

JOURNAL OF THE HOUSE

Forty-eighth Legislative Assembly

TWENTY-NINTH DAY

Bismarck, February 11, 1983
The House convened at 1:00 p.m., with Speaker Kelly presiding.

The prayer was offered by Laurie Natwick, Campus Minister, Christus Rex Lutheran Church, University of North Dakota, Grand Forks.

ROLL CALL

The roll was called and all members were present, except Representatives Backes, L. Hanson, Kent, and Strinden.

A quorum was declared by the Speaker.

REVISION AND CORRECTION OF THE JOURNAL

MADAM SPEAKER: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Twenty-eighth day and finds the same to be correct.

REP. LAUGHLIN, Chairman

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

SIGNING OF BILLS AND RESOLUTIONS

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following:

HCR 3039

CHARLES FLEMING, Chief Clerk

MESSAGES TO THE SENATE
HOUSE CHAMBER

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

HCR 3039

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:

SCR 4013

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:

HB 1189, HB 1218, HB 1367, HB 1385, HB 1391, HB 1425,
HB 1448, HB 1450, HB 1454, HB 1458, HB 1467, HB 1474,
HB 1514, HB 1525, HB 1539, HB 1553, HB 1630, HB 1634,
HB 1637, HB 1685, HB 1689, HB 1690

Very respectfully,
CHARLES FLEMING, Chief Clerk

MOTION

REP. MELBY MOVED that HB 1284 be returned to the House floor from the Committee on Transportation, which motion prevailed.

REQUEST

REP. MELBY REQUESTED the unanimous consent of the House to withdraw HB 1284. There being no objection, it was so ordered by the Speaker.

MOTIONS

REP. MERTENS MOVED that HB 1120 be moved to the head of the calendar, which motion prevailed.

REP. MERTENS MOVED that HB 1031 be returned to the Committee on Appropriations, which motion prevailed.

SPEAKER KELLY ANNOUNCED that HB 1031 was rereferred to the Committee on Appropriations.

MOTION

REP. O'SHEA MOVED that HB 1572 be returned to the House floor from the Committee on Finance and Taxation, which motion prevailed.

REQUEST

REP. O'SHEA REQUESTED the unanimous consent of the House to withdraw HB 1572. There being no objection, it was so ordered by the Speaker.

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 2187, SB 2318, SB 2319, SB 2322, SB 2358, SCR 4030
Very respectfully,
LEO LEIDHOLM, Secretary

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 2186

Very respectfully,
LEO LEIDHOLM, Secretary

MOTION

REP. HUGHES MOVED that HB 1625 be returned to the House floor from the Committee on Natural Resources, which motion prevailed.

REQUEST

REP. HUGHES REQUESTED the unanimous consent of the House to withdraw HB 1625. There being no objection, it was so ordered by the Speaker.

MOTION

REP. MURPHY MOVED that HB 1545 be returned to the House floor from the Committee on Natural Resources, which motion prevailed.

REQUEST

REP. MURPHY REQUESTED the unanimous consent of the House to withdraw HB 1545. There being no objection, it was so ordered by the Speaker.

SIXTH ORDER OF BUSINESS

REP. MERTENS MOVED that the amendments to HB 1008 as recommended by the Committee on Appropriations as printed on page 962 of the House Journal be adopted, which motion prevailed.

REP. MERTENS MOVED that the amendments to HB 1011 as recommended by the Committee on Appropriations as printed on page 963 of the House Journal be adopted, which motion prevailed.

REP. MERTENS MOVED that the amendments to HB 1014 as recommended by the Committee on Appropriations as printed on page 964 of the House Journal be adopted, which motion prevailed.

REP. MERTENS MOVED that the amendments to HB 1015 as recommended by the Committee on Appropriations as printed on pages 964 and 965 of the House Journal be adopted, which motion prevailed.

REP. MERTENS MOVED that the amendments to HB 1020 as recommended by the Committee on Appropriations as printed on page 965 of the House Journal be adopted, which motion prevailed.

REP. L. HANSON MOVED that the amendments to HB 1490 as recommended by the Committee on State and Federal Government as printed on page 970 of the House Journal be adopted, which motion prevailed.

REP. SINNER MOVED that the amendments to HB 1586 as recommended by the Committee on Finance and Taxation as printed on page 970 of the House Journal be adopted, which motion prevailed.

REP. SINNER MOVED that the amendments to HB 1596 as recommended by the Committee on Finance and Taxation as printed on page 971 of the House Journal be adopted, which motion prevailed.

REP. E. POMEROY MOVED that the amendments to HB 1643 as recommended by the Committee on Judiciary as printed on pages 971 and 972 of the House Journal be adopted, which motion prevailed.

REP. S. F. HOFFNER MOVED that the amendments to SB 2081 as recommended by the Committee on Industry, Business, and Labor as printed on page 972 of the House Journal be adopted, which motion prevailed.

REP. MERTENS MOVED that the amendments to HB 1032 as recommended by the Committee on Appropriations as printed on page 966 of the House Journal be adopted, which motion prevailed.

REP. MERTENS MOVED that the amendments to HB 1035 as recommended by the Committee on Appropriations as printed on pages 966 and 967 of the House Journal be adopted, which motion prevailed.

REP. MERTENS MOVED that the amendments to HB 1067 as recommended by the Committee on Appropriations as printed on pages 967 and 968 of the House Journal be adopted, which motion prevailed.

REP. JACOBSON MOVED that the amendments to HB 1253 as recommended by the Committee on Education as printed on pages 968 and 969 of the House Journal be adopted, which motion prevailed.

REP. E. POMEROY MOVED that the amendments to HB 1488 as recommended by the Committee on Judiciary as printed on page 969 of the House Journal be adopted, which motion lost on a verification vote.

REP. MERTENS MOVED that the amendments to HB 1013 as recommended by the Committee on Appropriations as printed on pages 899 and 900 of the House Journal be adopted.

REQUEST

REP. KUCHERA REQUESTED that the question of the final adoption of the amendments to HB 1013 be divided to have the sections voted on separately in the following manner:

Division A, all of the amendments to HB 1013, excluding lines 12 and 16.

Division B, amendments on lines 12 and 16.

SPEAKER KELLY GRANTED the request to divide the question, and explained that the House will vote according to the division as stated in the request.

MOTION

REP. SANSTEAD MOVED the previous question, which motion prevailed.

REQUEST

REP. SANSTEAD REQUESTED a recorded roll call vote, which request was granted.

The question then was on the adoption of Division A of the divided question.

ROLL CALL

The roll was called and there were 68 YEAS, 32 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Aubol; Black; Boyle; Brokaw; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gerl; Gullickson; Halmrast; Hamerlik; Haugland; Hill; Hjelle; Hoffner; Serenus; Hoffner, S. F.; Horgan; Jacobson; Keller; Koehn; Koski; Lang; Lardy; Larson, B.; Laughlin; Lautenschlager; Linderman; Lloyd; Martin, G.; Meier, A.; Meiers, R.; Mertens; Meyer, R.; Meyer, W.; Moore; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Opedahl; O'Shea; Pomeroy, E.; Pomeroy, G.; Rayl; Richard; Riehl; Riley; Sanstead; Schindler; Schneider; Schoenwald; Shockman; Sinner; Solberg; Stofferahn; Swiontek; Unhjem; Vig; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Wold; Madam Speaker

NAYS: Anderson, C.; Anderson, R.; Conmy; Gates; Goetz; Gorder; Gunsch; Hanson, O.; Hausauer; Hughes; Kingsbury; Kloubec; Knudson; Kretschmar; Kuchera; Larson, R.; Lipsiea; Martin, C.; Melby; Murphy; Olafson; Olsen, D.; Olson, A.; Peltier; Retzer; Rice; Rued; Shide; Thompson; Timm; Vander Vorst; Whalen

ABSENT AND NOT VOTING: Backes; Hanson, L.; Kent; Martinson; Peterson; Strinden

Division A was declared adopted.

The question then was on the adoption of Division B of the divided question.

ROLL CALL

The roll was called and there were 94 YEAS, 5 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; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Jacobson; Keller; Kingsbury; Kloubec; Knudson; Koehn; Koski; Kretschmar; Kuchera; Lang; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Meier, A.; Meiers, R.; Mertens; Meyer, R.; Moore; Murphy; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Olafson; Olsen, D.; Olson, A.; Opedahl; O'Shea; Peltier; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Richard; Riehl; Riley; 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; Madam Speaker

NAYS: Hanson, O.; Hughes; Melby; Rice; Whalen

ABSENT AND NOT VOTING: Backes; Hanson, L.; Kent; Martinson; Meyer, W.; Peterson; Strinden

Division B was declared adopted.

REPORTS OF PROCEDURAL COMMITTEE

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

HB 1022, HB 1264, HB 1336, HB 1338, HB 1379, HB 1383,
HB 1387, HB 1415, HB 1426, HB 1443, HB 1469, HB 1513,
HB 1533, HB 1534, HB 1551, HB 1555, HB 1575, HB 1584,
HB 1598, HB 1608, HB 1616, HB 1623, HB 1624, HB 1661,
HB 1666, HB 1724, HCR 3013

REP. G. MARTIN, Chairman

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

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

HB 1072, HB 1083, HB 1645

REP. G. MARTIN, Chairman

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

MOTION

REP. MUSHIK MOVED that HB 1063, HB 1342, HB 1369, HB 1415, HB 1493, HB 1555, HB 1575, HB 1607, HB 1623, HB 1718, HB 1724, and HCR 3025 be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1120: A BILL for an Act to provide a statement of legislative intent; to create and provide for distribution of a native American alcohol and drug abuse education program for use on Indian reservations; to provide an appropriation; and to provide an expiration date.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 5 YEAS, 95 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Black; Hoffner, Serenus; Hoffner, S. F.; Kloubec; Koehn

NAYS: Anderson, C.; Anderson, R.; Aubol; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gates; Gerl; Goetz; Gorder; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, O.; Haugland; Hausauer; Hill; Hjelle; Horgan; Hughes; Jacobson; Keller; Kingsbury; Knudson; 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; Pomeroy, E.; Pomeroy, G.; Rayl; 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, C.; Williams, W.; Wold; Madam Speaker

ABSENT AND NOT VOTING: Backes; Hanson, L.; Kent; Peterson; Strinden; Williams, A.

HB 1120 was declared lost.

HB 1650: A BILL for an Act to amend and reenact section 20.1-02-18.3 of the North Dakota Century Code, relating to the suspension of federal authority to acquire interests in land.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended on page 819 of the House Journal, the roll was called and there were 89 YEAS, 8 NAYS, 9 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Black; Boyle; Brokaw; DeMers; Dotzenrod; DuBord; Erdman; Gates; Goetz; Gorder; Gullickson; Hamerlik; Hanson, O.; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kingsbury; Kloubec; Knudson; Koehn; Koski; Lang; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lloyd; Martin, C.; Martin, G.; Martinson; 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.; Rayl; Retzer; Rice; 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.; Wold; Madam Speaker

NAYS: Conmy; Eagles; Halmrast; Kretschmar; Kuchera; Lipsiea; Meier, A.; Williams, W.

ABSENT AND NOT VOTING: Backes; Gerl; Gunsch; Hanson, L.; Kent; Peterson; Richard; Strinden; Thompson

HB 1650 passed and the title was agreed to.

HB 1654: A BILL for an Act to amend and reenact subsection 1 of section 15-59-01, sections 15-59-02.1, 15-59-04, 15-59-05.2, 15-59-06, 15-59-07, 25-01.2-01, 25-01.2-03, 25-01.2-04, 25-01.2-05, 25-01.2-06, 25-01.2-07, 25-01.2-08, 25-01.2-09, 25-01.2-11, 25-01.2-12, 25-01.2-16, and 25-01.2-18 of the North Dakota Century Code, relating to special education of exceptional children and to rights of developmentally disabled persons; and to repeal sections 25-01.2-02, 25-01.2-13, 25-01.2-14, and 25-01.2-17 of the North Dakota Century Code, relating to services and enforcement of 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 25 YEAS, 72 NAYS, 9 ABSENT AND NOT VOTING.

YEAS: Anderson, R.; Gates; Gorder; Gunsch; Hanson, O.; Hughes; Kingsbury; Kloubec; Kretschmar; Kuchera; Lipsiea; Melby; Murphy; Nalewaja; Olafson; Olson, A.; Opedahl; Peltier; Rice; Richard; Rued; Solberg; Timm; Vander Vorst; Whalen

NAYS: Anderson, C.; Aubol; Black; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gerl;

Gullickson; Halmrast; Hamerlik; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Jacobson; Keller; Knudson; Koehn; Koski; Lang; Lardy; Larson, B.; Laughlin; Lautenschlager; Linderman; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Mertens; Meyer, R.; Meyer, W.; Mushik; Nicholas; Nowatzki; O'Connell; Olsen, D.; O'Shea; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Riehl; Riley; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Stofferahn; Swiontek; Unhjem; Vig; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Wold; Madam Speaker

ABSENT AND NOT VOTING: Backes; Goetz; Hanson, L.; Kent; Larson, R.; Moore; Peterson; Strinden; Thompson

HB 1654 was declared lost.

HB 1665: A BILL for an Act to provide for the recall of city officials in cities which have not adopted a home rule charter.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended on page 858 of the House Journal, the roll was called and there were 47 YEAS, 51 NAYS, 8 ABSENT AND NOT VOTING.

YEAS: Aubol; Black; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Gerl; Gorder; Halmrast; Haugland; Hoffner, Serenus; Hoffner, S. F.; Horgan; Knudson; Koski; Lang; Lardy; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, G.; Meier, A.; Meiers, R.; Meyer, W.; Murphy; Mushik; Nalewaja; Pomeroy, G.; Richard; Rued; Sanstead; Schindler; Schneider; Schoenwald; Shockman; Solberg; Swiontek; Thompson; Vig; Watne; Wentz; Whalen; Williams, A.

NAYS: Anderson, C.; Anderson, R.; Eagles; Erdman; Gates; Goetz; Gullickson; Gunsch; Hamerlik; Hanson, O.; Hausauer; Hill; Hjelle; Jacobson; Keller; Kingsbury; Kloubec; Koehn; Kretschmar; Kuchera; Larson, B.; Larson, R.; Martin, C.; Martinson; Melby; Meyer, R.; Moore; Nicholas; Nowatzki; O'Connell; Olafson; Olsen, D.; Olson, A.; Opedahl; O'Shea; Peltier; Pomeroy, E.; Rayl; Retzer; Rice; Riehl; Riley; Shide; Sinner; Stofferahn; Timm; Vander Vorst; Williams, C.; Williams, W.; Wold; Madam Speaker

ABSENT AND NOT VOTING: Backes; Hanson, L.; Hughes; Kent; Mertens; Peterson; Strinden; Unhjem

HB 1665 was declared lost.

REQUEST

REP. HUGHES REQUESTED that the record show that he intended to vote nay on HB 1665.

MOTION

REP. MUSHIK MOVED that the House stand in recess until 3:00 p.m., which motion prevailed.

THE HOUSE RECONVENED pursuant to recess taken, with Speaker Kelly presiding.

SECOND READING OF HOUSE BILLS

HB 1671: A BILL for an Act to amend and reenact sections 16.1-07-10, 16.1-07-12, and 16.1-13-22 of the North Dakota Century Code, relating to the initialing and stamping of the ballots.

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, 87 NAYS, 18 ABSENT AND NOT VOTING.

YEAS: Hamerlik

NAYS: Anderson, C.; Aubol; Black; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gates; Goetz; Gorder; Gullickson; Gunsch; Halmrast; Hanson, O.; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Jacobson; Keller; Kingsbury; Kloubec; Knudson; Koehn; Koski; Kretschmar; Kuchera; Lang; Lardy; Larson, B.; Larson, R.; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, G.; Meier, A.; Meiers, R.; Melby; Mertens; Meyer, R.; Meyer, W.; Moore; Murphy; Mushik; Nalewaja; Nowatzki; O'Connell; Olafson; Olson, A.; Opedahl; O'Shea; Peltier; Pomeroy, E.; Pomeroy, G.; Rayl; Rice; Riehl; 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; Madam Speaker

ABSENT AND NOT VOTING: Anderson, R.; Backes; Boyle; Gerl; Hanson, L.; Horgan; Hughes; Kent; Laughlin; Martin, C.; Martinson; Nicholas; Olsen, D.; Peterson; Retzer; Richard; Riley; Strinden

HB 1671 was declared lost.

HB 1680: A BILL for an Act to amend and reenact section 48-02-02 of the North Dakota Century Code, relating to the requirement that a licensed architect be retained for certain public works.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended on page 858 of the House Journal, the roll was called and there were 92 YEAS, 0 NAYS, 14 ABSENT AND NOT VOTING.

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

HB 1680 passed and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3023: A concurrent resolution directing a Legislative Council study of the insanity defense.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3023 was declared adopted on a voice vote.

HCR 3042: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of providing for the manufacture by Roughrider Industries of equipment to be used in conducting games of chance.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3042 was declared adopted on a voice vote.

SECOND READING OF HOUSE BILLS

HB 1022: A BILL for an Act making an appropriation for defraying the expenses of the livestock sanitary board of the state of North Dakota.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended on page 901 of the House Journal, 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, O.; Haugland; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kingsbury; Kloube; Knudson; Koehn; Koski; Kretschmar; Kuchera; Lang; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, G.; Martinson; Meier, A.; Meiers, R.; Melby; Mertens; Meyer, R.; Meyer, W.; Moore; Murphy; Mushik; Nalewaja; Nowatzki; O'Connell; Olafson; Olson, A.; Opedahl; O'Shea; Peltier; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Rice; Richard; Riehl; Riley; 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; Madam Speaker

NAYS: None

ABSENT AND NOT VOTING: Backes; Hanson, L.; Hausauer; Kent; Martin, C.; Nicholas; Olsen, D.; Peterson; Strinden; Whalen

HB 1022 passed and the title was agreed to.

HB 1062: A BILL for an Act establishing a jail loan program; providing for administration of the program by the attorney

general; and appropriating moneys to the office of the attorney general for the program.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 16 YEAS, 81 NAYS, 9 ABSENT AND NOT VOTING.

YEAS: Black; Conmy; DeMers; Gerl; Gullickson; Hamerlik; Hanson, O.; Lang; Laughlin; Meier, A.; Meyer, W.; Mushik; Pomeroy, G.; Shockman; Vander Vorst; Wentz

NAYS: Anderson, C.; Anderson, R.; Aubol; Boyle; Brokaw; Dotzenrod; DuBord; Eagles; Erdman; Gates; Goetz; Gorder; Gunsch; Halmrast; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kingsbury; Kloubec; Knudson; Koehn; Koski; Kretschmar; Kuchera; Lardy; Larson, R.; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, G.; Martinson; Meiers, R.; Melby; Mertens; Meyer, R.; Moore; Murphy; Nalewaja; Nicholas; Nowatzki; O'Connell; Olafson; Olson, A.; Opedahl; O'Shea; Peltier; Pomeroy, E.; Rayl; Retzer; Rice; Richard; Riehl; Riley; Rued; Sanstead; Schindler; Schneider; Schoenwald; Shide; Sinner; Solberg; Stofferahn; Swiontek; Thompson; Timm; Unhjem; Vig; Watne; Williams, A.; Williams, C.; Williams, W.; Wold; Madam Speaker

ABSENT AND NOT VOTING: Backes; Hanson, L.; Kent; Larson, B.; Martin, C.; Olsen, D.; Peterson; Strinden; Whalen

HB 1062 was declared lost.

HB 1072: A BILL for an Act to create and enact chapters 57-43.2 and 57-43.3 of the North Dakota Century Code, relating to consolidation of provisions of the Special Fuels Tax Act, the special fuels tax levy, the Importers for Use Tax Act, and the aviation fuel tax; to repeal chapters 57-52, 57-53, 57-54.1, and 57-56 of the North Dakota Century Code, relating to the special fuels tax, the special fuels tax levy, the importers for use tax, and the aviation fuel tax; to provide penalties; and to declare an emergency.

Which has been read.

POINT OF PERSONAL PRIVILEGE

REP. MOORE: Madam Speaker: I rise to a point of personal privilege and request that my remarks be printed in the Journal.

The legislative intent of HB 1072 and HB 1073 is to adopt all of the provisions formerly found in chapters 57-50, 57-52, 57-53, 57-54, 57-54.1 and 57-56. Those six chapters have been combined into the three chapters created in HB 1072 and HB 1073 to cover all fuels taxes. The intent of HB 1072 and HB 1073 is to incorporate completely all of the provisions found in those six chapters which are being repealed. No substantive changes are intended by the rewrite of these chapters and any provisions of HB 1072 or HB 1073 which are in conflict with the old statutes governing fuels taxes are inadvertent and are the result of error or omission rather than an effort by the House to change any of the existing provisions of the motor fuel, special fuel and aviation fuel taxes.

ROLL CALL

The question being on the final passage of the bill as amended on pages 901-903 of the House Journal, the roll was called and there were 95 YEAS, 0 NAYS, 11 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Black; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gates; Gerl; Goetz; Gorder; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, O.; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. E.; Horgan; Hughes; Jacobson; Keller; Kingsbury; Kloubec; Knudson; Koehn; Koski; Kretschmar; Kuchera; Lang; Lardy; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martinson; Meier, A.; Meiers, R.; Melby; Mertens; Meyer, R.; Meyer, W.; Moore; Murphy; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Olafson; Olson, A.; Opedahl; O'Shea; Peltier; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Rice; Richard; Riehl; Riley; 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; Madam Speaker

NAYS: None

ABSENT AND NOT VOTING: Backes; Boyle; Hanson, L.; Kent; Larson, B.; Martin, C.; Martin, G.; Olsen, D.; Peterson; Strinden; Whalen

HB 1072 passed, the title was agreed to, and the emergency clause carried.

HB 1073: A BILL for an Act to create and enact chapter 57-43.1 of the North Dakota Century Code, relating to consolidation of provisions of the motor fuels tax law and the importers for use tax law; to amend and reenact subsection 1 of

section 57-51-15 of the North Dakota Century Code, relating to distribution of the oil and gas gross production tax; to repeal chapters 57-50, 57-54, and 57-54.1 of the North Dakota Century Code, relating to motor fuel tax refunds, motor vehicle fuel tax, and importers for use tax; to provide penalties; and declaring an emergency.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended on page 295 of the House Journal, the roll was called and there were 98 YEAS, 0 NAYS, 8 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, O.; Haugland; Hausauer; Hill; Hjelle; Hoffner; Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kingsbury; Kloubec; Knudson; Koehn; Koski; Kretschmar; Kuchera; Lang; Lardy; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, G.; Martinson; Meier, A.; Meiers, R.; Melby; Mertens; Meyer, R.; Meyer, W.; Moore; Murphy; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Olafson; 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; Timm; Unhjem; Vander Vorst; Vig; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Wold; Madam Speaker

NAYS: None

ABSENT AND NOT VOTING: Backes; Hanson, L.; Kent; Larson, B.; Martin, C.; Olsen, D.; Strinden; Whalen

HB 1073 passed, the title was agreed to, and the emergency clause carried.

HB 1083: A BILL for an Act to amend and reenact section 47-16-39.1 of the North Dakota Century Code, relating to the forfeiture of an oil and gas lease by an operator for failure to pay royalties to the mineral owner within a specified time.

Which has been read.

MOTION

REP. RICHARD MOVED the previous question, which motion prevailed.

ROLL CALL

The question being on the final passage of the bill as amended on page 903 of the House Journal, the roll was called and there were 39 YEAS, 61 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Brokaw; DeMers; DuBord; Erdman; Gerl; Gorder; Hanson, O.; Hill; Hoffner, Serenus; Hoffner, S. F.; Horgan; Knudson; Koski; Lardy; Linderman; Lloyd; Martin, C.; Meier, A.; Meiers, R.; Murphy; Nalewaja; O'Connell; O'Shea; Pomeroy, E.; Pomeroy, G.; Retzer; Richard; Schindler; Schoenwald; Shockman; Stofferahn; Thompson; Vig; Whalen; Williams, A.; Williams, W.; Madam Speaker

NAYS: Aubol; Black; Boyle; Conmy; Dotzenrod; Eagles; Gates; Goetz; Gullickson; Gunsch; Halmrast; Hamerlik; Haugland; Hausauer; Hjelle; Hughes; Jacobson; Keller; Kingsbury; Kloubec; Koehn; Kretschmar; Kuchera; Lang; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Lipsiea; Martin, G.; Martinson; Melby; Mertens; Meyer, R.; Meyer, W.; Moore; Mushik; Nicholas; Nowatzki; Olafson; Olson, A.; Opedahl; Peltier; Peterson; Rayl; Rice; Riehl; Riley; Rued; Sanstead; Schneider; Shide; Sinner; Swiontek; Timm; Unhjem; Vander Vorst; Watne; Wentz; Williams, C.; Wold

ABSENT AND NOT VOTING: Backes; Hanson, L.; Kent; Olsen, D.; Solberg; Strinden

HB 1083 was declared lost.

HB 1262: A BILL for an Act to amend and reenact section 11-10-02 of the North Dakota Century Code, relating to county officials.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 45 YEAS, 55 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Anderson, R.; Aubol; Boyle; Dotzenrod; DuBord; Eagles; Gates; Gerl; Gorder; Gunsch; Hamerlik; Hanson, O.; Haugland; Horgan; Kingsbury; Kloubec; Lang; Laughlin; Martin, G.; Meier, A.; Meiers, R.; Melby; Mertens; Murphy; Nalewaja; Olafson; Olson, A.; Opedahl; Peterson; Pomeroy, G.; Riley; Rued; Sanstead; Schindler; Schneider; Schoenwald; Swiontek; Thompson; Timm; Unhjem; Vig; Whalen; Williams, A.; Williams, C.; Wold

NAYS: Anderson, C.; Black; Brokaw; Conmy; DeMers; Erdman; Goetz; Gullickson; Halmrast; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Hughes; Jacobson; Keller; Knudson; Koehn; Koski; Kretschmar; Kuchera; Lardy; Lard; Larson, B.; Larson, R.; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martinson; Meyer, R.; Meyer, W.; Moore; Mushik; Nicholas; Nowatzki; O'Connell; O'Shea; Peltier; Pomeroy, E.; Rayl; Retzer; Rice; Richard; Riehl; Shide; Shockman; Sinner; Stofferahn; Vander Vorst; Watne; Wentz; Williams, W.; Madam Speaker

ABSENT AND NOT VOTING: Backes; Hanson, L.; Kent; Olsen, D.; Solberg; Strinden

HB 1262 was declared lost.

HB 1264: A BILL for an Act to amend and reenact subsection 6 of section 21-03-07 and section 21-03-15 of the North Dakota Century Code, relating to the vote required in school district bond issue elections and providing a tax on income of school district residents to pay the interest on and principal of school district bond issues; 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 pages 903 and 904 of the House Journal, the roll was called and there were 78 YEAS, 21 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Boyle; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Gates; Goetz; Gorder; Gullickson; Gunsch; Hamerlik; Hanson, O.; Haugland; Hausauer; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kingsbury; Kloube; Knudson; Koehn; Koski; Kretschmar; Lang; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martinson; Mertens; Meyer, R.; Meyer, W.; Moore; Murphy; Nalewaja; Nicholas; Nowatzki; Opedahl; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Rice; Richard; Riehl; Riley; Sanstead; Schneider; Schoenwald; Shockman; Sinner; Stofferahn; Swiontek; Timm; Unhjem; Vander Vorst; Vig; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Wold

NAYS: Black; Brokaw; Erdman; Gerl; Halmrast; Hill; Kuchera; Martin, G.; Meier, A.; Meiers, R.; Melby; Mushik; O'Connell; Olafson; Olson, A.; O'Shea; Schindler; Shide; Thompson; Whalen; Madam Speaker

ABSENT AND NOT VOTING: Backes; Hanson, L.; Kent;
Olsen, D.; Rued; Solberg; Strinden

HB 1264 passed and the title was agreed to.

HB 1336: A BILL for an Act to create and enact two new sections to chapter 39-21 of the North Dakota Century Code, relating to the requirements of materials on windows or windshields; to provide a penalty; 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 pages 904 and 905 of the House Journal, the roll was called and there were 68 YEAS, 27 NAYS, 11 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Aubol; Brokaw; DeMers; DuBord;
Erdman; Goetz; Gorder; Gullickson; Halmrast; Hamerlik;
Haugland; Hausauer; Hjelle; Hoffner; Serenus;
Hoffner, S. F.; Jacobson; Keller; Knudson; Koehn;
Koski; Kretschmar; Kuchera; Lang; Larson, B.;
Larson, R.; Laughlin; Lautenschlager; Linderman; Lloyd;
Martin, C.; Martinson; Meiers, R.; Melby; Mertens;
Meyer, R.; Meyer, W.; Mushik; Nalewaja; Nicholas;
Nowatzki; O'Connell; Olafson; Olson, A.; Opedahl;
Pomeroy, E.; Pomeroy, G.; Retzer; Rice; Richard; Riehl;
Sanstead; Schindler; Schneider; Schoenwald; Shide;
Shockman; Stofferahn; Swiontek; Timm; Unhjem;
Vander Vorst; Vig; Watne; Wentz; Williams, A.;
Williams, C.; Madam Speaker

NAYS: Anderson, R.; Black; Boyle; Conmy; Dotzenrod;
Eagles; Gates; Gerl; Gunsch; Hanson, O.; Horgan;
Hughes; Kingsbury; Kloubec; Lardy; Lipsiea; Martin, G.;
Meier, A.; Murphy; O'Shea; Peltier; Peterson; Riley;
Thompson; Whalen; Williams, W.; Wold

ABSENT AND NOT VOTING: Backes; Hanson, L.; Hill; Kent;
Moore; Olsen, D.; Rayl; Rued; Sinner; Solberg; Strinden

HB 1336 passed and the title was agreed to.

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

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 as amended on page 905 of the House Journal, the roll was called and there were 77 YEAS, 20 NAYS, 9 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Aubol; Black; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; Eagles; Erdman; Gates; Gerl; Gorder; Gullickson; Gunsch; Hamerlik; Hanson, O.; Hausauer; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Jacobson; Keller; Kloubec; Knudson; Koehn; Koski; Kretschmar; Kuchera; Lang; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Mertens; Meyer, W.; Moore; Murphy; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Olafson; O'Shea; Peltier; Peterson; Pomeroy, G.; Rice; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Swiontek; Thompson; Timm; Unhjem; Vander Vorst; Vig; Watne; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold; Madam Speaker

NAYS: Anderson, R.; DuBord; Halmrast; Haugland; Hill; Horgan; Hughes; Kingsbury; Lloyd; Melby; Meyer, R.; Olson, A.; Opedahl; Pomeroy, E.; Retzer; Richard; Riehl; Riley; Stofferahn; Wentz

ABSENT AND NOT VOTING: Backes; Goetz; Hanson, L.; Kent; Olsen, D.; Rayl; Rued; Solberg; Strinden

HB 1338 passed and the title was agreed to.

MOTION

REP. KOSKI MOVED that HB 1255 be returned to the House floor from the Committee on Political Subdivisions, which motion prevailed.

REQUEST

REP. KOSKI REQUESTED the unanimous consent of the House to withdraw HB 1255. There being no objection, it was so ordered by the Speaker.

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 be on the Ninth order of business, and at the conclusion of the Ninth order, the House be on the Thirteenth order of business,

and at the conclusion of the Thirteenth order, the House stand adjourned until 1:00 p.m., Monday, February 14, 1983, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MADAM SPEAKER: Your Committee on Appropriations to which was referred HB 1018 has had the same under consideration and recommends by a vote of 18 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, line 13, delete the numerals "1,186,030" and insert in lieu thereof the numerals "1,129,429"

On page 1, line 17, delete the numerals "1,437,395" and insert in lieu thereof the numerals "1,380,794"

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The salaries and wages line item for the Department of Banking and Financial Institutions is reduced by \$56,601 from the general fund. Of the total, \$39,015 is a reduction that will allow funds for four percent salary increases the first year of the biennium and no salary increases in the second year. A contingent salary increase of two percent in the second year amounting to \$10,793 is to be provided in a separate appropriation bill. Funds are not provided for additional state contributions to retirement. Also the salaries and wages line item was reduced by \$17,586 to reflect adjustments to the payroll since the budget was submitted.

REP. MERTENS, Chairman

HB 1018 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Appropriations to which was referred HB 1034 has had the same under consideration and recommends by a vote of 15 YEAS, 3 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, line 15, delete the numerals "469,939" and insert in lieu thereof the numerals "454,866"

On page 1, line 16, delete the numerals "844,710" and insert in lieu thereof the numerals "1,487,949"

On page 1, line 20, delete the numerals "1,694,257" and insert in lieu thereof the numerals "2,322,423"

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The salaries and wages line item of the Public Employees Retirement System is reduced by \$15,073 from other funds. The reduction will allow funds for four percent salary increases the first year of the biennium and no salary increases in the second year. A contingent salary increase of two percent in the second year amounting to \$4,178 is to be provided in a separate appropriation bill. Funds are not provided for additional state contributions to retirement.

Operating expenses of the Public Employees Retirement System are increased by \$643,239. This increase included \$583,239 for additional investment counselor fees and \$60,000 for additional master trustee fees.

REP. MERTENS, Chairman

HB 1034 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Appropriations to which was rereferred Engrossed HB 1057 has had the same under consideration and recommends by a vote of 16 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION:

On page 1 of the engrossed bill, line 11, delete "to provide an appropriation;"

On page 16 of the engrossed bill, delete lines 29 through 34

On page 17 of the engrossed bill, delete lines 1 and 2

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment was to indicate that the State's Attorneys reimbursement would come from the Director of Institutions appropriation.

REP. MERTENS, Chairman

Engrossed HB 1057 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 rereferred HB 1143 has had the same under consideration and recommends by a vote of 13 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 2, delete the word "weapons" and insert in lieu thereof the word "pistols"

On page 1, line 9, remove the overstrike over the word "~~Pistols~~" and delete the word "Weapons"

On page 1, line 13, remove the overstrike over the word "~~pistol~~" and delete the word "weapon"

And renumber the lines accordingly

REP. E. POMEROY, Chairman

HB 1143 was placed on the Sixth 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 1246 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 6, delete the words "responsible for the" and insert in lieu thereof the words "duly licensed to", delete the word "of" and insert in lieu thereof the word "for", and delete the words "and has exercised that"

On page 1, line 7, delete the words "care for a continuous period of at least ninety days"

On page 1, line 10, delete the words "continued placement" and insert in lieu thereof the words "foster parent", and delete the word "other" and insert in lieu thereof the word "the"

On page 1, delete lines 16 through 28

On page 2, line 6, delete the words "continued placement" and insert in lieu thereof the words "licensed foster parent", and delete the word "other" and insert in lieu thereof the word "the"

On page 2, line 7, delete the words "who has been placed in a foster"

On page 2, line 8, delete the word "home"

On page 2, line 21, delete the words "Failure to attend this informal meeting"

On page 2, delete lines 22 through 25

On page 2, line 30, after the word "meeting" and before the period insert the words "unless both parties agree to an extension"

On page 3, line 6, delete the word "except"

On page 3, delete line 7

On page 3, line 8, delete the words "as provided in chapter 28-32"

On page 3, after line 8, insert the following two new subsections:

"5. The department of human services shall adopt rules to carry out the purpose and intent of this section and these rules shall be given to the foster parent upon licensing.

6. Denial or revocation of a foster care license may be appealed as provided in chapter 28-32."

And renumber the lines, sections, and pages accordingly
REP. R. MEIERS, Chairman

HB 1246 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 1250 has had the same under consideration and recommends by a vote of 12 YEAS, 3 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 3, delete the words "; and to amend and reenact section"

On page 1, delete line 4

On page 1, line 5, delete the words "canvassing of mailed absent voters' ballots received late"

On page 1, delete lines 16 through 28

On page 2, delete lines 1 through 13

And renumber the lines accordingly
REP. E. POMEROY, Chairman

HB 1250 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Agriculture to which was referred HB 1354 has had the same under consideration and recommends by a vote of 15 YEAS, 0 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, line 24, delete the numerals "1979" and insert in lieu thereof the numerals "1978"

On page 1, line 27, delete the words "the enactment"

On page 1, line 28, delete the words "of this section" and insert in lieu thereof the numerals "1981"

On page 2, line 12, delete the words "its farming or ranching operations" and insert in lieu thereof the words "the land"

And renumber the lines and pages accordingly

REP. W. MEYER, Chairman

HB 1354 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Political Subdivisions to which was referred HB 1366 has had the same under consideration and recommends by a vote of 13 YEAS, 2 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 12, after the word "their" insert the words "disposition or"

And renumber the lines accordingly

REP. DOTZENROD, Chairman

HB 1366 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 1389 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 26, delete the second word "the" and insert in lieu thereof the word "any", delete the word "which", and after the third word "the" insert the words "multicounty area"

On page 1, line 27, delete the words "candidate resides"

And renumber the lines accordingly

REP. E. POMEROY, Chairman

HB 1389 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Political Subdivisions to which was referred HB 1447 has had the same under consideration and recommends by a vote of 9 YEAS, 4 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, line 1, after the word "to" insert the words "redefine "developmentally disabled person" and to"

On page 1, delete lines 6 through 25 and insert in lieu thereof the following:

- "1. "Developmentally disabled person" means a person with a severe, chronic disability which:
 - a. Is attributable to a mental or physical impairment or combination of mental and physical impairments;
 - b. Is manifested before the person attains age twenty-two;
 - c. Is likely to continue indefinitely;
 - d. Results in substantial functional limitations in three or more of the following areas of major life activity:
 - (1) Self-care;
 - (2) Receptive and expressive language;
 - (3) Learning;
 - (4) Mobility;
 - (5) Self-direction;
 - (6) Capacity for independent living; and
 - (7) Economic sufficiency; and
 - e. Reflects the person's needs for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are lifelong or extended duration and are individually planned and coordinated.

2. "Group home" means any community residential facility, foster home, family care facility, or other similar home for developmentally disabled persons.

SECTION 2. Zoning group homes for developmentally disabled authorized in residential areas. Notwithstanding the provisions in chapters 11-33, 40-47, or 58-03, or any other provisions authorizing any political subdivision to establish or enforce zoning regulations, a licensed group home serving six or fewer developmentally disabled persons shall be considered a permitted use in a single family or equivalent least density residential zone, and a licensed group home serving eight or fewer developmentally disabled persons shall be considered a permitted use in any area zoned for residential use of greater density than single family use. A group home may not be located within six hundred feet of an existing licensed group home."

And renumber the lines, sections, and pages accordingly
 REP. DOTZENROD, Chairman

HB 1447 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Agriculture to which was rereferred HB 1473 has had the same under consideration and recommends by a vote of 16 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 16, after the period insert the following sentence: "The five hundred foot exclusion area criteria for a farmstead, rural residence, or place of business may be waived by the owner of the farmstead, rural residence, or place of business. The waiver must be in writing."

And renumber the lines accordingly
 REP. W. MEYER, Chairman

HB 1473 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 1479 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 1, line 12, overstrike the words "penalties shall attach as follows:"

On page 1, line 13, overstrike the numeral "1." and delete the words "Five percent" and overstrike the words "of the premium but not less than"

On page 1, line 14, overstrike the words "eight dollars for the first thirty days of default" and overstrike the word "and"

On page 1, line 15, delete the word "one" and overstrike the words "percent of the premium for each thirty days of"

On page 1, line 16, overstrike the word "default" and overstrike the words "but not less than two dollars."

On page 1, delete lines 17 through 28

On page 2, delete lines 1 through 3

On page 2, line 7, after the overstruck period insert the words "the employer is subject to a penalty of twenty-five dollars plus two percent of the amount in default, and plus two percent simple interest, on the original amount in default, per month or fraction of a month."

And renumber the lines and pages accordingly

REP. S. F. HOFFNER, Chairman

HB 1479 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 rereferred HB 1481 has had the same under consideration and recommends by a vote of 9 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

On page 4, line 9, after the word "route" insert the word "as" and delete the underscored comma

On page 4, delete line 10

On page 4, line 11, delete the words "the application," and overstrike the word "is"

On page 5, line 25, delete the words "and in any county where an alternate location"

On page 5, line 26, delete the word "is" and insert in lieu thereof the word "as"

On page 5, line 28, delete the words "and in any county"

- On page 5, line 29, delete the words "where an alternate location is" and insert in lieu thereof the word "as"
- On page 5, line 33, delete the words "and in any county where an"
- On page 5, line 34, delete the words "alternate location is" and insert in lieu thereof the word "as"
- On page 6, line 5, delete the words "and in any"
- On page 6, line 6, delete the words "county where an alternate location is" and insert in lieu thereof the word "as"
- On page 6, line 7, delete the words "in the form provided herein"
- On page 6, line 21, delete the word "specific" and insert in lieu thereof the word "general"
- On page 6, line 22, delete the words "including any alternate locations listed in"
- On page 6, line 23, delete the words "the application"
- On page 7, line 2, delete the words "shall be given as"
- On page 7, delete lines 3 through 16 and insert in lieu thereof the words "must be published in the official newspaper of each county in which any portion of the site or route is proposed to be located, as contained in the application. The notice must be placed in the legal notices of the official newspaper and must be upper case type. The notice must be published twice. The first publication must be at least sixty days prior to the hearing. The second publication must be published five to fifteen days prior to the hearing. Proof of notice by publication must be filed with the commission prior to any hearing held under this section."
- On page 7, after line 19, insert the following subdivision:
- "a. The time and place of the hearing."
- On page 7, line 20, delete the letter "a" and insert in lieu thereof the letter "b"
- On page 7, line 23, delete the letter "b" and insert in lieu thereof the letter "c", and delete the word "specific" and insert in lieu thereof the word "general"

On page 7, line 24, delete the words "including any alternate locations listed" and insert in lieu thereof the words "as contained"

On page 7, line 26, delete the letter "c" and insert in lieu thereof the letter "d"

On page 7, after line 28, insert the following new subdivisions:

"e. The name and address of the applicant or person from whom a copy of the application may be obtained.

f. A statement explaining the purpose of the hearing. If the hearing is a consolidated hearing, then a statement advising the public that five or more affected landowners in such county may file a petition with the commission within ten days of the publication of the notice of the hearing requesting an individual hearing in their county."

On page 7, line 31, delete the words "and in any county where an"

On page 7, line 32, delete the words "alternate location is" and insert in lieu thereof the word "as", and delete the second words "in the"

On page 7, line 33, delete the words "form provided herein"

On page 8, line 5, delete the word "herein" and insert in lieu thereof the words "under this section"

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

HB 1481 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 1531 has had the same under consideration and recommends by a vote of 10 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, line 2, after the word "residential" insert the words "and small business"

On page 2, line 22, after the word "corporation" insert the words "and is limited to residents of North Dakota"

On page 3, after line 2, insert the following new subsection:

"15. "Small business" means a business which does less than three million dollars gross annual sales in the state of North Dakota."

On page 3, line 6, after the word "age" insert the words "or small business owner or manager"

On page 3, line 19, after the word "shall" insert the words "have the power to"

On page 3, line 20, after the word "residential" insert the words "and small business"

On page 3, line 22, after the word "residential" insert the words "and small business"

On page 3, line 25, after the word "residential" insert the words "and small business"

On page 3, line 31, after the word "residential" insert the words "and small business"

On page 4, line 4, after the word "residential" insert the words "and small business"

On page 4, line 5, after the word "residential" insert the words "and small business"

On page 4, line 6, after the word "residential" insert the words "and small business"

On page 4, line 15, after the word "residential" insert the words "and small business"

On page 10, line 24, after the word "duties" insert the words "at the rate accorded state employees", and delete the words "The board shall establish standard allowances for mileage,"

On page 10, delete all of lines 25 through 30

On page 12, line 24, delete the first word "The" and insert in lieu thereof the word "An", and after the word "director" insert the words "may be", and after the word "board" insert the word "and"

On page 14, line 17, delete the word "twenty-one" and insert in lieu thereof the word "thirty-five"

On page 14, line 34, after the word "shall" insert the words "not be required more than four times a year to"

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

HB 1531 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Political Subdivisions to which was referred HB 1543 has had the same under consideration and recommends by a vote of 7 YEAS, 6 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, line 6, delete the words "The owner of a mobile home may construct a storm shelter"

On page 1, delete lines 7, 8, and 9, and insert in lieu thereof the following paragraph:

"Upon approval of the mobile home park owner, the owner of a mobile home located in the park may construct a storm shelter in the mobile home park. The approval shall be in writing and shall set forth the type, location, and use of the shelter, and shall also include an agreement between the park owner and the mobile home owner concerning ownership of the shelter."

On page 1, line 13, delete the words "and return the land" and insert in lieu thereof the words "provided the land is returned"

On page 1, line 19, after the word "cost" insert a comma ",", and delete the words "if he does not exercise one of the other above"

On page 1, delete line 20 and insert in lieu thereof the following paragraphs:

"unless the shelter is removed or the shelter is transferred to a purchaser of the mobile home as provided in this section. If the park owner is unwilling to assume ownership of the shelter, he may require the mobile home owner to remove the shelter and return the land to its original condition.

The park owner shall not be liable for any injury or damages which may occur to the mobile home owner as a result of the installation or use of the mobile home storm shelter."

And renumber the lines and pages accordingly

REP. DOTZENROD, Chairman

HB 1543 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 1566 has had the same under consideration and recommends by a vote of 14 YEAS, 0 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, line 4, delete the words "subsection 23 of section 11-17-04,"

On page 1, line 6, delete the numeral "35-21-01,"

On page 2, delete lines 11 through 16

On page 3, line 14, remove the overstrike over the word "~~meehanie's~~" and delete the word "construction"

On page 3, line 15, after the word "lien" insert the words ", under former chapter 35-27"

On page 3, line 21, delete the word "construction" and overstrike the words "lien or"

On page 11, line 27, after the word "price" insert the word "less"

On page 13, line 19, after the word "after" insert the word "the"

On page 13, line 20, after the first word "recording" insert the word "of"

On page 13, line 20, delete the word "that" and insert in lieu thereof the word "the"

On page 13, line 20, delete the word "if" and insert in lieu thereof the word "of"

On page 13, line 21, after the word "lien" insert the words "after the recording of such if that amendment or continuation"

On page 13, line 34, delete the word "pendence" and insert in lieu thereof the word "pendency"

On page 23, line 16, delete the word "construction" and insert in lieu thereof the word "repairman's"

On page 24, delete lines 19 through 27

And renumber the lines, sections, and pages accordingly
REP. E. POMEROY, Chairman

HB 1566 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Political Subdivisions to which was referred HB 1579 has had the same under consideration and recommends by a vote of 8 YEAS, 1 NAY, 7 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, remove the overstrike on lines 15 through 20

On page 1, line 21, delete the word "members" and insert in lieu thereof the words "land surveyor member"

On page 1, line 22, delete the word "respectively", and delete the words "North Dakota society of professional"

On page 1, line 23, delete the words "engineers or"

On page 1, line 24, delete the word "lists" and insert in lieu thereof the word "list", and delete the words "times the number"

On page 1, line 25, delete the word "of", and delete the words "as there are vacancies" and insert in lieu thereof the words "for the vacancy"

On page 2, line 24, remove the overstrike over the word "who"

On page 2, line 25, delete the word "been" and insert in lieu thereof the word "had", and remove the overstrike over the words "eharge of", and delete the word "for"

On page 2, line 26, after the word "years" insert the words "and the professional land surveyor board member must be a registered land surveyor, who is a citizen and resident of this state who has been registered as a professional land surveyor in this state a minimum of eight years and has been responsible for important land surveying work for at least five years"

On page 2, delete lines 28 through 32

And renumber the lines and pages accordingly
REP. DOTZENROD, Chairman

HB 1579 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Political Subdivisions to which was referred HB 1649 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, line 14, after the word "county" insert the words "within the limits of funds budgeted for such purpose"

And renumber the lines accordingly.

REP. DOTZENROD, Chairman

HB 1649 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 1653 has had the same under consideration and recommends by a vote of 10 YEAS, 5 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 1, after the word "sections" insert the numerals "53-04-01,"

On page 1, line 2, after the word "to" insert the words "definitions of amusement games or devices,"

On page 1, after line 7, insert the following:

"SECTION 1. AMENDMENT. Section 53-04-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

53-04-01. Definitions. In this chapter, unless context or subject matter otherwise requires:

1. "Amusement games or devices" shall include such coin-operated games and devices as electric ray guns, music boxes, picture boxes, bumper-ball or pinball, and other similar coin-operated miniature games or devices, whether or not they show a score, ~~where a charge for playing or operating is collected~~ but shall not apply to any machine which may constitute a lottery under the laws of this state.
2. "Person" shall include any partnership or corporation."

On page 1, line 27, delete the word "fifty" and insert in lieu thereof the words "one hundred"

On page 2, line 1, delete the word "fifty" and insert in lieu thereof the words "one hundred"

And renumber the lines, sections, and pages accordingly
REP. E. POMEROY, Chairman

HB 1653 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 1662 has had the same under consideration and recommends by a vote of 12 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

On page 1, line 6, delete the words "; and to declare an emergency"

On page 3, line 5, overstrike the words "The provisions"

On page 3, line 6, overstrike the words "of this section shall be retroactive to"

On page 3, line 7, delete the words "December 1, 1982" and overstrike the period

On page 3, delete lines 31 through 33

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

HB 1662 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 1686 has had the same under consideration and recommends by a vote of 13 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 17, after the word "soil" insert the words "and subjected to reclamation requirements during the time it serves as a deposit and before coal is reserved therefrom"

And renumber the lines accordingly
REP. BROKAW, Chairman

HB 1686 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 1691 has had the same under consideration and recommends by a vote of 14 YEAS, 0 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, line 1, delete the words "subsection 1 of"

On page 1, line 6, delete the words "Subsection 1 of section" and insert in lieu thereof the word "Section"

On page 1, delete lines 9 through 27 and insert in lieu thereof the following:

"16.1-07-08. Delivering ballots - Envelope accompanying
- Statement on envelope - Inability of elector to sign name.

1. Upon receipt of an application for an official ballot properly filled out and duly signed; or as soon thereafter as the official ballot for the precinct in which the applicant resides has been prepared; the county auditor; auditor of the city; or clerk of the school district; as the case may be; shall send to such absent voter by mail; postage prepaid; one official ballot; or personally deliver said ballot to the applicant or his agent; which agent may not, at that time; be a candidate for any office to be voted upon by the absent voter; provided; that the agent signs his name before receiving the ballot and deposits with the auditor or clerk; as the case may be; authorization in writing from the applicant to receive such ballot or according to requirements hereinafter set forth for signature by mark: When a properly completed and signed application for an official ballot has been received by the county auditor, city auditor, or clerk of the school district, and as soon as the official ballot is prepared, one of those persons shall:

a. Send one official ballot to the absent voter by mail; or

b. Give the ballot to the applicant or the applicant's agent at the office of the county auditor, city auditor, or clerk of the school district.

2. An agent who receives a ballot for the applicant:

- a. Shall sign the agent's name before the ballot is received; and
 - b. Shall deposit with the auditor or clerk written authorization, or authorization as provided in subsection 5, from the applicant to receive the ballot.
3. For the purposes of this section, a candidate for any office to be voted upon by the absent voter may not be the agent for the absent voter.
 4. No person may receive compensation, including money, goods, or services, for acting as an agent for an elector, nor may a person act as an agent for more than four electors in any one election.
 - 2- 5. If there is more than one ballot to be voted by an elector of such precinct, one of each kind shall be included and an envelope shall be enclosed with such ballot or ballots. Such envelope shall bear upon the front thereof the name, official title, and post-office address of the officer supplying the voter with the ballot, and upon the other side a printed statement in substantially the following form:

State of -----) ss.
County of -----)

I, -----, under penalty of possible criminal prosecution for making a false statement, do solemnly swear that I am a resident of the township of -----, or of the ----- precinct of the ----- ward in the city of -----, residing at ----- in said county, county of ----- and state of North Dakota, and entitled to vote in such precinct at the next election; that I expect to be absent from the said county of my residence on the day of holding such election or that by reason of physical disability I am unable to attend at the polling place for such election, and that I will have no opportunity to vote in person on that day.

If such absent voter is unable to sign his name, he shall make his mark (X) in the presence of a disinterested person. Such

disinterested person shall print the name of the person marking his X below the X, and shall sign his own name following the printed name with the notation "witness to his mark".

And renumber the lines, sections, and pages accordingly
REP. E. POMEROY, Chairman

HB 1691 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Agriculture to which was referred HCR 3031 has had the same under consideration and recommends by a vote of 13 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 8, after the comma insert the words
"encouraging federal export subsidies on agricultural commodities,"

And renumber the lines accordingly
REP. W. MEYER, Chairman

HCR 3031 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 HCR 3032 has had the same under consideration and recommends by a vote of 10 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 1, after the words "A concurrent resolution" delete the remainder of the resolution and insert in lieu thereof the following: "urging the Congress of the United States to enact legislation to provide sufficient funding to states and their political subdivisions for facilities and services for handicapped persons, to enact legislation to modify 42 U.S.C. 1983 et seq., and to enact legislation providing rights for handicapped and disabled persons which would provide for individualized consideration of the specific needs of such persons."

WHEREAS, the Legislative Assembly recognizes the existence of a state obligation to provide education and rehabilitative services to disabled and handicapped citizens; and

WHEREAS, the Legislative Assembly further recognizes that education and rehabilitative services

to disabled and handicapped citizens must be accomplished on an individual basis, and that great deference should be given to the professional judgment of qualified professionals as to which types of treatment and education should be afforded each individual; and

WHEREAS, Congress has considered the needs of handicapped and disabled persons and has enacted Section 504 of the Rehabilitation Act of 1973 and P.L. 94-142, the Education for all Handicapped Children Act of 1975; and

WHEREAS, Congress has never provided sufficient funding to the states to bring their practices and facilities into compliance with Section 504 of the Rehabilitation Act of 1973, and P.L. 94-142; and

WHEREAS, state and local governments have been made subject to civil suits and often the payment of plaintiffs' attorneys fees by persons alleging deprivation of their constitutional or statutory rights; and

WHEREAS, the state of North Dakota and its political subdivisions have been confronted with significant expenditures mandated by federal courts following decisions based in part upon these federal laws; and

WHEREAS, federal statutes and federal court decisions are mandating requirements for states in terms of numerical ratios and macroscopic statistics and are setting timetables for implementation;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Forty-eighth Legislative Assembly urges the Congress to provide sufficient funding to the states to enable such states and their political subdivisions to fairly undertake the fiscal responsibility for providing facilities and services that are reflective of the rights granted under these federal Acts; and

BE IT FURTHER RESOLVED, that the Forty-eighth Legislative Assembly urges the Congress to amend 42 U.S.C. 1983 et seq. to limit the payment of attorneys fees to reasonable and prevailing rates in the states, and to remove the unreasonable provisions

of the law including the doubling of attorneys fees at the courts' discretion; and

BE IT FURTHER RESOLVED, that the Forty-eighth Legislative Assembly urges the Congress of the United States to enact legislation providing rights for handicapped and disabled persons which would provide for individualized consideration of the specific needs of such persons rather than legislation based upon general assumptions of educational and rehabilitative needs of handicapped and disabled persons; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the North Dakota Congressional Delegation."

And renumber the lines and pages accordingly

REP. E. POMEROY, Chairman

HCR 3032 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Transportation to which was referred SB 2170 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 4, line 11, remove the overstrike over the words "~~twenty-five~~"

On page 4, line 12, delete the words "one hundred"

And renumber the lines and pages accordingly

REP. HJELLE, Chairman

SB 2170 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Appropriations to which was rereferred HB 1096 has had the same under consideration and recommends by a vote of 16 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING that the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION.

REP. MERTENS, Chairman

HB 1096 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Appropriations to which was rereferred Engrossed HB 1173 has had the same under consideration

and recommends by a vote of 19 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. MERTENS, Chairman

Engrossed HB 1173 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Finance and Taxation to which was referred HB 1279 has had the same under consideration and recommends by a vote of 17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION.

REP. SINNER, Chairman

HB 1279 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 1306 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 NOT PASS.

REP. DOTZENROD, Chairman

HB 1306 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 1564 has had the same under consideration and recommends by a vote of 10 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING that the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION.

REP. DOTZENROD, Chairman

HB 1564 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 1601 has had the same under consideration and recommends by a vote of 11 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. R. MEIERS, Chairman

HB 1601 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 1717 has had the same under consideration and recommends by a vote of 10 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. BROKAW, Chairman

HB 1717 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 3012 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

HCR 3012 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 HCR 3018 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 PASS.

REP. DOTZENROD, Chairman

HCR 3018 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 3021 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

HCR 3021 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 3022 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

HCR 3022 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 HCR 3030 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION.

REP. BROKAW, Chairman

HCR 3030 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 3033 has had the same under consideration and recommends by a vote of 9 YEAS, 7 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. W. MEYER, Chairman

HCR 3033 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 3034 has had the same under consideration and recommends by a

vote of 16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. W. MEYER, Chairman

HCR 3034 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 3037 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

HCR 3037 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 SB 2132 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. HJELLE, Chairman

SB 2132 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 2143 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. HJELLE, Chairman

SB 2143 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

FIRST READING OF A HOUSE CONCURRENT RESOLUTION

Reps. Vig, Laughlin, Gorder introduced:

HCR 3054: A concurrent resolution directing the Legislative Council to study methods to monitor or verify amounts of money exchanged in the conduct of games of chance in the state.

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

FIRST READING OF SENATE BILLS

SB 2187: A BILL for an Act to amend and reenact sections 25-01.2-04, 25-01.2-05, 25-01.2-06, 25-01.2-07, 25-01.2-11, 25-01.2-12, 25-01.2-14, and 25-01.2-18 of the North Dakota Century Code, relating to the rights of developmentally disabled persons residing in institutions or facilities, individualized education plans, and rulemaking authority.

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

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.

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

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, and 38-11.1-08 of the North Dakota Century Code, relating to oil and gas production damage compensation.

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

SB 2322: A BILL for an Act to amend and reenact subsection 23 of section 20.1-01-02 and sections 20.1-01-17 and 20.1-01-19 of the North Dakota Century Code, relating to the definition of established road or trail and hunting on private land.

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

SB 2358: A BILL for an Act to amend and reenact subsection 1 of section 39-12-05.1 of the North Dakota Century Code, relating to motor vehicle weight limitations.

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

FIRST READING OF A SENATE CONCURRENT RESOLUTION

SCR 4030: A concurrent resolution urging the President and Congress of the United States to stop the sales and supplies of American equipment and technology to the Soviet Union and other Communist nations.

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

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

CHARLES FLEMING, Chief Clerk