

MONDAY, MARCH 4, 1985

1551

JOURNAL OF THE HOUSE

Forty-ninth Legislative Assembly

* * * * *

THIRTY-EIGHTH DAY

Bismarck, March 4, 1985

The House convened at 12:30 p.m., with Speaker R. Hausauer presiding.

The prayer was offered by Reverend O. D. Thompson, Grace Lutheran Brethren Church, Bismarck, North Dakota.

ROLL CALL

The roll was called and all Representatives were present, except Representatives R. Anderson, R. Berg, Erokaw, Dorso, Gullickson, Lindgren, Lipsiea, Lloyd, Nicholas, Opedahl, Payne, Pederson, Stofferahn, Unhjem, Whalen, Wold.

A quorum was declared by the Speaker.

REVISION AND CORRECTION OF THE JOURNAL

MR. SPEAKER: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Thirty-seventh Day and finds the same to be correct.

REP. KENT, Chairman

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

COMMUNICATIONS

State of North Dakota
EXECUTIVE OFFICE
Bismarck

March 1, 1985

The Honorable Roy Hausauer
Speaker of the House
House Chambers
State Capitol
Bismarck, North Dakota 58505

Dear Mr. Speaker:

This is to inform you that on February 22, 1985, I signed the following:

HB 1090, HB 1109, HB 1141, and HB 1201.

Sincerely,

GEORGE A. SINNER
Governor

State of North Dakota
EXECUTIVE OFFICE
Bismarck

March 1, 1985

The Honorable Roy Hausauer
Speaker of the House
House Chambers
State Capitol
Bismarck, North Dakota 58505

Dear Mr. Speaker:

This is to inform you that on March 1, 1985, I signed the following:

HB 1042, HB 1045, HB 1046, HB 1086, HB 1108, HB 1110,
HB 1114, HB 1172, HB 1197, HB 1200, HB 1209, HB 1236,
HB 1252, HB 1253, HB 1278, HB 1291, and HB 1311.

Sincerely,

GEORGE A. SINNER
Governor

State of North Dakota
EXECUTIVE OFFICE
Bismarck

March 1, 1985

The Honorable Roy Hausauer
Speaker of the House
House Chambers
State Capitol
Bismarck, North Dakota 58505

Dear Mr. Speaker:

This is to inform you that on February 22, 1985, I signed the following HB in the Governor's absence:

HB 1177.

Sincerely,

RUTH MEIERS
Lieutenant Governor

SIXTH ORDER OF BUSINESS

REP. TIMM MOVED that the amendments to HCR 3069 as recommended by the Committee on Transportation as printed on pages 1545-1546 of the House Journal be adopted, and when so adopted, recommends that HCR 3069 DO PASS, which motion prevailed.

MOTION

REP. STRINDEN MOVED that HCR 3069 be placed at the bottom of the Eleventh order on the calendar for today, which motion prevailed.

SIXTH ORDER OF BUSINESS

REP. MARTINSON MOVED that the amendments to SB 2051 as recommended by the Committee on State and Federal Government as printed on pages 1546-1547 of the House Journal be adopted, and when so adopted, recommends that SB 2051 DO PASS, which motion prevailed.

SB 2051 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SECOND READING OF HOUSE BILL

HB 1644: A BILL for an Act to amend and reenact section 15-44-03 of the North Dakota Century Code, relating to the payments to school districts from the state tuition fund; and to declare an emergency.

Which has been read and has committee recommendation of DO NOT PASS.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 3 YEAS, 89 NAYS, 14 ABSENT AND NOT VOTING.

YEAS: Murphy, ; Solberg, O.; Williams, A.

NAYS: Anderson, C.; Belter; Berg, G.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Martin; Martinson; Melby; Mertens; Meyer; Moore; Myrdal; Nalewaja; Nicholas;

Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.;
 Opedahl; O'Shea; Peterson, J.; Retzer; Rice; Richard;
 Riehl; Riley; Rydell; Sauter; Schindler; Schmidt;
 Schneider; Shaw; Shide; Shockman; Skjerven; Smette;
 Solberg, R.; Starke; Strinden; Thompson; Timm;
 Tollefson; Ulmer; Vander Vorst; Wald; Wentz;
 Williams, C.; Williams, W.; Winkelman;
 Speaker Hausauer, R.

ABSENT AND NOT VOTING: Anderson, R.; Berg, R.;
 Gullickson; Lindgren; Lipsiea; Lloyd; Nowatzki; Payne;
 Pederson, R.; Stofferahn; Unhjem; Watne; Whalen; Wold

HB 1644 was declared lost.

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3070: A concurrent resolution directing the Legislative Council to study the problems of solid waste disposal in landfills in North Dakota.

Which has been read.

ROLL CALL

The question being on the final adoption of the resolution, the roll was called and there were 90 YEAS, 1 NAY, 15 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Belter; Berg, G.; Brokaw; Cleveland;
 Conny; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth;
 Enget; Frey; Gates; Gerntholz; Goetz; Graba; Halmrast;
 Hamerlik; Hanson, L.; Hanson, O.; Haugland;
 Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller;
 Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson;
 Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin;
 Lautenschlager; Linderman; Martin; Martinson; Melby;
 Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja;
 Nicholas; Oban; O'Connell; Olsen, D.; Olson, A.;
 Olson, V.; Opedahl; O'Shea; Peterson, J.; Retzer; Rice;
 Richard; Riehl; Riley; Rydell; Sauter; Schindler;
 Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven;
 Smette; Solberg, R.; Solberg, R.; Starke; Strinden;
 Timm; Tollefson; Ulmer; Vander Vorst; Wald; Wentz;
 Williams, A.; Williams, C.; Williams, W.; Winkelman;
 Speaker Hausauer, R.

NAYS: Gunsch

ABSENT AND NOT VOTING: Anderson, R.; Berg, R.;
 Gullickson; Lindgren; Lipsiea; Lloyd; Nowatzki; Payne;
 Pederson, R.; Stofferahn; Thompson; Unhjem; Watne;
 Whalen; Wold

HCR 3070 was declared adopted.

HCR 3081: A concurrent resolution directing the Legislative Council to study the feasibility of phasing out the University of North Dakota Medical School.

Which has been read and has committee recommendation of DO NOT PASS.

CONFLICT OF INTEREST

REP. DEMERS STATED that she had a conflict of interest on HCR 3081, and requested permission to vote.

The question being on whether or not Rep. DeMers could vote on HCR 3081, which request was granted on a voice vote, pursuant to Rules 318 and 319 of the House Rules.

ROLL CALL

The question being on the final adoption of the resolution, the roll was called and there were 12 YEAS, 78 NAYS, 16 ABSENT AND NOT VOTING.

YEAS: Belter; Dorso; Gunsch; Knudson; Melby; Murphy; Myrdal; O'Shea; Rice; Schmidt; Vander Vorst; Wald

NAYS: Anderson, C.; Berg, G.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dotzenrod; Eckroth; Enget; Gates; Gerntholz; Goetz; Graba; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Martin; Martinson; Mertens; Meyer; Moore; Nalewaja; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; Peterson, J.; Retzer; Richard; Riley; Rydell; Sauter; Schindler; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Strinden; Thompson; Timm; Tollefson; Ulmer; Wentz; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Hausauer, R.

ABSENT AND NOT VOTING: Anderson, R.; Berg, R.; Frey; Gullickson; Lindgren; Lipsiea; Lloyd; Nicholas; Payne; Pederson, R.; Riehl; Stofferahn; Unhjem; Watne; Whalen; Wold

HCR 3081 was declared lost.

MESSAGES FROM THE SENATE
SENATE CHAMBER

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

HB 1079, HB 1088, HB 1129, HB 1131, HB 1142, HB 1163,
HB 1166, HB 1167, HB 1174, HB 1178, HB 1183, HB 1186,
HB 1187, HB 1188, HB 1192, HB 1198, HB 1206, HB 1227,
HB 1256, HB 1260, HB 1268, HB 1297, HB 1300, HB 1304,
HB 1315, HB 1319, HB 1331, HB 1343, HB 1345, HB 1361,
HB 1389, HB 1407, HB 1449, HB 1469, HB 1470, HB 1479,
HB 1501, HB 1502, HB 1544, HB 1548, HB 1549, HCR 3025

LEO LEIDHOLM, Secretary

SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith HB 1050, HB 1057, and HB 1087 which the Senate has amended:

SENATE AMENDMENTS TO HB 1050

On page 2, line 2, overstrike the following words: "according to the last federal decennial"

On page 2, line 3, overstrike the word "census"

On page 2, line 5, after the first word "the" insert the word "qualified"

On page 2, line 29, overstrike the word "electorate" and insert immediately thereafter the words "qualified electors"

On page 2, line 31, after the second word "of" insert the word "qualified"

On page 3, line 3, after the word "twenty-five" insert the word "qualified"

And renumber the lines and pages accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1057

On page 3 of the engrossed bill, line 11, after the word "repealed" insert the following sentence: "A petition may not include a statement of intent or similar explanatory information."

On page 4 of the engrossed bill, line 20, delete the words "No statement of intent or similar."

On page 4 of the engrossed bill, delete line 21

And renumber the lines and pages accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1087

On page 1 of the engrossed bill, line 14, after the second word "by" insert the word "beginning"

MONDAY, MARCH 4, 1985

1557

And renumber the lines and pages accordingly

LEO LEIDHOLM, Secretary

SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith HB 1263 which the Senate has amended:

SENATE AMENDMENTS TO HB 1263

On page 1, line 26, after the word "gateway" insert the words ", unless application is otherwise assigned"

On page 2, line 10, after the word "constructed" insert the words "or to that person's assignee"

And renumber the lines and pages accordingly

LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1251, HB 1348, HB 1582

LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

SCR 4052, SCR 4053, SCR 4054, SCR 4055, SCR 4056, SCR 4058,
SCR 4059, SCR 4060, SCR 4061, SCR 4062, SCR 4063, SCR 4064,
SCR 4065, SCR 4066

LEO LEIDHOLM, Secretary

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3086: A concurrent resolution directing the Legislative Council to study the duties, qualifications, and authority of the State Forester, the location of the office of the State Forester, and the placement of the State Forest Service under the jurisdiction of the Board of Higher Education.

Which has been read.

ROLL CALL

The question being on the final adoption of the resolution, the roll was called and there were 75 YEAS, 14 NAYS, 17 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Belter; Berg, G.; Brokaw; Cleveland; Conny; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Gates; Goetz; Hamerlik; Haugland; Hausauer, A.; Hedstrom; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Knudson; Koland; Kretschmar;

Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nicholas; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Peterson, J.; Rice; Richard; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Solberg, R.; Strinden; Timm; Tollefson; Ulmer; Vander Vorst; Wald; Wentz; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Hausauer, R.

NAYS: Gerntholz; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Hill; Klundt; Nalewaja; Nowatzki; Skjerven; Solberg, O.; Starke; Thompson

ABSENT AND NOT VOTING: Anderson, R.; Berg, R.; Frey; Cullickson; Lindgren; Lipsiea; Lloyd; Payne; Pederson, R.; Retzer; Riehl; Smette; Stofferahn; Unhjem; Watne; Whalen; Wold

HCR 3086 was declared adopted.

HCR 3091: A concurrent resolution directing the Legislative Council to study the feasibility of and the various means and methods of, as well as the timing involved in, the development and transition to an alternative structure for the higher education system encompassing all state institutions of higher education in the state of North Dakota, and that the Legislative Council use a consultant from outside the state and conduct the study in cooperation with the Board of Higher Education.

Which has been read and has committee recommendation of DO NOT PASS.

ROLL CALL

The question being on the final adoption of the resolution, the roll was called and there were 41 YEAS, 50 NAYS, 15 ABSENT AND NOT VOTING.

YEAS: Belter; Berg, G.; Brokaw; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Frey; Graba; Hanson, L.; Hill; Hoffner; Kelly; Kent; Kingsbury; Knudson; Laughlin; Lautenschlager; Linderman; Melby; Mertens; Nicholas; Oban; O'Connell; Olson, A.; Opedahl; Richard; Riley; Sauter; Schneider; Shaw; Shockman; Skjerven; Solberg, R.; Starke; Ulmer; Wald; Williams, A.; Williams, C.; Williams, W.

NAYS: Anderson, C.; Cleveland; Conmy; Enget; Gates; Gerntholz; Goetz; Gunsch; Halmrast; Hamerlik; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hughes; Keller; Kloubec; Klundt; Koland; Kretschmar; Kuchera;

Lang; Larson; Martin; Martinson; Moore; Murphy; Myrdal; Nalewaja; Nowatzki; Olsen, D.; Olson, V.; O'Shea; Peterson, J.; Retzer; Rice; Rydell; Schindler; Schmidt; Shide; Smette; Solberg, O.; Strinden; Thompson; Timm; Tollefson; Vander Vorst; Wentz; Winkelman; Speaker Hausauer, R.

ABSENT AND NOT VOTING: Anderson, R.; Berg, R.; Gullickson; Lindgren; Lipsiea; Lloyd; Meyer; Payne; Pederson, R.; Riehl; Stofferahn; Unhjem; Watne; Whalen; Wold

HCR 3091 was declared lost.

HCR 3069: A concurrent resolution directing the Legislative Council to study the capability of the various street, highway, and air transportation systems of the state to provide for the efficient transportation of people, goods, commodities, and services and to identify the resources needed to provide adequate and efficient street, highway, and air transportation systems in the future.

Which has been read.

ROLL CALL

The question being on the final adoption of the resolution, as amended, the roll was called and there were 87 YEAS, 4 NAYS, 15 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Belter; Berg, G.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Martin; Martinson; Melby; Mertens; Meyer; Moore; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Peterson, J.; Retzer; Rice; Richard; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Strinden; Timm; Tollefson; Ulmer; Vander Vorst; Wentz; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Hausauer, R.

NAYS: Gunsch; Hanson, O.; Thompson; Wald

ABSENT AND NOT VOTING: Anderson, R.; Berg, R.; Gullickson; Lindgren; Lipsiea; Lloyd; Murphy; Payne; Pederson, R.; Riehl; Stofferahn; Unhjem; Watne; Whalen; Wold

HCR 3069 was declared adopted.

MOTION

REP. STRINDEN MOVED that the House be on the Tenth order of business, which motion prevailed.

SECOND READING OF HOUSE AND SENATE CONCURRENT RESOLUTIONS ON CONSENT CALENDAR

HCR 3079: A concurrent resolution directing the Legislative Council to study the adequacy and appropriateness of the funding of transportation assistance programs for the elderly and handicapped in North Dakota.

HCR 3089: A concurrent resolution directing the Legislative Council to study grain warehousemen insolvencies and insolvencies of grain buying or commission firms, and the feasibility of providing bond coverage for credit-sales contracts.

HCR 3090: A concurrent resolution directing the Legislative Council to study the Pembina River Basin, including soil, water, wildlife, and ecological resource management needs and the potential for the development of recreational and historical resources.

SCR 4027: A concurrent resolution directing the Legislative Council to study the availability and coverage of long-term care insurance.

Which have been read.

ROLL CALL

The question being on the final adoption of the resolutions, the roll was called and there were 92 YEAS, 0 NAYS, 14 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Belter; Berg, G.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Peterson, J.; Retzer; Rice; Richard; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Strinden; Thompson; Timm; Tollefson; Ulmer;

MONDAY, MARCH 4, 1985

1561

Vander Vorst; Wald; Wentz; Williams, A.; Williams, C.;
Williams, W.; Winkelman; Speaker Hausauer, R.

NAYS: None

ABSENT AND NOT VOTING: Anderson, R.; Berg, R.;
Gullickson; Lindgren; Lipsiea; Lloyd; Payne;
Pederson, R.; Riehl; Stofferahn; Unhjem; Watne; Whalen;
Wold

So the resolutions were adopted.

MOTION

REP. STRINDEN MOVED that the rules be suspended, that all resolutions on the Fifth order of business be placed on the Eleventh order for second reading and final passage, which motion prevailed.

REPORT OF STANDING COMMITTEE

MR. SPEAKER: Your Committee on Finance and Taxation to which was referred HCR 3074 has had the same under consideration and recommends by a vote of 11 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

REP. A. HAUSAUER, Chairman

HCR 3074 was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3074: A concurrent resolution calling for a Legislative Council study of the confidentiality statutes governing the office of the tax commissioner.

Which has been read.

ROLL CALL

The question being on the final adoption of the resolution, the roll was called and there were 50 YEAS, 40 NAYS, 16 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Belter; Cleveland; Conmy; Dalrymple;
Eckroth; Gates; Gerntholz; Goetz; Gunsch; Hamerlik;
Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hughes;
Kent; Kingsbury; Kloubec; Koland; Kretschmar; Kuchera;
Lang; Larson; Martinson; Melby; Moore; Myrdal;
Nalewaja; Olsen, D.; Olson, A.; Olson, V.; Retzer;
Rice; Riley; Rydell; Schindler; Schmidt; Shaw; Shide;
Skjerven; Smette; Strinden; Timm; Tollefson;
Vander Vorst; Wald; Wentz; Winkelman;
Speaker Hausauer, R.

NAYS: Berg, G.; Brokaw; DeMers; Dotzenrod; Enget; Frey; Graba; Halmrast; Hanson, L.; Hill; Hoffner; Keller; Kelly; Klundt; Laughlin; Lautenschlager; Linderman; Martin; Mertens; Meyer; Murphy; Nowatzki; Oban; O'Connell; Opedahl; O'Shea; Peterson, J.; Richard; Sauter; Schneider; Shockman; Solberg, O.; Solberg, R.; Starke; Thompson; Ulmer; Williams, A.; Williams, C.; Williams, W.

ABSENT AND NOT VOTING: Anderson, R.; Berg, R.; Dorso; Gullickson; Lindgren; Lipsiea; Lloyd; Nicholas; Payne; Pederson, R.; Riehl; Stofferahn; Unhjem; Watne; Whalen; Wold

HCR 3074 was declared adopted.

REPORT OF STANDING COMMITTEE

MR. SPEAKER: Your Committee on Finance and Taxation to which was referred HCR 3092 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. A. HAUSAUER, Chairman

HCR 3092 was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3092: A concurrent resolution directing the Legislative Council to study the present adequacy and equity of the structure of taxes levied by the state and the prospects for future changes in revenues from the various taxes imposed by the state.

Which has been read.

ROLL CALL

The question being on the final adoption of the resolution, the roll was called and there were 81 YEAS, 7 NAYS, 18 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Belter; Berg, G.; Cleveland; Conmy; Dalrymple; DeMers; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloube; Klundt; Knudson; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Martin; Martinson; Mertens; Meyer; Moore; Myrdal; Nalewaja; Nicholas; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Retzer; Rice; Richard; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.;

MONDAY, MARCH 4, 1985

1563

Solberg, R.; Starke; Strinden; Tollefson; Ulmer;
Vander Vorst; Wald; Wentz; Williams, A.; Williams, C.;
Williams, W.; Winkelman; Speaker Hausauer, R.

NAYS: Gunsch; Hanson, O.; Koland; Melby; Murphy;
Peterson, J.; Thompson

ABSENT AND NOT VOTING: Anderson, R.; Berg, R.; Brokaw;
Dorso; Gullickson; Lindgren; Lipsiea; Lloyd; Nowatzki;
Payne; Pederson, R.; Riehl; Stofferahn; Timm; Unhjem;
Watne; Whalen; Wold

HCR 3092 was declared adopted.

REPORT OF STANDING COMMITTEE

MR. SPEAKER: Your Committee on Appropriations to which was referred SB 2007 has had the same under consideration and recommends by a vote of 21 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 2 of the engrossed bill, after line 17, insert the following lines:

"Subdivision 7.

DEINSTITUTIONALIZATION COURT MONITOR

Operating expenses	\$ 71,800
Total general fund appropriation	\$ 71,800"

On page 2 of the engrossed bill, line 18, delete the numerals "3,679,970" and insert in lieu thereof the numerals "3,751,770"

On page 2 of the engrossed bill, line 20, delete the numerals "10,357,655" and insert in lieu thereof the numerals "10,429,455"

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

An appropriation of \$71,800 is added for the deinstitutionalization court monitor for the cost of operations through June 30, 1985.

REP. J. PETERSON, Chairman

SB 2007 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MOTION

REP. STRINDEN MOVED that the rules be suspended and that SB 2007 be placed on the Sixth order of business, and after action taken on the Sixth order, that SB 2007 be placed on the Fourteenth order for second reading and final passage, which motion prevailed.

SIXTH ORDER OF BUSINESS

REP. J. PETERSON MOVED that the amendments to SB 2007 as recommended by the Committee on Appropriations be adopted, and when so adopted, recommends that SB 2007 DO PASS, which motion prevailed.

SB 2007 was placed on the Fourteenth order of business on today's calendar.

SECOND READING OF SENATE BILL

SB 2007: A BILL for an Act making an appropriation for defraying the expenses of various departments and institutions of the state of North Dakota; providing for a transfer; and declaring an emergency.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 87 YEAS, 3 NAYS, 16 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Belter; Berg, G.; Brokaw; Cleveland; Conny; Dalrymple; DeMers; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Keller; Kelly; Kent; Kloubec; Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Martin; Martinson; Mertens; Meyer; Moore; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Peterson, J.; Retzer; Rice; Richard; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Strinden; Thompson; Timm; Tollefson; Ulmer; Vander Vorst; Wald; Wentz; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Hausauer, R.

NAYS: Hughes; Kingsbury; Melby

ABSENT AND NOT VOTING: Anderson, R.; Berg, R.; Dorso; Gullickson; Lindgren; Lipsiea; Lloyd; Murphy; Payne; Pederson, R.; Riehl; Stofferahn; Unhjem; Watne; Whalen; Wold

SB 2007 passed, the title was agreed to, and the emergency clause was declared carried.

MOTIONS

REP. RILEY MOVED that SB 2107 be placed directly after SB 2041 on the calendar, which motion prevailed.

REP. STRINDEN MOVED that the House waive the reading of the title to SB 2041, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2041: A BILL for an Act to create and enact chapter 10-19.1 of the North Dakota Century Code, relating to the creation, organization, operation, liability, and dissolution of business corporations; to amend and reenact sections 10-06-07, 10-06-07.1, 10-22-01, 10-22-02, 10-22-03, 10-22-05, 10-22-06, 10-22-07, 10-22-15, 10-22-16, 10-22-18, 10-23-09, 10-23-11, 10-23-12, 10-23-13, 10-23-14, 10-23-15, 10-23-16, 10-23-17, 10-30-05, subsection 12 of section 25-03.1-02, and subsection 4 of section 38-08.1-03.1 of the North Dakota Century Code, relating to references to chapters 10-19, 10-20, and 10-21 (North Dakota Business Corporation Act); and to repeal chapters 10-19, 10-20, and 10-21 of the North Dakota Century Code, relating to the North Dakota Business Corporation Act; 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 76 YEAS, 13 NAYS, 17 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Belter; Berg, G.; Cleveland; Conmy; Dalrymple; DeMers; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hughes; Keller; Kelly; Kent; Kloubec; Klundt; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Martin; Martinson; Melby; Mertens; Meyer; Moore; Myrdal; Nalewaja; Nicholas; Nowatzki; O'Connell; Olsen, D.; Olson, V.; Opedahl; Peterson, J.; Retzer; Rice; Richard; Riley; Rydell; Schindler; Schmidt; Schneider; Shaw; Shide; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Strinden; Thompson; Timm; Tollefson; Vander Vorst; Wentz; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Hausauer, R.

NAYS: Brokaw; Goetz; Graba; Gunsch; Hoffner; Kingsbury; Murphy; Oban; Olson, A.; O'Shea; Sauter; Shockman; Wald

ABSENT AND NOT VOTING: Anderson, R.; Berg, R.; Dorso; Gullickson; Knudson; Lindgren; Lipsiea; Lloyd; Payne; Pederson, R.; Riehl; Stofferahn; Ulmer; Unhjem; Watne; Whalen; Wold

SB 2041 passed, the title was agreed to, and the emergency clause was declared carried.

MOTION

REP. KRETSCHMAR MOVED that the House waive the reading of the title to SB 2107, which motion prevailed.

SB 2107: A BILL for an Act to amend and reenact sections 10-22-01, 10-22-02, 10-22-03, 10-22-04, 10-22-05, 10-22-06, 10-22-07, 10-22-08, 10-22-09, 10-22-10, 10-22-12, 10-22-13, 10-22-14, 10-22-15, 10-22-16, 10-22-17, and 10-22-19 of the North Dakota Century Code, relating to foreign corporations; to repeal section 10-22-18 of the North Dakota Century Code, relating to foreign corporations; 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 85 YEAS, 4 NAYS, 17 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Belter; Berg, G.; Cleveland; Conmy; Dalrymple; DeMers; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Peterson, J.; Rice; Richard; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Strinden; Thompson; Timm; Tollefson; Ulmer; Vander Vorst; Wald; Wentz; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Hausauer, R.

NAYS: Brokaw; Hoffner; Oban; O'Connell

ABSENT AND NOT VOTING: Anderson, R.; Berg, R.; Dorso; Gullickson; Knudson; Lindgren; Lipsiea; Lloyd; Payne; Pederson, R.; Retzer; Riehl; Stofferahn; Unhjem; Watne; Whalen; Wold

SE 2107 passed, the title was agreed to, and the emergency clause was declared carried.

MOTIONS

REP. STRINDEN MOVED that SE 2043 be placed at the bottom of the calendar, which motion prevailed.

REP. STRINDEN MOVED that SB 2007 be messaged to the Senate immediately, which motion prevailed.

MESSAGE TO THE SENATE
HOUSE CHAMBER

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

SB 2007

ROY GILBREATH, Chief Clerk

MOTION

REP. STRINDEN MOVED that the House waive the reading of the title to SB 2044, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2044: A BILL for an Act to create and enact two new sections to chapter 36-04 and three new sections to chapter 36-05 of the North Dakota Century Code, relating to livestock dealers and auction markets, cease and desist authority, injunctions, and investigations and hearings; and to amend and reenact sections 36-04-10, 36-05-06, and 36-05-13 of the North Dakota Century Code, relating to livestock dealers and auction markets, licenses, and hearings.

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, 0 NAYS, 15 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Belter; Berg, G.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kretschmar; Lang; Larson; Laughlin; Lautenschlager; Linderman; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Peterson, J.; Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke;

Strinden; Thompson; Timm; Tollefson; Ulmer;
 Vander Vorst; Wald; Wentz; Williams, A.; Williams, C.;
 Williams, W.; Winkelman; Speaker Hausauer, R.

NAYS: None

ABSENT AND NOT VOTING: Anderson, R.; Berg, R.; Dorso;
 Gullickson; Kuchera; Lindgren; Lipsiea; Lloyd; Payne;
 Pederson, R.; Stofferahn; Unhjem; Watne; Whalen; Wold

SB 2044 passed and the title was agreed to.

MOTIONS

REP. STRINDEN MOVED that SB 2043 be moved from the bottom to the top of the calendar, which motion prevailed.

REP. STRINDEN MOVED that the House waive the reading of the title to SB 2043, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2043: A BILL for an Act to amend and reenact sections 36-05-01, 36-05-03, 36-05-04, 36-05-05, 36-05-06, 36-05-09, 36-05-13, and 36-05-13.1 of the North Dakota Century Code, relating to transferring authority over the licensing and bonding of livestock auction markets from the livestock sanitary board to the commissioner of agriculture.

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, 3 NAYS, 16 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Belter; Berg, G.; Cleveland; Conmy;
 Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Engel;
 Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast;
 Hamerlik; Hanson, L.; Hanson, O.; Haugland;
 Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller;
 Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson;
 Koland; Kretschmar; Lang; Larson; Laughlin;
 Lautenschlager; Linderman; Martin; Martinson; Melby;
 Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja;
 Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.;
 Olson, V.; Opedahl; O'Shea; Peterson, J.; Retzer; Rice;
 Richard; Riehl; Riley; Rydell; Sauter; Schindler;
 Schmidt; Schneider; Shaw; Shide; Shockman; Snette;
 Solberg, O.; Solberg, R.; Starke; Thompson; Timm;
 Tollefson; Ulmer; Vander Vorst; Wald; Wentz;
 Williams, A.; Williams, C.; Winkelman;
 Speaker Hausauer, R.

NAYS: Brokaw; O'Connell; Williams, W.

MONDAY, MARCH 4, 1985

1569

ABSENT AND NOT VOTING: Anderson, R.; Berg, R.;
Gullickson; Kuchera; Lindgren; Lipsiea; Lloyd; Payne;
Pederson, R.; Skjerven; Stofferahn; Strinden; Unhjem;
Watne; Whalen; Wold

SB 2043 passed and the title was agreed to.

MOTION

REP. STRINDEN MOVED that all House Concurrent Resolutions acted on favorably today be messaged to the Senate immediately, which motion prevailed.

MESSAGE TO THE SENATE HOUSE CHAMBER

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

HCR 3070, HCR 3074, HCR 3079, HCR 3086, HCR 3089, HCR 3090,
HCR 3092

ROY GILBREATH, Chief Clerk

SECOND READING OF SENATE BILLS

SB 2045: A BILL for an Act to create and enact a new section to chapter 36-04 and a new section to chapter 36-05 of the North Dakota Century Code, relating to requiring livestock dealers and livestock auction markets to file releases of financial records.

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, 0 NAYS, 15 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Belter; Berg, G.; Brokaw; Cleveland;
Conny; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth;
Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch;
Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland;
Hausauer, A.; Hedstrom; Hill; Hoffner; Keller; Kelly;
Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland;
Kretschmar; Lang; Larson; Laughlin; Lautenschlager;
Linderman; Martin; Martinson; Melby; Mertens; Meyer;
Moore; Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki;
Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.;
Opedahl; O'Shea; Peterson, J.; Retzer; Rice; Richard;
Riehl; Riley; Rydell; Sauter; Schindler; Schmidt;
Schneider; Shaw; Shide; Shockman; Skjerven; Smette;
Solberg, O.; Solberg, R.; Starke; Strinden; Thompson;
Timm; Tollefson; Ulmer; Vander Vorst; Wald; Wentz;
Williams, A.; Williams, C.; Williams, W.; Winkelman;
Speaker Hausauer, R.

NAYS: None

ABSENT AND NOT VOTING: Anderson, R.; Berg, R.;
Gullickson; Hughes; Kuchera; Lindgren; Lipsiea; Lloyd;
Payne; Pederson, R.; Stofferahn; Unhjem; Watne; Whalen;
Wold

SB 2045 passed and the title was agreed to.

SB 2046: A BILL for an Act to amend and reenact section 36-04-05 of the North Dakota Century Code, relating to bond requirements for livestock dealers.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 78 YEAS, 14 NAYS, 14 ABSENT AND NOT VOTING.

YEAS: Belter; Brokaw; Cleveland; Conmy; Dalrymple; Dorso;
Dotzenrod; Eckroth; Enget; Frey; Gates; Goetz; Graba;
Gunsch; Halmrast; Hamerlik; Hanson, L.; Haugland;
Hausauer, A.; Hedstrom; Hill; Hoffner; Keller; Kelly;
Kent; Kloubec; Klundt; Knudson; Koland; Kretschmar;
Kuchera; Lang; Larson; Laughlin; Lautenschlager;
Linderman; Martin; Martinson; Melby; Mertens; Meyer;
Moore; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban;
Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea;
Peterson, J.; Retzer; Rice; Richard; Riehl; Riley;
Rydell; Sauter; Schindler; Shaw; Shide; Shockman;
Skjerven; Solberg, R.; Starke; Strinden; Thompson;
Tollefson; Ulmer; Vander Vorst; Wald; Wentz;
Williams, A.; Williams, C.; Winkelman;
Speaker Hausauer, R.

NAYS: Anderson, C.; Berg, G.; DeMers; Gerntholz;
Hanson, O.; Hughes; Kingsbury; Murphy; O'Connell;
Schmidt; Schneider; Smette; Timm; Williams, W.

ABSENT AND NOT VOTING: Anderson, R.; Berg, R.;
Gullickson; Lindgren; Lipsiea; Lloyd; Payne;
Pederson, R.; Solberg, O.; Stofferahn; Unhjem; Watne;
Whalen; Wold

SB 2046 passed and the title was agreed to.

SB 2050: A BILL for an Act to create and enact sections 21-10-02.1 and 21-10-06.1 of the North Dakota Century Code, relating to the state investment board's policies on investment goals and objectives and the state investment

board investment reporting; and to amend and reenact section 54-52-04 of the North Dakota Century Code, relating to the public employees retirement system's investment reporting.

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, 0 NAYS, 18 ABSENT AND NOT VOTING.

YEAS: Belter; Berg, G.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Martinson; Melby; Meyer; Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Peterson, J.; Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, R.; Starke; Strinden; Thompson; Timm; Tollefson; Ulmer; Vander Vorst; Wald; Wentz; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Hausauer, R.

NAYS: None

ABSENT AND NOT VOTING: Anderson, C.; Anderson, R.; Berg, R.; Gullickson; Lindgren; Lipsiea; Lloyd; Martin; Mertens; Moore; Payne; Pederson, R.; Solberg, O.; Stofferahn; Unhjem; Watne; Whalen; Wold

SB 2050 passed and the title was agreed to.

SB 2058: A BILL for an Act to amend and reenact section 53-06.1-09 of the North Dakota Century Code, relating to the operation of sports pools.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 77 YEAS, 13 NAYS, 16 ABSENT AND NOT VOTING.

YEAS: Belter; Berg, G.; Brokaw; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec;

Klundt; Knudson; Koland; Kretschmar; Kuchera; Larson; Laughlin; Lautenschlager; Linderman; Martinson; Mertens; Meyer; Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, V.; Opedahll; Peterson, J.; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schmidt; Schneider; Shockman; Skjerven; Smette; Solberg, R.; Starke; Strinden; Thompson; Timm; Tollefson; Uimer; Vander Vorst; Wald; Wentz; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Hausauer, R.

NAYS: Anderson, C.; Cleveland; Frey; Hanson, O.; Lang; Melby; O'Connell; Olson, A.; O'Shea; Retzer; Schindler; Shaw; Shide

ABSENT AND NOT VOTING: Anderson, R.; Berg, R.; Gullickson; Lindgren; Lipsiea; Lloyd; Martin; Moore; Fayne; Federson, R.; Solberg, O.; Stofferahn; Unhjem; Watne; Whalen; Wold

SB 2058 passed and the title was agreed to.

MOTION

REP. KRETSCHMAR MOVED that the House waive the reading of the title to SB 2071, which motion prevailed.

SB 2071: A BILL for an Act to create and enact a new section to chapter 16.1-10 of the North Dakota Century Code, relating to a ban on electioneering within three hundred feet of a polling place on election day; and to repeal sections 16.1-10-03 and 16.1-10-06 of the North Dakota Century Code, relating to electioneering and selling or wearing political buttons on election day; and to provide a penalty.

Which has been read and is placed on the calendar without recommendation.

MOTION

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

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 8 YEAS, 85 NAYS, 13 ABSENT AND NOT VOTING.

YEAS: Cleveland; Conmy; Keller; Kuchera; Sauter; Solberg, R.; Strinden; Wentz

NAYS: Anderson, C.; Belter; Berg, G.; Brokaw; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Kelly; Kent; Kingsbury; Kloubec;

Klundt; Knudson; Koland; Kretschmar; Lang; Larson; Laughlin; Lautenschlager; Linderman; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Federson, R.; Peterson, J.; Retzer; Rice; Richard; Riehl; Riley; Rydell; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Starke; Thompson; Timm; Tollefson; Ulmer; Vander Vorst; Wald; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Hausauer, R.

ABSENT AND NOT VOTING: Anderson, R.; Berg, R.; Gullickson; Hanson, O.; Lindgren; Lipsiea; Lloyd; Payne; Stofferahn; Unhjem; Watne; Whalen; Wold

SB 2071 was declared lost.

MOTION

REP. STRINDEN MOVED that SB 2081 be held at the desk awaiting the arrival of SB 2082 and that SB 2114 be removed from the Eleventh order on the calendar awaiting the arrival of SB 2115, and that SB 2114 and SB 2115 be placed together and SB 2081 and SB 2082 be placed together on the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2083: A BILL for an Act to create and enact a new section to chapter 28-21 of the North Dakota Century Code, relating to levying of executions; and to amend and reenact section 28-21-08 of the North Dakota Century Code, relating to property subject to execution.

Which has been read and has committee recommendation of DO NOT PASS.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 4 YEAS, 87 NAYS, 15 ABSENT AND NOT VOTING.

YEAS: Haugland; Kuchera; Wald; Wentz

NAYS: Anderson, C.; Belter; Berg, G.; Brokaw; Cleveland; Conny; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kretschmar; Lang; Larson; Laughlin; Lautenschlager; Linderman; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Federson, R.;

Peterson, J.; Retzer; Rice; Richard; Riehl; Riley;
 Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw;
 Shide; Shockman; Skjerven; Smette; Solberg, O.;
 Solberg, R.; Starke; Strinden; Thompson; Timm;
 Tollefson; Ulmer; Vander Vorst; Williams, A.;
 Williams, C.; Williams, W.; Winkelman;
 Speaker Hausauer, R.

ABSENT AND NOT VOTING: Anderson, R.; Berg, R.;
 Gullickson; Hanson, O.; Lindgren; Lipsiea; Lloyd;
 Nicholas; Opedahl; Payne; Stofferahn; Unhjem; Watne;
 Whalen; Wold

SB 2083 was declared lost.

MOTIONS

REP. STRINDEN MOVED that SCR 4019 be placed at the head of the calendar, which motion prevailed.

REP. STRINDEN MOVED that the rules be suspended, that SCR 4019 be read in its entirety, and placed on the calendar for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4019: A concurrent resolution recognizing the need for public awareness of the importance of physical fitness, designating the fourth day of March, 1985, as "Legislative Fitness Day", and urging all appropriate state agencies to promote public awareness of the importance of physical fitness.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4019 was declared adopted on a voice vote.

POINT OF PERSONAL PRIVILEGE

REP. RICE: Mr. Speaker: I rise on a point of personal privilege and request that my remarks be printed in the Journal.

Saturday, February 23, 1985, at the Dome in Minot, a new State Class A Champion was named in the sport of wrestling. The Williston Coyotes, under the coaching of Tom Christen, came from behind to win the State Championship.

We want the people of the great state of North Dakota to be aware of the new champions located at Williston, North Dakota, and congratulate them.

Representative Steve Hughes, District 1
Representative Verdine D. Rice, District 1
Senator Frank Wenstrom, District 1

SECOND READING OF SENATE BILLS

SB 2084: A BILL for an Act to amend and reenact sections 35-01-29 and 35-06-11 of the North Dakota Century Code, relating to foreclosure of statutory liens on personal property and the enforcement of a pledge by sale.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 90 YEAS, 0 NAYS, 16 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Belter; Berg, G.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kloubec; Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Pederson, R.; Peterson, J.; Retzer; Rice; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Strinden; Thompson; Tollefson; Ulmer; Vander Vorst; Wald; Wentz; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Hausauer, R.

NAYS: None

ABSENT AND NOT VOTING: Anderson, R.; Berg, R.; Gullickson; Hanson, O.; Kingsbury; Lindgren; Lipsiea; Lloyd; Payne; Richard; Stofferahn; Timm; Unhjem; Watne; Whalen; Wold

SB 2084 passed and the title was agreed to.

SB 2106: A BILL for an Act to amend and reenact section 15-19-06 of the North Dakota Century Code, relating to a scholarship fund administered through the state board of public school education for the award of grants to independent study

students, and providing a standing and continuing appropriation.

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, 0 NAYS, 15 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Belter; Berg, G.; Brokaw; Cleveland; Conny; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Pederson, R.; Peterson, J.; Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Strinden; Thompson; Timm; Tollefson; Ulmer; Vander Vorst; Wentz; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Hausauer, R.

NAYS: None

ABSENT AND NOT VOTING: Anderson, R.; Berg, R.; Gullickson; Hanson, O.; Lindgren; Lipsiea; Lloyd; Payne; Starke; Stofferahn; Unhjem; Wald; Watne; Whalen; Wold

SB 2106 passed and the title was agreed to.

SB 2121: A BILL for an Act to amend and reenact section 6-03-36 of the North Dakota Century Code, relating to prohibition of payment of dividends by banking institutions under certain conditions.

Which has been read.

ROLL CALL

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

YEAS: Anderson, C.; Belter; Berg, G.; Brokaw; Cleveland; Conny; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent;

Kingsbury; Kloubec; Klundt; Knudson; Koland;
 Kretschmar; Kuchera; Lang; Larson; Laughlin;
 Lautenschlager; Linderman; Martin; Martinson; Melby;
 Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja;
 Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.;
 Olson, A.; Olson, V.; Opedahl; O'Shea; Pederson, R.;
 Peterson, J.; Rice; Richard; Riehl; Riley; Rydell;
 Sauter; Schindler; Schmidt; Schneider; Shaw; Shide;
 Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.;
 Starke; Strinden; Thompson; Timm; Tollefson; Ulmer;
 Vander Vorst; Wald; Wentz; Williams, A.; Williams, C.;
 Williams, W.; Winkelman; Speaker Hausauer, R.

NAYS: None

ABSENT AND NOT VOTING: Anderson, R.; Berg, R.;
 Gullickson; Hanson, O.; Lindgren; Lipsiea; Lloyd;
 Payne; Retzer; Stofferahn; Unhjem; Watne; Whalen; Woid

SB 2121 passed and the title was agreed to.

SB 2122: A BILL for an Act to amend and reenact sections 6-01-09 and 6-09-29 of the North Dakota Century Code, relating to the frequency of examinations of state chartered banking associations, the Bank of North Dakota, and other corporations and associations under the jurisdiction of the commissioner of banking and financial institutions.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 82 YEAS, 8 NAYS, 16 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Berg, G.; Brokaw; Cleveland; Conmy;
 DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates;
 Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik;
 Hanson, L.; Haugland; Hausauer, A.; Hedstrom; Hill;
 Hoffner; Hughes; Keller; Kelly; Kloubec; Klundt;
 Knudson; Koland; Kretschmar; Kuchera; Lang; Larson;
 Laughlin; Lautenschlager; Linderman; Martinson; Melby;
 Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja;
 Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.;
 Olson, V.; Opedahl; O'Shea; Pederson, R.; Rice;
 Richard; Riehl; Riley; Rydell; Sauter; Schindler;
 Schmidt; Schneider; Shide; Shockman; Skjerven; Smette;
 Solberg, O.; Solberg, R.; Starke; Strinden; Thompson;
 Timm; Tollefson; Ulmer; Vander Vorst; Wentz;
 Williams, A.; Williams, C.; Winkelman;
 Speaker Hausauer, R.

NAYS: Belter; Dalrymple; Kent; Kingsbury; Olson, A.;
Shaw; Wald; Williams, W.

ABSENT AND NOT VOTING: Anderson, R.; Berg, R.;
Gullickson; Hanson, O.; Lindgren; Lipsiea; Lloyd;
Martin; Payne; Peterson, J.; Retzer; Stofferahn;
Unhjem; Watne; Whalen; Wold

SB 2122 passed and the title was agreed to.

SB 2123: A BILL for an Act to amend and reenact section 6-03-07 of the North Dakota Century Code, relating to state banking association investments in banking facilities, furniture, and fixtures.

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, 0 NAYS, 18 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Belter; Brokaw; Cleveland; Conmy;
Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget;
Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast;
Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hedstrom;
Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury;
Kloubec; Klundt; Knudson; Koland; Kretschmar; Kuchera;
Lang; Larson; Laughlin; Lautenschlager; Linderman;
Martinson; Melby; Mertens; Meyer; Moore; Murphy;
Myrdal; Nalewaja; Nicholas; Oban; O'Connell; Olsen, D.;
Olson, A.; Olson, V.; Opedahl; O'Shea; Pederson, R.;
Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler;
Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven;
Smette; Solberg, O.; Solberg, R.; Starke; Strinden;
Thompson; Timm; Tollefson; Ulmer; Vander Vorst; Wald;
Wentz; Williams, A.; Williams, C.; Williams, W.;
Winkelman; Speaker Hausauer, R.

NAYS: None

ABSENT AND NOT VOTING: Anderson, R.; Berg, G. Berg, R.;
Gullickson; Hanson, O. Lindgren; Lipsiea; Lloyd;
Martin; Nowatzki; Payne; Peterson, J.; Retzer;
Stofferahn; Unhjem; Watne; Whalen; Wold

SB 2123 passed and the title was agreed to.

MOTION

REP. KRETSCHMAR MOVED that the House waive the reading of the title to SB 2124, which motion prevailed.

SB 2124: A BILL for an Act to amend and reenact section 6-03-04 of the North Dakota Century Code, relating to the filing of a bank director's oath of office; and to repeal section 6-03-03 of the North Dakota Century Code, relating to the requirement that bank directors own qualifying shares of the capital stock of the bank for which the person is a director or an equivalent interest in any company which has control over the bank.

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, 1 NAY, 16 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Belter; Cleveland; Conny; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Pederson, R.; Peterson, J.; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Strinden; Thompson; Timm; Tollefson; Ulmer; Vander Vorst; Wald; Wentz; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Hausauer, R.

NAYS: Brokaw

ABSENT AND NOT VOTING: Anderson, R.; Berg, G.; Berg, R.; Gullickson; Hanson, O. Lindgren; Lipsiea; Lloyd; Nowatzki; Payne; Retzer; Stofferahn; Unhjem; Watne; Whalen; Wold

SE 2124 passed and the title was agreed to.

SB 2125: A BILL for an Act to amend and reenact section 6-03-33 of the North Dakota Century Code, relating to bank loans on security of the shares of the bank's stock or the stock of a holding company which controls the bank.

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, 0 NAYS, 15 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Belter; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Pederson, R.; Peterson, J.; Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Strinden; Thompson; Timm; Tollefson; Ulmer; Vander Vorst; Wald; Wentz; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Hausauer, R.

NAYS: None

ABSENT AND NOT VOTING: Anderson, R.; Berg, G.; Berg, R.; Gullickson; Hanson, O.; Lindgren; Lipsiea; Lloyd; Nowatzki; Payne; Stofferahn; Unhjem; Watne; Whalen; Wold

SB 2125 passed and the title was agreed to.

SB 2131: A BILL for an Act to amend and reenact sections 28-32-15 and 28-32-21 of the North Dakota Century Code, relating to appeals from decisions of an administrative agency.

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, 1 NAY, 17 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Belter; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kretschmar; Lang; Larson; Laughlin; Lautenschlager; Linderman; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Pederson, R.;

Peterson, J.; Retzer; Richard; Riehl; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Strinden; Thompson; Timm; Tollefson; Ulmer; Vander Vorst; Wald; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Hausauer, R.

NAYS: Kuchera

ABSENT AND NOT VOTING: Anderson, R.; Berg, G.; Berg, R.; Gullickson; Hanson, O.; Lindgren; Lipsiea; Lloyd; Nowatzki; Payne; Rice; Riley; Stofferahn; Unhjem; Watne; Whalen; Wold

SB 2131 passed and the title was agreed to.

MOTION

REP. KRETSCHMAR MOVED that the House waive the reading of the title to SB 2149, which motion prevailed.

SB 2149: A BILL for an Act to amend and reenact sections 49-18-13, 49-18-21, 49-18-23, and 49-18-39.1 of the North Dakota Century Code, relating to notice of opportunity for hearing on application for a certificate of public convenience and necessity, notice of opportunity for hearing for a contract motor carrier permit, issuance of a contract carrier permit, and motor vehicle leases.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 90 YEAS, 0 NAYS, 16 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Belter; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Pederson, R.; Peterson, J.; Retzer; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Strinden; Thompson; Timm; Tollefson; Ulmer; Vander Vorst; Wald; Wentz; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Hausauer, R.

NAYS: None

ABSENT AND NOT VOTING: Anderson, R.; Berg, G.; Berg, R.;
Gullickson; Hanson, O.; Lindgren; Lipsiea; Lloyd;
Nowatzki; Payne; Rice; Stofferahn; Unhjem; Watne;
Whalen; Wold

SB 2149 passed and the title was agreed to.

POINT OF PERSONAL PRIVILEGE

REP. MERTENS: Mr. Speaker: I rise on a point of personal privilege and request that my remarks be printed in the Journal.

Mr. Speaker and Members of the Assembly:

Friday, March 1, 1985, at approximately 3:30 PM, a motion was made by the Majority Floor Leader to suspend the rules and delay the crossover deadline to the end of the legislative day.

Because the rule is a joint Senate and House rule, and because the suspension of rules requires a 2/3 vote of the members elect, and because it was obvious that 2/3 of the members elect were not present, I objected to the ruling of the Chair that the motion carried.

This was not an attempt on my part to delay the proceedings of the House as it was obvious that we had to complete our calendar. I was, however, and still am, concerned that we abide by our own rules especially joint rules.

These rules have a reason. They are to protect every member of this Assembly and the citizens that member represents. The rules also protect one House from influencing unduly the workings of the other House. As the people's branch of government, and the law-making branch of government, we should not take our rules lightly. I hope in the future we take the few extra minutes to abide by the rules adopted by this Legislature.

POINT OF PERSONAL PRIVILEGE

REP. STRINDEN: Mr. Speaker: I rise on a point of personal privilege and request that my remarks be printed in the Journal.

On Friday I moved that we suspend the rules and delay crossover until we had completed the work on all House bills. The Speaker received the motion. The motion was voted upon and passed. A few minutes later, Representative Mertens raised a question about whether two-thirds were present. Later in the day, I informed the assembly that the reason for the motion was not, in any way, to not abide

by the rules. The reason for the motion was to move on with the business.

We had taken a fifteen-minute coffee break. We were to go back into session at fifteen minutes to four. The time the motion was made was at approximately five minutes to four. We had set a time for crossover at 3:30. We had recessed just prior to 3:30. Therefore, in order for us to consider any bills, including those that may not have been of controversy, we had to suspend the rules. The purpose for the motion was to allow us to proceed with our work.

SECOND READING OF SENATE BILL

SB 2151: A BILL for an Act to create and enact a new section to chapter 15-39.1 of the North Dakota Century Code, relating to reversion of unclaimed retirement moneys under the teachers' fund for retirement.

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, 0 NAYS, 15 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Belter; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olson, A.; Olson, V.; Opedahl; O'Shea; Pederson, R.; Peterson, J.; Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Strinden; Thompson; Timm; Tollefson; Ulmer; Vander Vorst; Wald; Wentz; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Hausauer, R.

NAYS: None

ABSENT AND NOT VOTING: Anderson, R.; Berg, G.; Berg, R.; Gullickson; Hanson, O. Lindgren; Lipsiea; Lloyd; Olsen, D.; Payne; Stofferahn; Unhjem; Watne; Whalen; Wold

SB 2151 passed and the title was agreed to.

MOTION

REP. KNUDSON MOVED that SB 2153 be removed from the Fourteenth order on the calendar and be rereferred to the **Committee on Education**, which motion prevailed.

SPEAKER R. HAUSAUER ANNOUNCED that SB 2153 was rereferred to the **Committee on Education**.

MOTION

REP. KRETSCHMAR MOVED that the House waive the reading of the title to SB 2155, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2155: A BILL for an Act to create and enact three new subsections to section 15-39.1-04 of the North Dakota Century Code, relating to the definition of beneficiary, contract, and salary under the teachers' fund for retirement; and to amend and reenact sections 15-39.1-16, 15-39.1-17, 15-39.1-20, and 15-39.1-23 of the North Dakota Century Code, relating to annuity options, payment of benefits to beneficiaries, payment of refunds, and the penalty for failure to make required reports and payments under the teachers' fund for retirement.

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, 0 NAYS, 15 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Belter; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Pederson, R.; Peterson, J.; Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Strinden; Thompson; Tollefson; Ulmer; Vander Vorst; Wald; Wentz; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Hausauer, R.

NAYS: None

ABSENT AND NOT VOTING: Anderson, R.; Berg, G.; Berg, R.; Gullickson; Hanson, O.; Lindgren; Lipsiea; Lloyd; Payne; Stofferahn; Timm; Unhjem; Watne; Whalen; Wold

MONDAY, MARCH 4, 1985

1585

SB 2155 passed and the title was agreed to.

SB 2166: A BILL for an Act to amend and reenact sections 39-04-08 and 39-04-11, relating to issuance and display of license plates.

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, 1 NAY, 16 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Belter; Brokaw; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kretschmar; Lang; Larson; Laughlin; Lautenschlager; Linderman; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Pederson, R.; Peterson, J.; Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Strinden; Thompson; Timm; Tollefson; Ulmer; Vander Vorst; Wald; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Hausauer, R.

NAYS: Kuchera

ABSENT AND NOT VOTING: Anderson, R.; Berg, G.; Berg, R.; Cleveland; Gullickson; Hanson, O.; Kelly, Lindgren; Lipsiea; Lloyd; Payne; Stofferahn; Unhjem; Watne; Whalen; Wold

SB 2166 passed and the title was agreed to.

SB 2190: A BILL for an Act to amend and reenact section 54-01-05.2 of the North Dakota Century Code, relating to the sale of state owned land by the industrial commission, acting as the state housing finance agency; 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 91 YEAS, 0 NAYS, 15 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Belter; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Pederson, R.; Peterson, J.; Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Strinden; Thompson; Timm; Tollefson; Ulmer; Vander Vorst; Wald; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Hausauer, R.

NAYS: None

ABSENT AND NOT VOTING: Anderson, R.; Berg, G.; Berg, R.; Gullickson; Hanson, O.; Lindgren; Lipsiea; Lloyd; Payne; Stofferahn; Unhjem; Watne; Wentz; Whalen; Wold

SB 2190 passed, the title was agreed to, and the emergency clause was declared carried.

MOTIONS

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

REP. KRETSCHMAR MOVED that the House be on the Fifth order of business, and at the conclusion of the Fifth order, the House be on the Thirteenth order of business, and at the conclusion of the Thirteenth order, the House stand adjourned until 12:30 p.m., Tuesday, March 5, 1985, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER: Your Committee on Judiciary to which was referred SB 2040 has had the same under consideration and recommends by a vote of 12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. CONMY, Chairman

SB 2040 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MONDAY, MARCH 4, 1985

1587

MR. SPEAKER: Your Committee on Industry, Business and Labor to which was referred SB 2073 has had the same under consideration and recommends by a vote of 9 YEAS, 2 NAYS, 5 ABSENT AND NOT VOTING that the same DO PASS.

REP. KLOUBEC, Chairman

SB 2073 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary to which was referred SB 2085 has had the same under consideration and recommends by a vote of 12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

REP. CONMY, Chairman

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

MR. SPEAKER: Your Committee on Judiciary to which was referred SB 2087 has had the same under consideration and recommends by a vote of 12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

REP. CONMY, Chairman

SB 2087 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary to which was referred SB 2088 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. CONMY, Chairman

SB 2088 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary to which was referred SB 2099 has had the same under consideration and recommends by a vote of 7 YEAS, 1 NAY, 6 ABSENT AND NOT VOTING that the same DO PASS.

REP. CONMY, Chairman

SB 2099 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary to which was referred SB 2102 has had the same under consideration and recommends by a vote of 9 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING that the same DO PASS.

REP. CONMY, Chairman

SB 2102 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary to which was referred SB 2110 has had the same under consideration and recommends by a vote of 12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

REP. CONMY, Chairman

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

MR. SPEAKER: Your Committee on Judiciary to which was referred SB 2117 has had the same under consideration and recommends by a vote of 11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

REP. CONMY, Chairman

SB 2117 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary to which was referred SB 2118 has had the same under consideration and recommends by a vote of 12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

REP. CONMY, Chairman

SB 2118 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Social Services and Veterans Affairs to which was referred SB 2119 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 PLACED ON THE CALENDAR WITHOUT RECOMMENDATION.

REP. HAUGLAND, Chairman

SB 2119 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor to which was referred SB 2134 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

REP. KLOUBEC, Chairman

SB 2134 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor to which was referred SB 2142 has had the same under consideration and recommends by a vote of 12 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING that the same DO PASS.

REP. KLOUBEC, Chairman

SB 2142 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education to which was referred SB 2156 has had the same under consideration and recommends by a vote of 11 YEAS, 0 NAYS, 7 ABSENT AND NOT VOTING that the same DO PASS.

REP. KNUDSON, Chairman

SB 2156 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education to which was referred SB 2157 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING that the same DO PASS.

REP. KNUDSON, Chairman

SB 2157 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor to which was referred Engrossed SB 2207 has had the same under consideration and recommends by a vote of 12 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING that the same DO PASS.

REP. KLOUBEC, Chairman

Engrossed SB 2207 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education to which was referred SB 2261 has had the same under consideration and recommends by a vote of 12 YEAS, 1 NAY, 5 ABSENT AND NOT VOTING that the same DO PASS.

REP. KNUDSON, Chairman

SB 2261 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary to which was referred SB 2271 has had the same under consideration and recommends by a vote of 8 YEAS, 0 NAYS, 6 ABSENT AND NOT VOTING that the same DO PASS.

REP. CONMY, Chairman

SB 2271 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor to which was referred SB 2378 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

REP. KLOUBEC, Chairman

SB 2378 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Finance and Taxation to which was referred SCR 4031 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. A. HAUSAUER, Chairman

SCR 4031 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Finance and Taxation to which was referred SCR 4042 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. A. HAUSAUER, Chairman

SCR 4042 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

FIRST READING OF SENATE BILLS

SB 2038: A BILL for an Act to provide an appropriation for additional compensation to North Dakota state employees for the period beginning April 1, 1985, and ending June 30, 1985; providing for revisions to the North Dakota central personnel compensation plan.

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

SB 2441: A BILL for an Act to create and enact a new chapter to the North Dakota Century Code, relating to the establishment of a state forensic investigation system; to amend and reenact section 14-02.1-10, subsection 2 of section 19-04-03, subsections 3, 4, and 5 of section 23-02.1-19, subsections 3, 4, and 5 of section 23-02.1-20, section 23-06-02, subsection 2 of section 23-06-13, subsection 2 of section 26-41-18, section 27-09.1-14, subsection 1 of section 27-10-03, subsection 1 of section 28-01-17, subsection 4 of section 29-17-36, subsection 1 of section 39-08-13, sections 39-20-13, 44-11-01, and subsection 1 of section 50-25.1-03 of the North Dakota Century Code, relating to forensic investigations; and to repeal section 11-09-27 and chapters 11-19 and 11-19.1 of the North Dakota Century Code, relating to the county coroner and medical county coroner; and to provide an appropriation.

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

SB 2475: A BILL for an Act to amend and reenact sections 4-01-21, 15-21-02, 26.1-01-09, 34-05-01.2, 49-01-05, 54-08-03, 54-09-05, 54-10-10, 54-11-13, 54-12-11, and 57-01-04 of the North Dakota Century Code, relating to the salaries of the commissioner of agriculture, superintendent of public instruction, commissioner of insurance, commissioner of labor, public service commissioners,

MONDAY, MARCH 4, 1985

1591

lieutenant governor, secretary of state, state auditor, state treasurer, attorney general, and tax commissioner. Was read the first time and referred to the **Committee on Appropriations**.

FIRST READING OF SENATE CONCURRENT RESOLUTION

SCR 4037: A concurrent resolution directing the Legislative Council to study the feasibility of providing onsite child care facilities for children of public employees. Was read the first time and referred to the **Committee on Social Services and Veteran Affairs**.

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

ROY GILBREATH, Chief Clerk