 2216, SB 2241, SB 2297, SB 2359, SB 2419,
SB 2424, SB 2436, SB 2464, SB 2476, SB 2492

Very respectfully,
CHARLES FLEMING, Chief Clerk

REPORT OF PROCEDURAL COMMITTEE

MADAM SPEAKER: Your Committee on Enrollment and Engrossment respectfully reports that it has examined the following bill and finds the same correctly engrossed:

HB 1564

REP. G. MARTIN, Chairman

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

SECOND READING OF HOUSE BILLS

HB 1054: A BILL for an Act to create and enact chapters 26.1-01, 26.1-02, 26.1-03, 26.1-04, 26.1-05, 26.1-06, 26.1-07, 26.1-08, 26.1-09, 26.1-10, 26.1-11, 26.1-12, 26.1-13, 26.1-14, 26.1-15, 26.1-16, 26.1-17, 26.1-18, 26.1-19, 26.1-20, 26.1-21, 26.1-22, 26.1-23, 26.1-24, and 26.1-25 of the North Dakota Century Code, relating to the commissioner of insurance; insurance company general provisions, examinations and reports and the premium tax, prohibited practices, organization and operation, takeover bids, and consolidation, reinsurance, and dissolution; comprehensive health association; reciprocal or interinsurance exchanges; insurance holding company systems; foreign insurance companies; incorporated mutual companies; county mutual insurance companies; medical malpractice mutual insurance company; fraternal benefit societies; benevolent societies; nonprofit health service corporations; health maintenance organizations; prepaid legal service organizations; title insurance companies; state bonding fund; state fire and tornado fund; state unsatisfied judgment fund; the insurance premium; and fire, property, and casualty insurance rates; to repeal sections 6-05-19, 6-05-20, 6-05-21, 6-05-22, 6-05-23, 6-05-24, 6-05-30, 6-05-31, 6-05-32, 6-05-33, chapters 26-01 and 26-04, section 26-05-03, chapters 26-07, 26-08, 26-09, 26-09.1, sections 26-10-02, 26-10-03, 26-10-04, 26-10-05, 26-10-09, 26-10-10,

26-10-11, 26-10-13.1, 26-10-14, 26-10-15, 26-10-16, chapters 26-11, 26-12, 26-14, 26-15, 26-16, 26-16.1, sections 26-17.1-50, 26-17.1-51, 26-17.1-52, 26-17.1-53, 26-18-01, 26-18-02, 26-18-12, chapters 26-20, 26-21, 26-21.1, 26-21.2, 26-23, 26-24, 26-25, 26-26, 26-27, 26-27.1, 26-27.2, 26-27.3, 26-28, 26-29, 26-30, 26-32, 26-37, 26-38, 26-40, and 39-17 of the North Dakota Century Code, relating to insurance; to provide penalties; to provide for transition; and to declare an emergency.

Which has been read.

MOTION

REP. MUSHIK MOVED that the House waive the reading of the title to HB 1054, which motion prevailed.

ROLL CALL

The question being on the final passage of the bill as amended, House Journal page 1709, the roll was called and there were 91 YEAS, 2 NAYS, 13 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Black; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gates; Goetz; Gorder; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kent; Kingsbury; Kloubec; Knudson; Koehn; Koski; Kuchera; Lang; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lloyd; Martin, C.; Martin, G.; Meier, A.; Meiers, R.; Melby; Meyer, R.; Meyer, W.; Moore; Murphy; Mushik; Nalewaja; Nowatzki; O'Connell; Olafson; Olsen, D.; Olson, A.; Opedahl; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Retzer; Rice; Riehl; Riley; Rued; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Solberg; Stofferahn; Swiontek; Thompson; Timm; Unhjem; Vander Vorst; Vig; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold

NAYS: Gerl; Richard

ABSENT AND NOT VOTING: Backes; Haugland; Hausauer; Kretschmar; Lipsiea; Martinson; Mertens; Nicholas; O'Shea; Rayl; Strinden; Watne; Speaker Kelly

HB 1054 passed, the title was agreed to, and the emergency clause carried.

HB 1055: A BILL for an Act to create and enact section 26-18-13 of the North Dakota Century Code, relating to termination of fire and casualty insurance agency contracts; and to amend and reenact sections 4-36-26, 6-03-48, 6-05-01,

6-05-04, 6-05-08, 6-09.2-10, 6-09.4-15, 7-04-09, 10-30-14, subsection 14 of section 15-10-17, section 15-55-08, subsection 1 of section 23-17.2-03, sections 26-02-46, 26-03-39.3, 26-03-42, 26-03-48.1, subsection 2 of section 26-03.5-02, sections 26-09.2-06, 26-17.1-13, 26-17.1-16, 26-17.1-22, 26-39-02, 26-39-05, 37-03-13, 40-24-19, 40-33.2-10, 40-38.1-07, 40-58-11, 40-61-13, 43-13-31, 54-52-09, subsection 5 of section 54-52.1-01, and sections 54-52.1-10, 61-02-68.13, and 61-02-72 of the North Dakota Century Code, relating to references to insurance, insurance companies, and insurance laws.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, House Journal pages 1709 and 1710, the roll was called and there were 93 YEAS, 2 NAYS, 11 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Black; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gates; Goetz; Gorder; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kent; Kingsbury; Kloubec; Knudson; Koehn; Koski; Kuchera; Lang; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lloyd; Martin, C.; Martin, G.; Meier, A.; Meiers, R.; Melby; Mertens; Meyer, R.; Meyer, W.; Moore; Murphy; Mushik; Nalewaja; Nowatzki; O'Connell; Olsen, D.; Olson, A.; Opedahl; O'Shea; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Retzer; Rice; Riehl; Riley; Rued; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Solberg; Stofferahn; Swiontek; Thompson; Timm; Unhjem; Vander Vorst; Vig; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold

NAYS: Gerl; Richard

ABSENT AND NOT VOTING: Backes; Hausauer; Kretschmar; Lipsiea; Martinson; Nicholas; Olafson; Rayl; Strinden; Watne; Speaker Kelly

HB 1055 passed and the title was agreed to.

HB 1564: A BILL for an Act to amend and reenact subsections 2, 5, and 6 of section 11-10-10 of the North Dakota Century Code, relating to the salaries of county officials.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, House Journal pages 1725 and 1726, the roll was called and there were 76 YEAS, 19 NAYS, 11 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Black; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Goetz; Gorder; Gullickson; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kingsbury; Kloubec; Knudson; Koski; Lang; Larson, R.; Laughlin; Lautenschlager; Linderman; Lloyd; Martin, C.; Martin, G.; Meier, A.; Meiers, R.; Mertens; Meyer, R.; Meyer, W.; Moore; Mushik; Nowatzki; O'Connell; Olafson; Olson, A.; Opedahl; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rice; Richard; Riehl; Riley; Sanstead; Schneider; Schoenwald; Shockman; Sinner; Stofferahn; Swiontek; Thompson; Timm; Unhjem; Vander Vorst; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold

NAYS: Gates; Gerl; Gunsch; Hill; Kent; Koehn; Kuchera; Lardy; Melby; Murphy; Nalewaja; Olsen, D.; O'Shea; Retzer; Rued; Schindler; Shide; Solberg; Vig

ABSENT AND NOT VOTING: Backes; Hausauer; Kretschmar; Larson, B.; Lipsiea; Martinson; Nicholas; Rayl; Strinden; Watne; Speaker Kelly

HB 1564 passed and the title was agreed to.

MOTIONS

REP. MUSHIK MOVED that SB 2176 be laid over two legislative days, which motion prevailed.

REP. MUSHIK MOVED that SCR 4004 be laid over two legislative days, which motion prevailed.

REP. MUSHIK MOVED that the rules be suspended and that SCR 4007, SCR 4028, SCR 4034, SCR 4042, and SCR 4050 be placed on the consent calendar for the succeeding legislative day, which motion prevailed.

REP. S. F. HOFFNER MOVED that SB 2055 be rereferred to the Committee on Industry, Business, and Labor, which motion prevailed on a verification vote.

ACTING SPEAKER E. POMEROY ANNOUNCED that SB 2055 was rereferred to the Committee on Industry, Business, and Labor.

SECOND READING OF SENATE BILLS

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.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 47 YEAS, 47 NAYS, 12 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Boyle; Conmy; Dotzenrod; Eagles; Gates; Goetz; Hamerlik; Hanson, O.; Haugland; Hoffner, S. F.; Hughes; Kent; Kloubec; Knudson; Koehn; Lang; Larson, R.; Linderman; Martin, C.; Martinson; Melby; Mertens; Moore; Murphy; Mushik; Nalewaja; Olsen, D.; Olson, A.; Peltier; Peterson; Retzer; Rice; Riley; Rued; Schindler; Shide; Stofferahn; Swiontek; Thompson; Timm; Vander Vorst; Wentz; Whalen; Williams, A.; Wold

NAYS: Aubol; Black; Brokaw; DeMers; DuBord; Erdman; Gerl; Gorder; Gullickson; Gunsch; Halmrast; Hanson, L.; Hill; Hjelle; Hoffner, Serenus; Horgan; Jacobson; Keller; Kingsbury; Koski; Kuchera; Lardy; Larson, B.; Laughlin; Lautenschlager; Lloyd; Martin, G.; Meier, A.; Meyer, R.; Meyer, W.; Nowatzki; O'Connell; Olafson; Opedahl; O'Shea; Pomeroy, E.; Pomeroy, G.; Richard; Riehl; Sanstead; Schneider; Schoenwald; Shockman; Solberg; Vig; Williams, C.; Williams, W.

ABSENT AND NOT VOTING: Backes; Hausauer; Kretschmar; Lipsiea; Meiers, R.; Nicholas; Rayl; Sinner; Strinden; Unhjem; Watne; Speaker Kelly

SB 2056 was declared lost.

SB 2066: A BILL for an Act to create and enact a new section to chapter 12-44.1 of the North Dakota Century Code, relating to jail standards; and to amend and reenact section 12-44.1-06 of the North Dakota Century Code to allow inmates to be confined for not more than ninety days in a grade two jail and for not more than ninety-six hours in a grade three jail.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, House Journal page 1726, the roll was called and there were 91 YEAS, 5 NAYS, 10 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Black; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Erdman; Gates; Gerl; Goetz; Gorder; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hill; Hjelle; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kent; Kingsbury; Kloubec; Knudson; Koehn; Kuchera; Lang; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Melby; Mertens; Meyer, R.; Meyer, W.; Moore; Murphy; Nalewaja; Nicholas; Nowatzki; O'Connell; Olafson; Olsen, D.; Olson, A.; Opedahl; O'Shea; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Retzer; Rice; Richard; Riehl; Riley; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Stofferahn; Swiontek; Thompson; Timm; Vander Vorst; Vig; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold

NAYS: Eagles; Hoffner, Serenus; Koski; Mushik; Rued

ABSENT AND NOT VOTING: Backes; Hausauer; Kretschmar; Lipsiea; Rayl; Solberg; Strinden; Unhjem; Watne; Speaker Kelly

SB 2066 passed and the title was agreed to.

SB 2101: A BILL for an Act to create and enact a new subsection to section 20.1-03-12 of the North Dakota Century Code, relating to a nonresident husband and wife fishing license; and to amend and reenact subsections 7 and 8 of section 20.1-03-12 of the North Dakota Century Code, relating to the fees for a nonresident fishing license; and declaring an emergency or, in the alternative, to provide an effective date.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, House Journal page 1726, the roll was called and there were 80 YEAS, 17 NAYS, 9 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gates; Gerl; Goetz; Gullickson; Halmrast; Hamerlik; Hanson, L.; Haugland; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kent; Kloubec; Knudson; Koehn; Koski; Kuchera; Lang; Lardy; Larson, B.; Larson, R.; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Melby; Mertens; Meyer, R.; Meyer, W.; Moore; Mushik; Nowatzki; Opedahl; O'Shea;

Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rice; Richard; Riehl; Riley; Sanstead; Schindler; Schneider; Schoenwald; Shide; Sinner; Solberg; Stofferahn; Swiontek; Thompson; Timm; Vander Vorst; Vig; Wentz; Whalen; Williams, W.; Wold

NAYS: Black; Gorder; Gunsch; Hanson, O.; Kingsbury; Laughlin; Murphy; Nalewaja; O'Connell; Olafson; Olsen, D.; Olson, A.; Retzer; Rued; Shockman; Williams, A.; Williams, C.

ABSENT AND NOT VOTING: Backes; Hausauer; Kretschmar; Nicholas; Rayl; Strinden; Unhjem; Watne; Speaker Kelly

SB 2101 passed, the title was agreed to, and the emergency clause carried.

MOTION

REP. MUSHIK MOVED that SB 2108 be laid over one legislative day, which motion prevailed.

MESSAGES FROM THE SENATE SENATE CHAMBER

MADAM SPEAKER: I have the honor to transmit herewith the following which the President has signed and your signature is respectfully requested:

SB 2081, SB 2094, SB 2115, SB 2171, SB 2188, SB 2247,
SB 2279, SB 2323, SB 2400, SB 2405, SB 2461

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

MADAM SPEAKER: I have the honor to return herewith the following which the President has signed:

HB 1128, HB 1138, HB 1200, HB 1270, HB 1282, HB 1350,
HB 1457, HB 1471, HB 1485, HB 1498, HB 1722

Very respectfully,
LEO LEIDHOLM, Secretary

SECOND READING OF SENATE BILLS

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 action of secretary of state regarding corporations not filing annual report on time.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, House Journal page 1727, the roll was called and there were 92 YEAS, 0 NAYS, 14 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Black; 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; Hoffner, S. F.; 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; Murphy; Mushik; Nalewaja; Nowatzki; O'Connell; Olafson; Olsen, D.; Olson, A.; Opedahl; O'Shea; Peltier; Peterson; Pomeroy, E.; Retzer; Rice; Richard; Riehl; Riley; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Stofferahn; Swiontek; Thompson; Timm; Vander Vorst; Vig; Wentz; Whalen; Williams, A.; Williams, W.; Wold

NAYS: None

ABSENT AND NOT VOTING: Backes; Hausauer; Kretschmar; Kuchera; Nicholas; Pomeroy, G.; Rayl; Rued; Solberg; Strinden; Unhjem; Watne; Williams, C.; Speaker Kelly

SB 2112 passed and the title was agreed to.

SB 2118: A BILL for an Act to create and enact a new section to chapter 20.1-03 and a new subsection to section 20.1-03-12 of the North Dakota Century Code, relating to a trout and salmon fishing stamp, and the fee for the trout and salmon fishing stamp; and to provide an effective date.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 81 YEAS, 15 NAYS, 10 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Brokaw; DeMers; Dotzenrod; DuBord; Erdman; Gates; Goetz; Gorder; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, L.; Haugland; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kloubec; Knudson; Koski; Kuchera; Lang; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Mertens; Meyer, R.; Meyer, W.;

Moore; Mushik; Nalewaja; Nowatzki; O'Connell;
 Olsen, D.; Olson, A.; Opedahl; O'Shea; Peltier;
 Peterson; Pomeroy, E.; Pomeroy, G.; Retzer; Rice;
 Richard; Riehl; Riley; Rued; Schindler; Schneider;
 Schoenwald; Shide; Shockman; Sinner; Stofferahn;
 Swiontek; Thompson; Timm; Vander Vorst; Vig; Wentz;
 Whalen; Williams, A.; Williams, W.; Wold

NAYS: Black; Boyle; Conmy; Eagles; Gerl; Hanson, O.;
 Kent; Kingsbury; Koehn; Lipsiea; Melby; Murphy;
 Olafson; Sanstead; Solberg

ABSENT AND NOT VOTING: Backes; Hausauer; Kretschmar;
 Nicholas; Rayl; Strinden; Unhjem; Watne; Williams, C.;
 Speaker Kelly

SB 2118 passed and the title was agreed to.

SB 2139: A BILL for an Act to create and enact a new section to chapter 44-08 of the North Dakota Century Code providing for additional powers for peace officers when acting outside the jurisdiction of the law enforcement agency by which they are employed.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, House Journal page 1728, the roll was called and there were 96 YEAS, 0 NAYS, 10 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Black; 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; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kent; Kingsbury; Kloubec; Knudson; Koehn; Koski; Kuchera; Lang; Lardy; Larson, B.; Larson, R.; Laughlin; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Melby; Mertens; Meyer, R.; Meyer, W.; Moore; Murphy; Mushik; Nalewaja; Nowatzki; O'Connell; Olafson; Olsen, D.; Olson, A.; Opedahl; O'Shea; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Retzer; Rice; Richard; Riehl; Riley; Rued; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Solberg; Stofferahn; Swiontek; Thompson; Unhjem; Vander Vorst; Vig; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold

NAYS: None

ABSENT AND NOT VOTING: Backes; Hausauer; Kretschmar;
Lautenschlager; Nicholas; Rayl; Strinden; Timm; Watne;
Speaker Kelly

SB 2139 passed and the title was agreed to.

SB 2146: A BILL for an Act to authorize public agencies of North Dakota and Indian tribes to enter into mutual agreements to perform any administrative service, activity, or undertaking as authorized by law and to resolve any disputes.

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, 2 NAYS, 8 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; 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; Hoffner, S. F.; 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; Murphy; Mushik; Nalewaja; Nowatzki;
O'Connell; Olafson; Olsen, D.; Olson, A.; Opedahl;
O'Shea; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.;
Retzer; Rice; Richard; Riehl; Riley; Rued; Sanstead;
Schindler; Schneider; Schoenwald; Shide; Shockman;
Sinner; Solberg; Stofferahn; Swiontek; Thompson; Timm;
Unhjem; Vander Vorst; Vig; Wentz; Whalen; Williams, A.;
Williams, C.; Williams, W.; Wold

NAYS: Black; Kuchera

ABSENT AND NOT VOTING: Backes; Hausauer; Kretschmar;
Nicholas; Rayl; Strinden; Watne; Speaker Kelly

SB 2146 passed and the title was agreed to.

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.

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, 14 NAYS, 8 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Black; Boyle; Brokaw; Conmy; Dotzenrod; Eagles; Erdman; Gates; Goetz; Gorder; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kent; Kloubec; Knudson; Koehn; Kuchera; Lang; Lardy; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martinson; Meier, A.; Meiers, R.; Melby; Mertens; Meyer, R.; Meyer, W.; Moore; Murphy; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Olsen, D.; Opedahl; Peterson; Pomeroy, E.; Pomeroy, G.; Retzer; Rice; Richard; Riehl; Riley; Rued; Sanstead; Schindler; Shide; Shockman; Sinner; Stofferahn; Swiontek; Thompson; Timm; Unhjem; Vander Vorst; Vig; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold

NAYS: DeMers; DuBord; Gerl; Hill; Kingsbury; Koski; Larson, B.; Olafson; Olson, A.; O'Shea; Peltier; Schneider; Schoenwald; Solberg

ABSENT AND NOT VOTING: Backes; Hausauer; Kretschmar; Martin, G.; Rayl; Strinden; Watne; Speaker Kelly

SB 2147 passed and the title was agreed to.

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.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 85 YEAS, 12 NAYS, 9 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Black; Boyle; Conmy; Dotzenrod; DuBord; Eagles; Gates; Gerl; Goetz; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kent; Kloubec; Knudson; Koehn; Koski; Kuchera; Lang; Lardy; Larson, B.; Larson, R.; Lautenschlager; Linderman;

Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson;
 Meier, A.; Meiers, R.; Melby; Mertens; Meyer, R.;
 Meyer, W.; Moore; Murphy; Mushik; Nalewaja; Nowatzki;
 Olsen, D.; Olson, A.; O'Shea; Peltier; Peterson;
 Pomeroy, E.; Pomeroy, G.; Retzer; Rice; Riehl; Riley;
 Rued; Sanstead; Schindler; Schneider; Schoenwald;
 Shide; Sinner; Solberg; Swiontek; Thompson; Timm;
 Unhjem; Vander Vorst; Wentz; Whalen; Williams, A.;
 Williams, C.; Williams, W.; Wold

NAYS: Brokaw; DeMers; Erdman; Gorder; Kingsbury;
 Laughlin; O'Connell; Olafson; Richard; Shockman;
 Stofferahn; Vig

ABSENT AND NOT VOTING: Backes; Hausauer; Kretschmar;
 Nicholas; Opedahl; Rayl; Strinden; Watne; Speaker Kelly

SB 2159 passed and the title was agreed to.

SB 2214: A BILL for an Act to create and enact a new subdivision
 to subsection 1 of section 38-08-04 of the North Dakota
 Century Code, relating to the payment of fees for services
 performed by the industrial commission.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended,
 House Journal page 1728, the roll was called and there were
 93 YEAS, 4 NAYS, 9 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Boyle; Brokaw;
 DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gates;
 Goetz; Gorder; Gullickson; Gunsch; Halmrast; Hamerlik;
 Hanson, L.; Hanson, O.; Haugland; Hill; Hjelle;
 Hoffner; Serenus; Hoffner, S. F.; Horgan; Hughes;
 Jacobson; Keller; 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; Murphy; Mushik;
 Nalewaja; Nicholas; Nowatzki; O'Connell; Olafson;
 Olsen, D.; Olson, A.; Opedahl; O'Shea; Peltier;
 Pomeroy, E.; Pomeroy, G.; Retzer; Rice; Richard; Riehl;
 Riley; Rued; Sanstead; Schindler; Schneider;
 Schoenwald; Shide; Shockman; Sinner; Solberg;
 Stofferahn; Swiontek; Thompson; Timm; Unhjem;
 Vander Vorst; Vig; Wentz; Whalen; Williams, A.;
 Williams, C.; Williams, W.; Wold

NAYS: Black; Conmy; Gerl; Kingsbury

ABSENT AND NOT VOTING: Backes; Hausauer; Kent;
Kretschmar; Peterson; Rayl; Strinden; Watne;
Speaker Kelly

SB 2214 passed and the title was agreed to.

SB 2219: A BILL for an Act to amend and reenact section 21-02-13 of the North Dakota Century Code, relating to certificates of indebtedness issued in anticipation of revenues to be received.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, House Journal pages 1728 and 1729, the roll was called and there were 94 YEAS, 4 NAYS, 8 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Boyle; Conmy;
DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gates; Gerl;
Goetz; Gullickson; Gunsch; Halmrast; Hamerlik;
Hanson, L.; Hanson, O.; Haugland; Hill; Hjelle;
Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes;
Jacobson; Keller; 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; Murphy; Mushik; Nalewaja; Nicholas; Nowatzki;
O'Connell; Olafson; Olsen, D.; Olson, A.; Opedahl;
O'Shea; Peltier; Pomeroy, E.; Pomeroy, G.; Retzer;
Rice; Richard; Riehl; Riley; Sanstead; Schindler;
Schneider; Schoenwald; Shide; Shockman; Sinner;
Solberg; Stofferahn; Swiontek; Thompson; Timm; Unhjem;
Vander Vorst; Vig; Watne; Wentz; Whalen; Williams, A.;
Williams, C.; Williams, W.; Wold

NAYS: Black; Brokaw; Gorder; Rued

ABSENT AND NOT VOTING: Backes; Hausauer; Kent;
Kretschmar; Peterson; Rayl; Strinden; Speaker Kelly

SB 2219 passed and the title was agreed to.

SB 2229: A BILL for an Act to provide immunity from civil and criminal liability in certain cases when food is donated for charitable purposes; to provide a penalty; and to declare an emergency.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, House Journal page 1729, the roll was called and there were 97 YEAS, 2 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Black; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gates; Gerl; Goetz; Gorder; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hill; Hjelle; Hoffner, S. F.; 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; Murphy; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Olafson; Olsen, D.; Olson, A.; Opedahl; O'Shea; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Retzer; Rice; Richard; Riehl; Riley; Rued; Sanstead; Schindler; Schneider; Shide; Shockman; Sinner; Solberg; Stofferahn; Swiontek; Thompson; Timm; Unhjem; Vander Vorst; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold

NAYS: Schoenwald; Vig

ABSENT AND NOT VOTING: Backes; Hausauer; Hoffner, Serenus; Kretschmar; Rayl; Strinden; Speaker Kelly

SB 2229 passed, the title was agreed to, and the emergency clause carried.

SB 2255: A BILL for an Act to amend and reenact section 36-21.1-07 of the North Dakota Century Code, relating to the prohibition on cockfights, dogfights, and other exhibitions; and to provide penalties.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, House Journal pages 1729 and 1730, the roll was called and there were 95 YEAS, 4 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Anderson, R.; Aubol; Black; Boyle; Brokaw; Conmy; Dotzenrod; DuBord; Eagles; Erdman; Gates; Gerl; Goetz; Gorder; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; 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.; Melby;
 Mertens; Meyer, R.; Meyer, W.; Moore; Murphy; Mushik;
 Nalewaja; Nicholas; Nowatzki; O'Connell; Olafson;
 Olsen, D.; Olson, A.; Opedahl; O'Shea; Peterson;
 Pomeroy, E.; Pomeroy, G.; Retzer; Rice; Richard; Riley;
 Rued; Sanstead; Schindler; Schneider; Schoenwald;
 Shide; Shockman; Sinner; Solberg; Stofferahn; Swiontek;
 Thompson; Timm; Unhjem; Vander Vorst; Vig; Watne;
 Wentz; Whalen; Williams, A.; Williams, C.;
 Williams, W.; Wold

NAYS: DeMers; Kingsbury; Peltier; Riehl

ABSENT AND NOT VOTING: Anderson, C.; Backes; Hausauer;
 Kretschmar; Rayl; Strinden; Speaker Kelly

SB 2255 passed and the title was agreed to.

SB 2303: A BILL for an Act to amend and reenact sections
 28-14-03.1 and 29-17-12 of the North Dakota Century Code,
 relating to the size of the jury in civil and criminal
 cases.

Which has been read.

MOTION

REP. C. ANDERSON MOVED the previous question, which motion
 prevailed.

ROLL CALL

The question being on the final passage of the bill, the roll was
 called and there were 41 YEAS, 57 NAYS, 8 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Boyle; Dotzenrod; Eagles; Gates;
 Gorder; Gunsch; Hamerlik; Hoffner, S. F.; Jacobson;
 Kingsbury; Kloubec; Koski; Lang; Lardy; Larson, R.;
 Laughlin; Lautenschlager; Mertens; Moore; Nalewaja;
 Opedahl; O'Shea; Peltier; Retzer; Rice; Richard; Riley;
 Sanstead; Schindler; Solberg; Swiontek; Thompson; Timm;
 Unhjem; Vander Vorst; Vig; Watne; Whalen; Williams, C.;
 Wold

NAYS: Anderson, R.; Aubol; Black; Brokaw; Conny; DeMers;
 DuBord; Erdman; Lerl; Goetz; Gullickson; Halmrast;
 Hanson, L.; Hanson, O.; Haugland; Hill; Hjelle;
 Hoffner, Serenus; Horgan; Hughes; Keller; Kent;
 Knudson; Koehn; Kuchera; Larson, B.; Linderman;
 Lipsiea; Lloyd; Martin, C.; Martin, G.; Meier, A.;
 Meiers, R.; Melby; Meyer, R.; Meyer, W.; Murphy;
 Mushik; Nowatzki; O'Connell; Olafson; Olsen, D.;
 Olson, A.; Peterson; Pomeroy, E.; Pomeroy, G.; Riehl;

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Rued; Schneider; Schoenwald; Shide; Shockman; Sinner;
Stofferahn; Wentz; Williams, A.; Williams, W.

ABSENT AND NOT VOTING: Backes; Hausauer; Kretschmar;
Martinson; Nicholas; Rayl; Strinden; Speaker Kelly

SB 2303 was declared lost.

MESSAGE FROM THE SENATE
SENATE CHAMBER

MADAM SPEAKER: I have the honor to transmit herewith the following which the President has signed and your signature is respectfully requested:

SB 2058, SB 2102, SB 2105, SB 2141, SB 2154, SB 2161,
SB 2210, SB 2212, SB 2215, SB 2230, SB 2333, SB 2363,
SB 2450, SB 2471

Very respectfully,
LEO LEIDHOLM, Secretary

REPORT OF PROCEDURAL COMMITTEE

MADAM SPEAKER: Your Committee on Enrollment and Engrossment respectfully reports that the following bills were delivered to the Governor for his approval at the hour of 2:07 p.m., March 10, 1983:

HB 1128, HB 1138, HB 1200, HB 1270, HB 1282, HB 1350,
HB 1457, HB 1471, HB 1485, HB 1498, HB 1722

REP. G. MARTIN, Chairman

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

PRESENTATION OF PETITIONS AND COMMUNICATIONS

STATE OF NORTH DAKOTA
EXECUTIVE OFFICE
BISMARCK

March 10, 1983

The Honorable Tish Kelly
Speaker of the House
House Chambers
State Capitol
Bismarck, North Dakota 58505

Dear Madam Speaker:

This is to inform you that on March 10, 1983, I signed the following:

HB 1002, HB 1064, HB 1073, HB 1110, HB 1114, HB 1174,
 HB 1219, HB 1220, HB 1225, HB 1238, HB 1274, HB 1450,
 HB 1462, HB 1514, HB 1580, HB 1633, HB 1636, HB 1645,
 HB 1689, HB 1072, HB 1086, HB 1209, HB 1422, HB 1427,
 HB 1494, HB 1509, HB 1524, HB 1552, HB 1581, HB 1591,
 HB 1595, HB 1604, HB 1615, HB 1672, HB 1660, HB 1598.

Sincerely,

ALLEN I. OLSON
 Governor

SECOND READING OF SENATE BILLS

SB 2318: A BILL for an Act to amend and reenact sections 16.1-06-05 and 16.1-06-07.1 of the North Dakota Century Code, relating to the form and arrangement of names on the election ballot.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, House Journal page 1730, the roll was called and there were 87 YEAS, 7 NAYS, 12 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Black; Boyle; Brokaw; Conny; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gates; Goetz; Gorder; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, L.; Haugland; Hjelle; Horgan; Hughes; Jacobson; Keller; Kent; Kingsbury; Kloubec; Knudson; Koehn; Koski; Kuchera; Lang; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Melby; Meyer, R.; Meyer, W.; Moore; Murphy; Mushik; Nowatzki; O'Connell; Olafson; Olsen, D.; Olson, A.; Opedahl; Peterson; Pomeroy, E.; Pomeroy, G.; Retzer; Rice; Richard; Riehl; Riley; Rued; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Solberg; Stofferahn; Swiontek; Timm; Unhjem; Vander Vorst; Vig; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold

NAYS: Gerl; Hill; Hoffner, S. F.; Lardy; Mertens; O'Shea; Peltier

ABSENT AND NOT VOTING: Backes; Hanson, O.; Hausauer; Hoffner, Serenus; Kretschmar; Larson, B.; Nalewaja; Nicholas; Rayl; Strinden; Thompson; Speaker Kelly

SB 2318 passed and the title was agreed to.

SB 2319: A BILL for an Act to amend and reenact subsection 2 of section 38-11.1-03, sections 38-11.1-04, 38-11.1-05, 38-11.1-08, and 38-11.1-09 of the North Dakota Century Code, relating to the definition of "drilling operations," surface damage and disruption payments, 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.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, House Journal pages 1730 and 1731, the roll was called and there were 97 YEAS, 0 NAYS, 9 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Black; 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; Hoffner, S. F.; 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; Murphy; Mushik; Nowatzki; O'Connell; Olafson; Olsen, D.; Olson, A.; Opedahl; O'Shea; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Retzer; Rice; Richard; Riehl; Riley; Rued; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Solberg; Stofferahn; Swiontek; Thompson; Timm; Unhjem; Vander Vorst; Vig; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold

NAYS: None

ABSENT AND NOT VOTING: Backes; Hausauer; Kretschmar; Kuchera; Nalewaja; Nicholas; Rayl; Strinden; Speaker Kelly

SB 2319 passed and the title was agreed to.

SB 2328: A BILL for an Act to amend and reenact subsection 1 of section 30.1-10-01 of the North Dakota Century Code, relating to the renunciation of succession.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 93 YEAS, 4 NAYS, 9 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gates; Goetz; Gorder; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kent; Kloubec; Knudson; Koehn; Lang; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Melby; Mertens; Meyer, R.; Meyer, W.; Moore; Murphy; Mushik; Nalewaja; Nowatzki; O'Connell; Olafson; Olsen, D.; Olson, A.; Opedahl; O'Shea; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Retzer; Rice; Richard; Riehl; Riley; Rued; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Solberg; Stofferahn; Swiontek; Thompson; Timm; Unhjem; Vander Vorst; Vig; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold

NAYS: Black; Kingsbury; Koski; Linderman

ABSENT AND NOT VOTING: Backes; Gerl; Hausauer; Kretschmar; Kuchera; Nicholas; Rayl; Strinden; Speaker Kelly

SB 2328 passed and the title was agreed to.

SB 2371: A BILL for an Act to create and enact a new subsection to section 57-38-01.7 of the North Dakota Century Code, relating to the time allowed for deduction of charitable contributions to nonprofit private institutions of higher education; and to provide an effective date.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 85 YEAS, 12 NAYS, 9 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gates; Gerl; Goetz; Gorder; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Hughes; Jacobson; Keller; Kent; Kingsbury; Kloubec; Knudson; Koehn; Koski; Lang; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Lipsiea; Lloyd; Martin, C.; Martinson; Meier, A.; Meiers, R.; Mertens; Meyer, R.; Meyer, W.;

Moore; Murphy; Mushik; Nalewaja; Nowatzki; Olafson; Olsen, D.; Olson, A.; Opedahl; Peltier; Peterson; Retzer; Rice; Richard; Riehl; Riley; Rued; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Solberg; Swiontek; Thompson; Timm; Unhjem; Vander Vorst; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold

NAYS: Black; Horgan; Lardy; Linderman; Martin, G.; Melby; O'Connell; O'Shea; Pomeroy, E.; Pomeroy, G.; Stofferahn; Vig

ABSENT AND NOT VOTING: Backes; Haugland; Hausauer; Kretschmar; Kuchera; Nicholas; Rayl; Strinden; Speaker Kelly

SB 2371 passed and the title was agreed to.

SB 2437: A BILL for an Act to amend and reenact section 57-19-07 of the North Dakota Century Code, providing for a three-year period within which school districts may redeem vouchers from their special reserve funds.

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, 2 NAYS, 9 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Black; 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; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kent; 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; Murphy; Mushik; Nalewaja; Nowatzki; O'Connell; Olafson; Olsen, D.; Olson, A.; Opedahl; O'Shea; Peltier; Peterson; Pomeroy, E.; Pomeroy, G. Retzer; Rice; Richard; Riehl; Rued; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Solberg; Stofferahn; Swiontek; Thompson; Timm; Unhjem; Vander Vorst; Vig; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Wold

NAYS: Kingsbury; Whalen

ABSENT AND NOT VOTING: Backes; Hausauer; Kretschmar; Kuchera; Nicholas Rayl; Riley; Strinden; Speaker Kelly

SB 2437 passed and the title was agreed to.

SB 2444: A BILL for an Act to create and enact a new section to chapter 40-09 of the North Dakota Century Code, relating to a biennial vote on whether city commission proceedings should be published in the official newspaper; and to amend and reenact section 40-08-12, relating to a biennial vote on whether city council proceedings should be published in the official newspaper.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, House Journal page 1732, the roll was called and there were 48 YEAS, 50 NAYS, 8 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Black; Boyle; DeMers; Erdman; Gerl; Gorder; Gullickson; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Jacobson; Kingsbury; Knudson; Kuchera; Lardy; Laughlin; Lautenschlager; Linderman; Lipsiea; Martin, C.; Martin, G.; Martinson; Meier, A.; Meyer, R.; Meyer, W.; Murphy; Nowatzki; O'Connell; Opedahl; Peterson; Pomeroy, E.; Pomeroy, G.; Retzer; Riehl; Rued; Stofferahn; Thompson; Unhjem; Vig; Watne; Whalen

NAYS: Anderson, R.; Aubol; Brokaw; Conmy; Dotzenrod; DuBord; Eagles; Gates; Goetz; Gunsch; Hill; Hughes; Keller; Kent; Kloubec; Koehn; Koski; Lang; Larson, B.; Larson, R.; Lloyd; Meiers, R.; Melby; Mertens; Moore; Mushik; Nalewaja; Olafson; Olsen, D.; Olson, A.; O'Shea; Peltier; Rice; Richard; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Solberg; Swiontek; Timm; Vander Vorst; Wentz; Williams, A.; Williams, C.; Williams, W.; Wold

ABSENT AND NOT VOTING: Backes; Hausauer; Kretschmar; Nicholas; Rayl; Riley; Strinden; Speaker Kelly

SB 2444 was declared lost.

SECOND READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4026: A concurrent resolution urging the Congress of the United States to provide that federally owned lands within the state of North Dakota that are in agricultural use be conveyed to private owners.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4026 was declared lost on a voice vote.

SCR 4029: A concurrent resolution citing the existence of certain conditions of mutual concern confronting the reservation and nonreservation residents of North Dakota, and memorializing the Congress of the United States and the President of the United States to exercise responsibility and authority in resolving them.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4029 was declared lost on a verification vote.

SCR 4033: A concurrent resolution directing the Legislative Council to study the operation of and need for a tax appeals board to provide taxpayers a prompt, efficient, and inexpensive review procedure for decisions made in administration and application of state property tax laws.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4033 was declared adopted on a voice vote.

SCR 4047: A concurrent resolution directing the Legislative Council to study the legislative process with emphasis on the use of time during legislative sessions and during the interim between sessions.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4047 was declared adopted on a voice vote.

RECOGNITION

ACTING SPEAKER E. POMEROY ANNOUNCED that a former Representative was in the chambers, and requested that the House recognize former Representative David Koland, and Representative Koland was thereupon introduced to the House.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4049: A concurrent resolution directing the Legislative Council to study the feasibility of replacing the current system of distributing state aid to school districts under the foundation program with a classroom unit system.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4049 was declared lost on a verification vote.

MOTIONS

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

REP. MUSHIK MOVED that the House be on the Fifth order of business, and at the conclusion of the Fifth order, the House stand adjourned until 1:00 p.m., Friday, March 11, 1983, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MADAM SPEAKER: Your Committee on Judiciary to which was referred Engrossed SB 2125 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 12, delete the words "or the time of discovery of the facts underlying the cause of"

On page 1 of the engrossed bill, line 13, delete the word "action"

And renumber the lines accordingly

REP. E. POMEROY, Chairman

Engrossed SB 2125 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 Engrossed SB 2128 has had the same under consideration and recommends by a vote of 10 YEAS, 2 NAYS, 4 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS and be rereferred to the Committee on Appropriations:

On page 1 of the engrossed bill, line 11, delete the word "twenty" and insert in lieu thereof the word "twenty-five"

And renumber the lines accordingly

REP. E. POMEROY, Chairman

Engrossed SB 2128 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 SB 2156 has had the same under consideration and recommends by a vote of 12 YEAS, 0 NAYS, 4 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, overstrike the words "operating in"

On page 2, line 1, overstrike the words "this state"

And renumber the lines accordingly

REP. S. F. HOFFNER, Chairman

SB 2156 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 Engrossed SB 2224 has had the same under consideration and recommends by a vote of 8 YEAS, 6 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

On page 1 of the engrossed bill, line 12, delete the word "six-hour"

And renumber the lines accordingly

REP. S. F. HOFFNER, Chairman

Engrossed SB 2224 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 SB 2331 has had the same under consideration and recommends by a vote of 11 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS and be rereferred to the Committee on Appropriations:

On page 2, line 31, delete the word "two" and insert in lieu thereof the word "three"

On page 2, line 32, delete the word "two" and insert in lieu thereof the word "three"

And renumber the lines accordingly

REP. JACOBSON, Chairman

SB 2331 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 SB 2367 has had the same under consideration and recommends by a vote of 11 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 1, delete the word "felon" and insert in lieu thereof the word "person" and after the word "court" insert the words "on a felony charge"

On page 1, line 7, delete the word "felon" and insert in lieu thereof the word "person"

And renumber the lines accordingly

REP. E. POMEROY, Chairman

SB 2367 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 Engrossed SB 2386 has had the same under consideration and recommends by a vote of 11 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, of the engrossed bill, line 13, delete the word "less" and insert in lieu thereof the word "fewer"

On page 1, of the engrossed bill, line 15, delete the word "approval" and insert in lieu thereof the word "approve"

And renumber the lines accordingly

REP. JACOBSON, Chairman

Engrossed SB 2386 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 SCR 4043 has had the same under consideration and recommends by a vote of 12 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 5, after the second comma insert the words "Board of University and School Lands,"

On page 1, line 13, after the third comma insert the words "Board of University and School Lands,"

On page 1, line 26, after the first comma insert the words "Board of University and School Lands,"

And renumber the lines accordingly

REP. L. HANSON, Chairman

SCR 4043 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 SCR 4020 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

REP. BROKAW, Chairman

SCR 4020 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Natural Resources to which was referred SCR 4021 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

SCR 4021 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Natural Resources to which was referred SCR 4023 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

SCR 4023 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Natural Resources to which was referred SCR 4035 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

REP. BROKAW, Chairman

SCR 4035 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Natural Resources to which was referred SCR 4036 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

SCR 4036 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Natural Resources to which was referred SCR 4037 has had the same under consideration and

recommends by a vote of 14 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

REP. BROKAW, Chairman

SCR 4037 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Political Subdivisions to which was referred HCR 3087 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. DOTZENROD, Chairman

HCR 3087 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 SB 2177 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. R. MEIERS, Chairman

SB 2177 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Political Subdivisions to which was referred Engrossed SB 2296 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

Engrossed SB 2296 was placed on the Fourteenth 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 Engrossed SB 2299 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. R. MEIERS, Chairman

Engrossed SB 2299 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Political Subdivisions to which was referred SB 2302 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

SB 2302 was placed on the Fourteenth 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 SB 2335 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. R. MEIERS, Chairman

SB 2335 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 2347 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 2347 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 Engrossed SB 2487 has had the same under consideration and recommends by a vote of 11 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. HJELLE, Chairman

Engrossed SB 2487 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Political Subdivisions to which was referred SCR 4038 has had the same under consideration and recommends by a vote of 11 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. DOTZENROD, Chairman

SCR 4038 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Political Subdivisions to which was referred Engrossed SCR 4039 has had the same under consideration and recommends by a vote of 12 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. DOTZENROD, Chairman

Engrossed SCR 4039 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 SCR 4048 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

REP. W. MEYER, Chairman

SCR 4048 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

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

CHARLES FLEMING, Chief Clerk