

JOURNAL OF THE HOUSE

Forty-eighth Legislative Assembly

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FORTY-NINTH DAY

Bismarck, March 15, 1983

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

The prayer was offered by Rev. Douglas Roberts, United Church of Christ, Bismarck.

ROLL CALL

The roll was called and all members were present, except Representatives Aubol, Kuchera, Lipsiea, Retzer, and C. Williams.

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 Forty-eighth day and finds the same to be correct.

REP. LAUGHLIN, Chairman

REP. HAMERLIK 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 1054, HB 1056, HB 1317, HB 1318, HB 1467, HB 1608,
HB 1711, HCR 3053, HCR 3067

CHARLES FLEMING, Chief Clerk

MESSAGES FROM THE SENATE

SENATE CHAMBER

MADAM SPEAKER: I have the honor to inform you that the Senate has refused to concur in the House amendments to SB 2066, SB 2219, SB 2255, and SB 2446, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2066: Sens. Holmberg, Olson, Waldera
SB 2219: Sens. Olson, Holmberg, Waldera
SB 2255: Sens. Reiten, Lodoen, Matchie
SB 2446: Sens. Christensen, Olson, Lashkowitz

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

MADAM SPEAKER: I have the honor to inform you that the Senate has refused to concur in the House amendments to SB 2491 and SCR 4025, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2491: Sens. Olson, Lodoen, Matchie

SCR 4025: Sens. Wright, Christensen, J. Meyer

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 2216, SB 2234, SB 2464, SB 2492

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 1208: Sens. Stenehjem, Olson, Maixner

Very respectfully,
LEO LEIDHOLM, Secretary

MESSAGES TO THE SENATE

HOUSE CHAMBER

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

SB 2108, SB 2122, SB 2267, SB 2362, SB 2422, SCR 4030

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 2177, SB 2296, SB 2299, SB 2302, SB 2335, SB 2347,
SCR 4007, SCR 4020, SCR 4021, SCR 4023, SCR 4028, SCR 4034,
SCR 4035, SCR 4036, SCR 4037, SCR 4039, SCR 4042, SCR 4048,
SCR 4050

Very respectfully,
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to transmit herewith the following which the House has passed and your favorable consideration is requested on:

HCR 3087

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 2487, SCR 4038

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 1054, HB 1056, HB 1317, HB 1318, HB 1467, HB 1608,
HB 1711, HCR 3053, HCR 3067

Very respectfully,
CHARLES FLEMING, Chief Clerk

SIXTH ORDER OF BUSINESS

REP. SANSTEAD MOVED that the amendments to HCR 3011 as recommended by the Joint Committee on Constitutional Revision as printed on page 1851 of the House Journal be adopted, which motion prevailed.

REP. SANSTEAD MOVED that the amendments to HCR 3026 as recommended by the Joint Committee on Constitutional Revision as printed on page 1852 of the House Journal be adopted, which motion prevailed.

REP. SANSTEAD MOVED that the amendments to HCR 3029 as recommended by the Joint Committee on Constitutional Revision as printed on page 1852 of the House Journal be adopted, which motion prevailed.

REP. E. POMEROY MOVED that the amendments to Engrossed SB 2084 as recommended by the Committee on Judiciary as printed on page 1853 of the House Journal be adopted, which motion prevailed.

REP. R. MEIERS MOVED that the amendments to Engrossed SB 2142 as recommended by the Committee on Social Services and Veterans Affairs as printed on page 1853 of the House Journal be adopted, which motion prevailed.

REP. HJELLE MOVED that the amendments to SB 2145 as recommended by the Committee on Transportation as printed on page 1853 of the House Journal be adopted, which motion prevailed.

REP. S. F. HOFFNER MOVED that the amendments to SB 2182 as recommended by the minority of your Committee on Industry, Business, and Labor as printed on pages 1854-1857 of the House Journal be adopted, which motion lost.

REP. R. MEIERS MOVED that the amendments to Engrossed SB 2189 as recommended by the Committee on Social Services and Veterans Affairs as printed on page 1858 of the House Journal be adopted, which motion prevailed.

REP. HJELLE MOVED that the amendments to Engrossed SB 2196 as recommended by the Committee on Transportation as printed on page 1858 of the House Journal be adopted, which motion prevailed.

REP. HJELLE MOVED that the amendments to Engrossed SB 2294 as recommended by the Committee on Transportation as printed on page 1859 of the House Journal be adopted, which motion prevailed.

REP. W. MEYER MOVED that the amendments to Reengrossed SB 2321 as recommended by the Committee on Agriculture as printed on pages 1860 and 1861 of the House Journal be adopted, which motion prevailed.

REP. DOTZENROD MOVED that the amendments to SB 2404 as recommended by the Committee on Political Subdivisions as printed on page 1862 of the House Journal be adopted, which motion prevailed.

REP. JACOBSON MOVED that the amendments to Engrossed SB 2448 as recommended by the Committee on Education as printed on pages 1862 and 1863 of the House Journal be adopted, which motion prevailed.

REP. DOTZENROD MOVED that the amendments to SCR 4006 as recommended by the Committee on Political Subdivisions as printed on pages 1863 and 1864 of the House Journal be adopted, which motion prevailed.

REPORT 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 enrolled:

HB 1117, HB 1327, HB 1372, HB 1397, HB 1399, HB 1520,
HB 1588, HB 1707

REP. G. MARTIN, Chairman

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

REPORT OF SELECT COMMITTEE

REP. R. MEIERS MOVED that the conference committee report on HB 1661 as printed on pages 1837 and 1838 of the House Journal be adopted, which motion prevailed on a voice vote.

REPORT OF PROCEDURAL COMMITTEE

MADAM SPEAKER: Your procedural Committee on Delayed Bills respectfully reports that it has considered a request from Representatives Peltier and Sinner and Senator Nelson for the introduction of HCR 3089, that it has also considered a request from Representative Mertens for the introduction of HCR 3090, which requests have been approved.

REP. BACKES, Chairman

FIRST READING OF HOUSE CONCURRENT RESOLUTION

Reps. Peltier, Sinner and Sen. Nelson introduced:

(Approved by Committee on Delayed Bills)

HCR 3089: A concurrent resolution congratulating John S. Dalrymple III on being named one of the nation's four outstanding young farmers for 1982-83 by the United States Jaycees.

MOTION

REP. BACKES MOVED that the rules be suspended, that HCR 3089 not be printed, be read in its entirety, not be referred to committee, be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

Reps. Peltier, Sinner and Sen. Nelson introduced:

HOUSE CONCURRENT RESOLUTION NO. 3089

A concurrent resolution congratulating John S. Dalrymple III on being named one of the nation's four outstanding young farmers for 1982-83 by the United States Jaycees.

WHEREAS, John S. Dalrymple III took over management of the family farm in 1971 after graduating from Yale University and now manages a highly computerized 4,745 acre farm with primary crops being sugarbeets, sunflowers, soybeans, and small grains; and

WHEREAS, his experimentation with combinations of herbicides and innovative storage and transportation techniques have attributed to his agricultural successes; and

WHEREAS, he has also been active in various community activities serving as a director of the First State Bank of Casselton; co-founder, president, and chairman of the board for Share House, Inc., for recovering alcoholics in the Red River Valley; past chairman and board member of Prairie Public Television; member of the board of directors for Cass County Rural Water Users, Inc.; and member of the Educational Broadcasting Council; and

WHEREAS, he was one of four men chosen from a field of 41 state winners and was honored at the 27th annual Outstanding Young Farmer Awards Congress in Sioux Falls, South Dakota;

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 of the state of North Dakota extends its very sincere congratulations to John S. Dalrymple III, Casselton, North Dakota, on being named one of the nation's four outstanding young farmers for 1982-83 by the United States Jaycees; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to John S. Dalrymple III and to the Casselton Jaycees.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3089: A concurrent resolution congratulating John S. Dalrymple III on being named one of the nation's four outstanding young farmers for 1982-83 by the United States Jaycees.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3089 was declared adopted on a voice vote.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

Committee on Appropriations introduced:

(Approved by Committee on Delayed Bills)

HCR 3090: A concurrent resolution directing the Legislative Council to study bonds authorized for issuance by the agencies, institutions, and departments of the state. Was read the first time and referred to the Committee on Appropriations.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3005: A concurrent resolution for the amendment of article IV, section 36 of the Constitution of the State of North Dakota, relating to appropriation bills.

Which has been read.

ROLL CALL

The question being on the final adoption of the resolution, the roll was called and there were 46 YEAS, 55 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Aubol; Backes; Black; Brokaw; DuBord; Gerl; Gorder; Gullickson; Halmrast; Hanson, L.; Hill; Hoffner, Serenus; Hoffner, S. F.; Keller; Kent; Knudson; Koski; Laughlin; Linderman; Lipsiea; Martin, C.; Meier, A.; Meiers, R.; Melby; Meyer, W.; Murphy; Mushik; O'Connell; Olafson; Olsen, D.; Olson, A.; O'Shea; Retzer; Richard; Riehl; Riley; Schindler; Schneider; Schoenwald; Shide; Shockman; Thompson; Vig; Whalen; Williams, A.; Williams, W.

NAYS: Anderson, C.; Anderson, R.; Boyle; Conmy; DeMers; Dotzenrod; Eagles; Erdman; Gates; Goetz; Hamerlik; Hanson, O.; Haugland; Hausauer; Hjelle; Hughes; Jacobson; Kingsbury; Kloubec; Koehn; Kretschmar; Lang; Larson, B.; Larson, R.; Lautenschlager; Lloyd; Martin, G.; Martinson; Mertens; Meyer, R.; Moore; Nalewaja; Nicholas; Nowatzki; Opedahl; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Rice; Rued; Sanstead; Sinner; Solberg; Stofferahn; Strinden; Swiontek; Timm; Unhjem; Vander Vorst; Watne; Wentz; Wold; Speaker Kelly

ABSENT AND NOT VOTING: Gunsch; Horgan; Kuchera; Lardy; Williams, C.

HCR 3005 was declared lost.

MESSAGES FROM THE SENATE SENATE CHAMBER

MADAM SPEAKER: I have the honor to return herewith HB 1290, HB 1386, HB 1400, HB 1428, and HB 1454 which the Senate has amended as follows:

SENATE AMENDMENTS TO HB 1290

On page 1, line 1, delete the word "section" and insert in lieu thereof the words "sections 27-09.1-09 and"

On page 1, line 2, after the word "mileage", insert the words "and mailing of summons"

On page 1, after line 4, insert the following new section:

"SECTION 1. AMENDMENT. Subsection 3 of section 27-09.1-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. If a grand, petit, or other jury is ordered to be drawn, the clerk thereafter shall cause each person drawn for jury service to be served with a summons either personally or by ~~registered or certified mail, return receipt requested~~ first class mail,

addressed to ~~him~~ the person at his or her usual residence, business, or post-office address, requiring ~~him~~ the person to report for jury service at a specified time and place."

And renumber the lines, sections, and pages accordingly

SENATE AMENDMENTS TO HB 1386

On page 1, line 11, after the word "dollars" and before the period insert the words ", and provided further that no eligible organization may award cash prizes totaling more than three hundred dollars in the aggregate during any day. This section does not prohibit an eligible organization from offering a winner the option of accepting a cash prize in an amount equal to, and in lieu of, a prize of merchandise, goods, or services"

And renumber the lines accordingly

SENATE AMENDMENTS TO HB 1400

On page 1 of the engrossed bill, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to create and enact a new section to chapter 47-14 of the North Dakota Century Code, relating to prepayment of loans and computation of interest due at time of repayment; to repeal section 51-13-05 of the North Dakota Century Code, relating to prepayment of retail installment contracts and computation of interest due at the time of repayment; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. A new section to chapter 47-14 of the North Dakota Century Code is hereby created and enacted to read as follows:

Prepayment of loans - Application of rule of 78's. At any time before maturity, a buyer may pay in full the remaining principal due on a loan and is entitled to a refund of interest as follows:

1. For a loan where the principal is not more than fifteen thousand dollars and where the term is less than sixty-one months, the refund must, after deducting an acquisition cost of not more than fifteen dollars, be at least as great a proportion of the interest as the sum of the periodic time balances after the month in which the

prepayment is made bears to the sum of all the periodic time balances under the scheduled installments in the original loan contract.

2. For a loan where the principal is greater than fifteen thousand dollars, or where the term is at least sixty-one months, the refund must be at least the interest paid in excess of that computed under the actuarial method, using the annual percentage rate that would be required to be disclosed under the Truth-in-Lending Act regardless of whether that Act applies to the loan to the nearest one-fourth of one percent.
3. A refund is not required if it would be less than one dollar.

SECTION 2. REPEAL. Section 51-13-05 of the North Dakota Century Code is hereby repealed.

SECTION 3. EFFECTIVE DATE. Subsection 2 of section 1 of this Act applies to loans made after September 30, 1983."

And renumber the lines and pages accordingly

SENATE AMENDMENTS TO HB 1428

On page 1 of the engrossed bill, line 17, after the word "byproducts" and before the period insert the words "but shall not be construed to grant or convey to the grantee any interest in any gravel, clay, or scoria unless specifically included by name in the deed, grant, or conveyance"

And renumber the lines accordingly

SENATE AMENDMENTS TO HB 1454

On page 1, line 15, delete the overstrike over the colon

On page 1, line 26, delete the word "is" and insert in lieu thereof the following:

- " a. Is at least eighteen years of age;
- b. Has been unemployed or underemployed;
- c. Has been economically dependent on a spouse, parent, legal guardian, or on governmental income maintenance;

- d. Wishes to be gainfully employed to become economically independent;
- e. Lacks basic academic skills to be gainfully employable; and
- f. (1) Is widowed, divorced, separated, or abandoned; or
(2) Because of the disability of the individual's spouse, parent, or legal guardian, is displaced from the individual's former economically dependent role."

On page 1, delete lines 27 and 28

On page 2, delete lines 1 through 6

On page 3, line 14, overstrike the words "the state board"

On page 3, line 15, overstrike the words "for vocational education, other" and insert immediately thereafter the words "local, state, and federal"

On page 3, line 25, overstrike the word "permanent", and overstrike the words "service centers" and insert immediately thereafter the word "superintendent"

On page 3, line 26, delete the word "superintendent" and overstrike the comma

On page 3, line 27, overstrike the words "other agencies, or the prime sponsors under the"

On page 3, line 28, delete the words "Job Training Partnership Act of"

On page 3, line 29, delete the numeral "1982", and overstrike the words "in the area of the centers to secure employment for displaced"

On page 3, line 30, overstrike the word "homemakers" and insert immediately thereafter the words "appropriate agencies"

On page 4, line 1, overstrike the words "is authorized to adopt rules to implement this"

On page 4, line 2, overstrike the word "chapter," and insert immediately thereafter the words "shall cooperatively establish eligibility requirements with appropriate agencies in accordance the local, state, and federal program regulations"

On page 5, line 31, after the word "marriage" and before the period insert the words "annulment, or separation from bed and board"

And renumber the lines and pages 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 1343, HB 1502, HB 1544, HB 1602

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 1198, HB 1199, HB 1398, HB 1521, HB 1637, HB 1640,
HB 1648, HCR 3037, HCR 3062, HCR 3072

Very respectfully,
LEO LEIDHOLM, Secretary

REQUEST

REP. BACKES REQUESTED that the record show that Representatives Horgan, Gunsch, and Lardy be excused to attend a meeting, which request was granted.

MOTIONS

REP. BACKES MOVED that SB 2093 and SB 2339 be laid over one legislative day, which motion prevailed.

REP. BACKES MOVED that the rules be suspended and that SB 2182 be placed on the calendar for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2182: A BILL for an Act to amend and reenact subsections 1 and 2 of section 52-04-06 of the North Dakota Century Code, relating to unemployment compensation contribution rates; to provide an effective date; and to declare an emergency.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 101 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Black; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gates; Gerl; Goetz; Gorder; Gullickson; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland;

Hausauer; Hill; Hjelle; Hoffner, Serenus;
 Hoffner, S. F.; Hughes; Jacobson; Keller; Kent;
 Kingsbury; Kloubec; Knudson; Koehn; Koski; Kretschmar;
 Lang; Larson, B.; Larson, R.; Laughlin; Lautenschlager;
 Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.;
 Martinson; Meier, A.; Meiers, R.; Melby; Mertens;
 Meyer, R.; Meyer, W.; Moore; Murphy; Mushik; Nalewaja;
 Nicholas; Nowatzki; O'Connell; Olafson; Olsen, D.;
 Olson, A.; Opedahl; O'Shea; Peltier; Peterson;
 Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Rice; Richard;
 Riehl; Riley; Rued; Sanstead; Schindler; Schneider;
 Schoenwald; Shide; Shockman; Sinner; Solberg;
 Stofferahn; Strinden; Swiontek; Thompson; Timm; Unhjem;
 Vander Vorst; Vig; Watne; Wentz; Whalen; Williams, A.;
 Williams, W.; Wold; Speaker Kelly

NAYS: None

ABSENT AND NOT VOTING: Gunsch; Horgan; Kuchera; Lardy;
 Williams, C.

SB 2182 passed, the title was agreed to, and the emergency clause carried.

MOTION

REP. BACKES MOVED that the rules be suspended and that SB 2182 be messaged to the Senate immediately, which motion prevailed.

MESSAGE TO THE SENATE HOUSE CHAMBER

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

SB 2182

Very respectfully,
 CHARLES FLEMING, Chief Clerk

RECOGNITION

SPEAKER KELLY ANNOUNCED that a former Representative was in the chambers, and requested that the House recognize former Representative Ole Breum, and Representative Breum was thereupon introduced to the House.

SECOND READING OF SENATE BILLS

SB 2109: A BILL for an Act to amend and reenact section 20.1-01-05 of the North Dakota Century Code, relating to the hunting of fur-bearers while carrying a firearm in a motor vehicle.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 4 YEAS, 95 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Pomeroy, G.; Richard; Stofferahn

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

ABSENT AND NOT VOTING: Gunsch; Hanson, L.; Horgan; Kuchera; Lardy; Williams, C.; Wold

SB 2109 was declared lost.

SB 2125: A BILL for an Act to create and enact a new section to chapter 28-01 of the North Dakota Century Code, relating to the limitation on actions against the state.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, House Journal page 1792, the roll was called and there were 94 YEAS, 5 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gates; Gerl; Goetz; Gorder; Gullickson; Halmrast; Hanson, L.; Hanson, O.; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Hughes; Jacobson; Keller; Kent; Kloubec; Knudson; Koski; Kretschmar; Lang; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Melby; Mertens; Meyer, R.; Meyer, W.; Moore; Murphy; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Olafson;

Olsen, D.; Olson, A.; Opedahl; O'Shea; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Rice; Richard; Riehl; Riley; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Solberg; Stofferahn; Swiontek; Thompson; Timm; Unhjem; Vander Vorst; Vig; Watne; Wentz; Whalen; Williams, A.; Williams, W.; Speaker Kelly

NAYS: Black; Hamerlik; Kingsbury; Koehn; Rued

ABSENT AND NOT VOTING: Gunsch; Horgan; Kuchera; Lardy; Strinden; Williams, C.; Wold

SB 2125 passed and the title was agreed to.

SB 2156: A BILL for an Act to amend and reenact sections 49-02-17 and 49-02-18 of the North Dakota Century Code, relating to unreasonable rates, rules, and practices affecting interstate commerce, and to action by the public service commission to seek correction of such unreasonable rates, rules, and practices.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, House Journal page 1793, the roll was called and there were 97 YEAS, 0 NAYS, 9 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Conmy; Gunsch; Horgan; Kuchera;
Lardy; Richard; Unhjem; Williams, C.; Wold

SB 2156 passed and the title was agreed to.

SB 2157: A BILL for an Act to create and enact a new subsection to section 38-14.1-24 of the North Dakota Century Code, relating to auger mining; and to amend and reenact subsection 33 of section 38-14.1-02 of the North Dakota Century Code, relating to auger mining.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 91 YEAS, 6 NAYS, 9 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Black; Boyle; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gates; Goetz; Gorder; Gullickson; Halmrast; Hamerlik; Hanson, O.; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Hughes; Jacobson; Keller; Kent; Kingsbury; Kloubec; Knudson; Koehn; Koski; Kretschmar; Lang; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Melby; Mertens; Meyer, R.; Meyer, W.; Moore; Murphy; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Olafson; Olsen, D.; Olson, A.; Opedahl; O'Shea; Peltier; Peterson; Rayl; Rice; Richard; Riehl; Riley; Rued; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Solberg; Strinden; Swiontek; Thompson; Timm; Unhjem; Vander Vorst; Watne; Wentz; Whalen; Williams, A.; Williams, W.; Speaker Kelly

NAYS: Brokaw; Hanson, L.; Pomeroy, E.; Pomeroy, G.; Stofferahn; Vig

ABSENT AND NOT VOTING: Gerl; Gunsch; Horgan; Kuchera; Lardy; Retzer; Sanstead; Williams, C.; Wold

SB 2157 passed and the title was agreed to.

SB 2224: A BILL for an Act to provide for a reduction in motor vehicle insurance rates of senior citizens successfully completing a motor vehicle accident prevention course.

Which has been read.

MOTION

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

ROLL CALL

The question being on the final passage of the bill as amended, House Journal page 1793, the roll was called and there were 58 YEAS, 39 NAYS, 9 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Aubol; Black; Boyle; Brokaw; DeMers; DuBord; Erdman; Gates; Gerl; Gullickson; Halmrast; Hanson, L.; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Jacobson; Keller; Kloubec; Knudson; Koski; Kretschmar; Larson, B.; Laughlin; Lautenschlager; Linderman; Lloyd; Martin, C.; Martin, G.; Meier, A.; Meiers, R.; Mertens; Meyer, R.; Meyer, W.; Mushik; Nalewaja; Nowatzki; O'Connell; Opedahl; O'Shea; Pomeroy, E.; Pomeroy, G.; Rice; Richard; Riehl; Sanstead; Schneider; Schoenwald; Shockman; Solberg; Stofferahn; Timm; Vig; Watne; Williams, A.; Williams, W.; Speaker Kelly

NAYS: Anderson, R.; Conmy; Dotzenrod; Eagles; Goetz; Gorder; Hamerlik; Hanson, O.; Haugland; Hausauer; Hughes; Kent; Kingsbury; Koehn; Lang; Larson, R.; Lipsiea; Martinson; Melby; Murphy; Nicholas; Olsen, D.; Olson, A.; Peltier; Peterson; Rayl; Retzer; Riley; Schindler; Shide; Sinner; Strinden; Swiontek; Thompson; Unhjem; Vander Vorst; Wentz; Whalen; Wold

ABSENT AND NOT VOTING: Backes; Gunsch; Horgan; Kuchera; Lardy; Moore; Olafson; Rued; Williams, C.

SB 2224 passed and the title was agreed to.

MOTION

REP. SERENUS HOFFNER MOVED that the House reconsider its action whereby SB 2368 failed to pass for want of a Constitutional majority, which motion lost on a verification vote.

SECOND READING OF SENATE BILL

SB 2367: A BILL for an Act to require a person summoned to court on a felony charge to submit to the sheriff for identification purposes; and to amend and reenact section 12-60-10 of the North Dakota Century Code, relating to records of the bureau of criminal investigation.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, House Journal page 1794, the roll was called and there were 86 YEAS, 6 NAYS, 14 ABSENT AND NOT VOTING.

YEAS: Anderson, R.; Aubol; Backes; Boyle; Brokaw; Conmy; Dotzenrod; DuBord; Eagles; Erdman; Gates; Gerl; Goetz; Gullickson; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Hughes; Jacobson; Keller; Kent; Kloubec; Knudson; Koehn; Kretschmar; Lang; Larson, B.; 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; Schindler; Schneider; Shide; Shockman; Solberg; Stofferahn; Swiontek; Thompson; Timm; Vander Vorst; Vig; Watne; Wentz; Whalen; Williams, A.; Williams, W.; Wold; Speaker Kelly

NAYS: Black; DeMers; Halmrast; Rued; Sanstead; Schoenwald

ABSENT AND NOT VOTING: Anderson, C.; Gorder; Gunsch; Horgan; Kingsbury; Koski; Kuchera; Lardy; Larson, R.; Peterson; Sinner; Strinden; Unhjem; Williams, C.

SB 2367 passed and the title was agreed to.

MOTION

REP. BACKES MOVED that the House stand in recess until 3:15 p.m., which motion prevailed.

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

MESSAGES FROM THE SENATE
SENATE CHAMBER

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

HB 1054, HB 1056, HB 1317, HB 1318, HB 1467, HB 1608,
HB 1711, HCR 3053, HCR 3067

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 2149, SB 2162, SB 2178, SB 2246, SB 2259, SB 2300,
 SB 2301, SB 2432, SB 2437, SB 2449, SCR 4014, SCR 4015,
 SCR 4019

Very respectfully,
 LEO LEIDHOLM, Secretary

SECOND READING OF SENATE BILL

SB 2386: A BILL for an Act to create and enact a new section to chapter 15-47 of the North Dakota Century Code, relating to modification of the traditional public school calendar following approval by the superintendent of public instruction.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, House Journal page 1794, the roll was called and there were 90 YEAS, 9 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Backes; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Gates; Gerl; Goetz; Gorder; Gullickson; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Hughes; Jacobson; Keller; Kent; Kingsbury; Kloubec; Knudson; Koehn; Koski; Kretschmar; 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; Olsen, D.; Opedahl; O'Shea; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Rice; Richard; Riehl; Riley; Rued; Sanstead; Schneider; Schoenwald; Shide; Shockman; Sinner; Solberg; Stofferahn; Strinden; Swiontek; Thompson; Timm; Vig; Watne; Wentz; Whalen; Williams, A.; Williams, W.; Wold; Speaker Kelly

NAYS: Aubol; Erdman; Hanson, O.; Lang; O'Connell; Olafson; Olson, A.; Schindler; Vander Vorst

ABSENT AND NOT VOTING: Black; Gunsch; Horgan; Kuchera; Lardy; Unhjem; Williams, C.

SB 2386 passed and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4011: A concurrent resolution endorsing Governor Allen I. Olson's position regarding the priorities and uses of the waters of the Missouri River.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4011 was declared adopted on a voice vote.

SCR 4031: A concurrent resolution concerning the phased development of the Garrison Diversion Unit.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4031 was declared adopted on a voice vote.

SCR 4043: A concurrent resolution directing a Legislative Council study of the financial management and administrative services of state government including the functions and services of the State Treasurer, Office of Management and Budget, State Tax Commissioner, Bank of North Dakota, State Auditor, Board of University and School Lands, and Director of Institutions.

Which has been read.

The question being on the final adoption of the resolution as amended.

SCR 4043 was declared adopted on a voice vote.

SECOND READING OF SENATE BILLS

SB 2043: A BILL for an Act to amend and reenact sections 15-52-16, 15-52-17, 15-52-18, 15-52-20, and 15-52-22 of the North Dakota Century Code, relating to the medical center loan fund.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 87 YEAS, 6 NAYS, 13 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Backes; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gates; Gerl; Goetz; Gullickson; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Hughes; Jacobson; Keller; Kent; Kloubec; Knudson; Koehn; Koski; Kretschmar; Lang; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.;

Martin, G.; Meiers, R.; Melby; Mertens; Meyer, R.; Meyer, W.; Moore; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Olafson; Olsen, D.; Olson, A.; Opedahl; O'Shea; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Rice; Richard; Riehl; Riley; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Solberg; Stofferahn; Thompson; Timm; Vander Vorst; Vig; Watne; Wentz; Williams, A.; Williams, W.; Speaker Kelly

NAYS: Black; Hanson, O.; Kingsbury; Meier, A.; Murphy; Whalen

ABSENT AND NOT VOTING: Aubol; Gorder; Gunsch; Horgan; Kuchera; Lardy; Martinson; Rued; Strinden; Swiontek; Unhjem; Williams, C.; Wold

SB 2043 passed and the title was agreed to.

SB 2121: A BILL for an Act to amend and reenact section 37-18.1-01 and subsection 1 of section 37-18.1-03 of the North Dakota Century Code, relating to the membership on the administrative committee on veterans' affairs and membership of subcommittees of that committee.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, House Journal pages 1823-1825, the roll was called and there were 95 YEAS, 0 NAYS, 11 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Gorder; Gunsch; Horgan; Kuchera; Lardy; Rued; Strinden; Swiontek; Unhjem; Williams, C.; Wold

SB 2121 passed and the title was agreed to.

SB 2244: A BILL for an Act to create and enact three new sections to chapter 10-06 of the North Dakota Century Code, relating to applicability of the Business Corporation Act to the corporate farming law, to officers, directors, and shareholders of corporate farms or ranches, and to an initial report; and to amend and reenact sections 10-06-07 and 10-06-08 of the North Dakota Century Code, relating to requirements to be met before a corporation will be allowed to engage in farming or ranching and reports that must be filed by farm or ranch corporations.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, House Journal page 1826, the roll was called and there were 82 YEAS, 14 NAYS, 10 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Backes; Black; Boyle; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gates; Gerl; Goetz; Gorder; Gullickson; Halmrast; Hanson, L.; Hanson, O.; Haugland; Hausauer; Hjelle; Hughes; Jacobson; Keller; Kent; Kingsbury; Kloubec; Knudson; Koehn; Kretschmar; Lang; Larson, R.; Lautenschlager; Linderman; Lipsiea; Martin, C.; Martin, G.; Martinson; Meier, A.; Melby; Mertens; Meyer, R.; Meyer, W.; Moore; Murphy; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Olafson; Olsen, D.; Olson, A.; Opedahl; O'Shea; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Rice; Riehl; Riley; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Thompson; Timm; Vander Vorst; Vig; Watne; Wentz; Whalen; Williams, A.; Williams, W.; Speaker Kelly

NAYS: Aubol; Brokaw; Hamerlik; Hill; Hoffner, Serenus; Hoffner, S. F.; Koski; Larson, B.; Laughlin; Lloyd; Meiers, R.; Richard; Solberg; Stofferahn

ABSENT AND NOT VOTING: Gunsch; Horgan; Kuchera; Lardy; Rued; Strinden; Swiontek; Unhjem; Williams, C.; Wold

SB 2244 passed and the title was agreed to.

REPORTS OF PROCEDURAL COMMITTEE

MADAM SPEAKER: Your Committee on Enrollment and Engrossment respectfully report that the following bills were delivered to the Governor for his approval at the hour of 3:30 p.m., March 15, 1983:

HB 1054, HB 1056, HB 1317, HB 1318, HB 1467, HB 1608,
HB 1711

REP. G. MARTIN, Chairman

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

MADAM SPEAKER: Your Committee on Enrollment and Engrossment respectfully report that the following bills were delivered to the Secretary of State at the hour of 3:34 p.m., March 15, 1983:

HCR 3053, HCR 3067

REP. G. MARTIN, Chairman

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

SECOND READING OF SENATE BILLS

SB 2270: A BILL for an Act to amend and reenact subsection 11 of section 26-30-04 of the North Dakota Century Code, or in the alternative to amend and reenact subsection 11 of section 26.1-04-03 of the North Dakota Century Code, relating to the definition of unfair methods of competition and unfair or deceptive acts or practices with respect to insurance; and to declare an emergency.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 89 YEAS, 6 NAYS, 11 ABSENT AND NOT VOTING.

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

Shide; Shockman; Sinner; Stofferahn; Thompson; Timm;
Vander Vorst; Vig; Watne; Whalen; Williams, A.;
Williams, W.; Speaker Kelly

NAYS: Black; Eagles; Kingsbury; Olsen, D.; Rued; Solberg

ABSENT AND NOT VOTING: Gunsch; Horgan; Kuchera; Lardy;
Richard; Strinden; Swiontek; Unhjem; Wentz;
Williams, C.; Wold

SB 2270 passed, the title was agreed to, and the emergency clause carried.

SB 2291: A BILL for an Act to amend and reenact section 23-06-04 of the North Dakota Century Code, relating to the date of burial.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, House Journal page 1826, the roll was called and there were 92 YEAS, 1 NAY, 13 ABSENT AND NOT VOTING.

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

NAYS: Kingsbury

ABSENT AND NOT VOTING: Boyle; Gerl; Gunsch; Horgan; Kuchera; Lardy; Peterson; Richard; Strinden; Swiontek; Unhjem; Williams, C.; Wold

SB 2291 passed and the title was agreed to.

SB 2343: A BILL for an Act to create and enact a new section to chapter 35-03 of the North Dakota Century Code, relating to collateral real estate mortgages.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 61 YEAS, 33 NAYS, 12 ABSENT AND NOT VOTING.

YEAS: Anderson, R.; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Erdman; Gates; Goetz; Gorder; Halmrast; Hamerlik; Hanson, L.; Hausauer; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Hughes; Keller; Kent; Kloubec; Knudson; Koehn; Koski; Kretschmar; Lang; Larson, R.; Laughlin; Lautenschlager; Lipsiea; Lloyd; Martin, C.; Martinson; Meier, A.; Meiers, R.; Mertens; Moore; Mushik; Nicholas; Nowatzki; O'Connell; Olafson; Olsen, D.; Olson, A.; Pomeroy, E.; Pomeroy, G.; Retzer; Rice; Riley; Sanstead; Schoenwald; Shide; Sinner; Stofferahn; Thompson; Vander Vorst; Vig; Wentz; Whalen; Speaker Kelly

NAYS: Anderson, C.; Aubol; Backes; Black; Eagles; Gullickson; Hanson, O.; Haugland; Hill; Jacobson; Kingsbury; Larson, B.; Linderman; Martin, G.; Melby; Meyer, R.; Meyer, W.; Murphy; Nalewaja; Opedahl; O'Shea; Peltier; Rayl; Riehl; Rued; Schindler; Schneider; Shockman; Solberg; Timm; Watne; Williams, A.; Williams, W.

ABSENT AND NOT VOTING: Gerl; Gunsch; Horgan; Kuchera; Lardy; Peterson; Richard; Strinden; Swiontek; Unhjem; Williams, C.; Wold

SB 2343 passed and the title was agreed to.

MESSAGES TO THE HOUSE

SENATE CHAMBER

MADAM SPEAKER: I have the honor to inform you that the Senate has concurred in the House amendments to the following and subsequently passed the same:

SB 2101, SB 2139, SB 2214, SB 2229, SB 2318

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

MADAM SPEAKER: I have the honor to inform you that the Senate has concurred in the House amendments to SB 2088, SB 2164, SB 2192, SB 2201, SB 2217, SB 2282, SB 2295, and SCR 4032 and

subsequently passed the same, but has refused to concur in the House amendments to SB 2350, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2350: Sens. Kilander, Reiten, Wogsland

Very respectfully,
LEO LEIDHOLM, Secretary

RECOGNITION

REP. BACKES ANNOUNCED that a former Congressman, Representative, and Governor was in the chambers, and requested that the House recognize former Governor Arthur Link, and Governor Link was thereupon introduced and given a standing ovation by the House.

REQUEST

REP. BACKES REQUESTED that the record show that he and Representative Strinden and Speaker Kelly have been called to a meeting in the Governor's office, which request was granted.

SPEAKER KELLY ANNOUNCED that Representative Opedahl would preside in her absence.

THE HOUSE CONTINUED on the Fourteenth order of business with Acting Speaker Opedahl presiding.

SECOND READING OF SENATE BILL

SB 2344: A BILL for an Act to amend and reenact section 61-16.1-52 of the North Dakota Century Code, relating to the closing of noncomplying drains.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, House Journal page 1827, the roll was called and there were 80 YEAS, 7 NAYS, 19 ABSENT AND NOT VOTING.

YEAS: Anderson, R.; Aubol; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Erdman; Gates; Gerl; Goetz; Gorder; Gullickson; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Hughes; Keller; Kent; Kingsbury; Kloubec; Knudson; Koehn; Koski; Lang; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Melby; Meyer, R.; Meyer, W.; Moore; Murphy; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Olafson; Olsen, D.; Opedahl; O'Shea; Pomeroy, E.; Rayl; Rice; Riehl; Riley; Rued; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Solberg; Stofferahn; Thompson; Timm; Vander Vorst; Vig; Watne; Wentz; Whalen; Williams, A.

NAYS: Black; Eagles; Lipsiea; Olson, A.; Peltier; Pomeroy, G.; Williams, W.

ABSENT AND NOT VOTING: Anderson, C.; Backes; Gunsch; Horgan; Jacobson; Kretschmar; Kuchera; Lardy; Mertens; Peterson; Retzer; Richard; Sinner; Strinden; Swiontek; Unhjem; Williams, C.; Wold; Speaker Kelly

SB 2344 passed and the title was agreed to.

MOTION

REP. MUSHIK MOVED that SB 2358, SB 2465, and SCR 4005 be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2364: A BILL for an Act to amend and reenact section 6-09.5-07 of the North Dakota Century Code, relating to terms on community water facility loans; and to declare an emergency.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 88 YEAS, 5 NAYS, 13 ABSENT AND NOT VOTING.

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

NAYS: Black; Hughes; Kingsbury; Larson, R.; Peltier

ABSENT AND NOT VOTING: Backes; Gunsch; Horgan; Kretschmar; Kuchera; Lardy; Mertens; Peterson; Sinner; Strinden; Williams, C.; Wold; Speaker Kelly

SB 2364 passed, the title was agreed to, and the emergency clause carried.

SB 2447: A BILL for an Act to amend and reenact sections 6-09.6-01, 6-09.6-02, 6-09.6-03, 6-09.6-04, and 6-09.6-05 of the North Dakota Century Code, relating to the developmentally disabled facility loan fund; 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 1827, the roll was called and there were 84 YEAS, 7 NAYS, 15 ABSENT AND NOT VOTING.

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

NAYS: Gorder; Kingsbury; Olafson; Rice; Richard; Rued; Solberg

ABSENT AND NOT VOTING: Backes; Goetz; Gunsch; Horgan; Jacobson; Kretschmar; Kuchera; Lardy; Mertens; Peterson; Sinner; Strinden; Williams, C.; Wold; Speaker Kelly

SB 2447 passed, the title was agreed to, and the emergency clause carried.

MOTION

REP. MUSHIK MOVED that SB 2474 be laid over one legislative day, which motion prevailed.

PRESENTATION OF PETITIONS AND COMMUNICATIONS

STATE OF NORTH DAKOTA
EXECUTIVE OFFICE
BISMARCK

March 15, 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 15, 1983, I signed the following House Bills:

HB 1055, HB 1058, HB 1143, HB 1206, HB 1250, HB 1300,
HB 1312, HB 1366, HB 1379, HB 1384, HB 1389, HB 1426,
HB 1431, HB 1535, HB 1560, HB 1563, HB 1573, HB 1579,
HB 1587, HB 1649.

Sincerely,

ALLEN I. OLSON
Governor

SECOND READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4022: A concurrent resolution directing the Legislative Council to study the operation of games of chance within the state with emphasis on the use of the net proceeds generated by games of chance.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4022 was declared adopted on a voice vote.

SCR 4052: A concurrent resolution urging the United States Commissioner of Customs to keep the United States Customs Service station at Dunseith, North Dakota, open 24 hours a day.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4052 was declared adopted on a voice 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., Wednesday, March 16, 1983, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MADAM SPEAKER: Your Committee on Transportation to which was referred Reengrossed SB 2062 has had the same under consideration and recommends by a vote of 11 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the reengrossed bill, line 4, delete the words
"; and to" and insert in lieu thereof a period

On page 1 of the reengrossed bill, delete lines 5 and 6

On page 1 of the reengrossed bill, lines 11 through 27,
remove the underscore

On page 1 of the reengrossed bill, line 23, after the
period insert the words "The board of higher
education and institutions under its jurisdiction are
not required to use the system."

On page 1 of the reengrossed bill, line 24, after the
period insert the following sentence: "All revenue
received by the commissioner under this section shall
be remitted by the commissioner to the state
treasurer to be deposited by the treasurer in the
state highway fund."

On page 2 of the reengrossed bill, lines 1 and 2, remove
the underscore

On page 2 of the reengrossed bill, delete lines 3 through
34

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

Reengrossed SB 2062 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 Reengrossed SB 2092 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 and be rereferred to the Committee on Appropriations:

- On page 1 of the reengrossed bill, line 5, delete the word "a"
- On page 1 of the reengrossed bill, line 6, delete the words "designated fund in the Bank of North Dakota" and insert in lieu thereof the words "an interest bearing fund in the state treasury"
- On page 1 of the reengrossed bill, line 8, after the word "penitentiary" and before the period insert the words "; and providing an appropriation"
- On page 2 of the reengrossed bill, line 1, after the word "All" insert the word "legal"
- On page 2 of the reengrossed bill, line 2, after the word "approved" insert the words "as to form and legality"
- On page 2 of the reengrossed bill, line 9, delete the words "Bank of North Dakota" and insert in lieu thereof the words "state treasury"
- On page 2 of the reengrossed bill, line 11, after the word "land" insert the words "and facilities"
- On page 2 of the reengrossed bill, line 13, after the word "penitentiary" and before the period insert the words "and for penitentiary renovation"
- On page 2 of the reengrossed bill, after line 13, insert the following new section:

"SECTION 2. APPROPRIATION. There is hereby appropriated out of any moneys in the state penitentiary land fund, not otherwise appropriated, the sum of \$6,000,000, or so much thereof as may be necessary, to the director of institutions for the purpose of purchasing, subject to budget section approval, land and facilities for the use of the state penitentiary and for penitentiary renovation for the biennium beginning July 1, 1983, and ending June 30, 1985."

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The bill provides for the sale of Penitentiary land. The proceeds of any sales shall be used to purchase additional farm and ranch property for the Penitentiary and for Penitentiary renovation. It is intended the future

Legislative Assemblies will reimburse the State Penitentiary land fund for any moneys used for Penitentiary renovation.

REP. L. HANSON, Chairman

Reengrossed SB 2092 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 Engrossed SB 2187 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 of the engrossed bill, line 1, after the word "reenact", insert the words "subsection 1 of section 25-01.2-01,"

On page 1 of the engrossed bill, line 4, after the word "to" insert the words "certain definitions,"

On page 1 of the engrossed bill, after line 8, insert the following new section:

"SECTION 1. AMENDMENT. Subsection 1 of section 25-01.2-01 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. "Developmental disability" means a severe, chronic disability of a person which meets all of the following conditions:

- 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 to the person's ability to function normally in society 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 of lifelong or extended duration and are individually planned and coordinated."

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

Engrossed SB 2187 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 2288 has had the same under consideration and recommends by a vote of 14 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 12, overstrike the word "his" and insert immediately thereafter the words "the candidate's"

On page 1, line 13, overstrike the word "he" and insert immediately thereafter the words "that person"

On page 1, line 14, overstrike the word "his" and insert immediately thereafter the words "the clerk's"

On page 2, overstrike lines 4 through 7

And renumber the lines accordingly
 REP. JACOBSON, Chairman

SB 2288 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 SB 2408 has had the same under consideration and recommends by a vote of 9 YEAS, 5 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 7, line 23, remove the overstrike over the words
 "~~This code shall be implemented by~~"

- On page 7, line 24, remove the overstrike over the words "~~and may be amended by rules~~" and after the word "~~promulgated~~" insert the word "adopted" and remove the overstrike over the words "~~by the~~"
- On page 7, line 25, after the word "~~superintendent~~" insert the words "director of the office of management and budget" and remove the overstrike over the words "~~pursuant to chapter 28-32-~~"
- On page 7, line 26, after the numeral "2." insert the following new language:

For the purposes of manufactured homes, the state building code shall consist of the manufactured homes construction and safety standards under 24 CFR 3280 adopted pursuant to the Manufactured Housing Construction and Safety Standards Act [42 U.S.C. 5401 et seq.]. No manufactured home which has been constructed after June 14, 1976, and which bears a seal certifying that it was built in compliance with the manufactured homes construction and safety standards under 24 CFR 3280 adopted pursuant to the Manufactured Housing Construction and Safety Standards Act [42 U.S.C. 5401 et seq.], may be required by any agency or political subdivision of this state to comply with any other building, plumbing, heating, or electrical code or any construction standards other than the manufactured home construction and safety standards under 24 CFR 3280 adopted pursuant to the Manufactured Housing Construction and Safety Standards Act [42 U.S.C. 5401 et seq.]. Nothing in this section shall be construed to inhibit the application of zoning, subdivision, architectural, or aesthetic requirements pursuant to state law.

3."

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

SB 2408 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 Engrossed SB 2004 has had the same under consideration and recommends by a vote of 20 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. MERTENS, Chairman

Engrossed SB 2004 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Finance and Taxation to which was referred Engrossed SB 2346 has had the same under consideration and recommends by a vote of 11 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. SINNER, Chairman

Engrossed SB 2346 was placed on the Fourteenth 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 2384 has had the same under consideration and recommends by a vote of 14 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. S. F. HOFFNER, Chairman

Engrossed SB 2384 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Finance and Taxation to which was referred SCR 4046 has had the same under consideration and recommends by a vote of 17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. SINNER, Chairman

SCR 4046 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

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

CHARLES FLEMING, Chief Clerk