

JOURNAL OF THE HOUSE

Fiftieth Legislative Assembly

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THIRTY-NINTH DAY

Bismarck, March 3, 1987

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

The prayer was offered by Otis Fisher, Christian and Missionary Alliance Church, Bismarck, North Dakota.

ROLL CALL

The roll was called and all Representatives were present, except Representatives Smette and Tokach. A quorum was declared by the Speaker.

CORRECTION AND REVISION OF THE JOURNAL

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

REP. THOMPSON, Chairman

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

ANNOUNCEMENTS BY SPEAKER

SPEAKER KLOUBEC ANNOUNCED that the following bills are rereferred from the Committee on Industry, Business and Labor to the Committee on State and Federal Government:

SB 2094, SB 2252, SB 2272, SB 2372, SB 2380, SB 2532,  
SB 2109, SB 2119, SB 2120, SB 2122

SPEAKER KLOUBEC ANNOUNCED that the following bills are rereferred from the Committee on Industry, Business and Labor to the Committee on Finance and Taxation:

SB 2050, SB 2169, SB 2351, SB 2465

SPEAKER KLOUBEC ANNOUNCED that the following bills are rereferred from the Committee on Industry, Business and Labor to the Committee on Political Subdivisions:

SB 2350, SB 2394, SB 2378

SIXTH ORDER OF BUSINESS

REP. WHALEN MOVED that the amendments to HCR 3077 as recommended by the Committee on Industry, Business and Labor as printed on pages 1567-1568 of the House Journal be adopted, and when so adopted, recommends the same DO NOT PASS, which motion prevailed.

HCR 3077 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. GATES MOVED that the amendments to HCR 3079 as recommended by the Committee on Education as printed on page 1568 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HCR 3079 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. MOORE MOVED that the amendments to SB 2306 as recommended by the Committee on Political Subdivisions as printed on page 1569 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2306 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REP. MOORE MOVED that the amendments to SB 2452 as recommended by the Committee on Political Subdivisions as printed on page 1570 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2452 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

#### MESSAGES FROM THE SENATE SENATE CHAMBER

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

HB 1186, HB 1236

PERRY GROTEBERG, Secretary

#### SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith HB 1056 which the Senate has amended:

#### SENATE AMENDMENTS TO HB 1056

On page 1, line 2, after the fourth comma insert the numerals "16.1-16-10,"

On page 1, line 3, after the fifth comma insert the words "the new section to chapter 54-07 as created by section 2 of House Bill No. 1057 as approved by the fiftieth legislative assembly,"

On page 1, line 6, after the comma insert the words "legislative enactments," and after the semicolon delete the word "and"

On page 1, line 7, delete the numerals "16.1-16-10,"

On page 1, line 9, after the word "contests" insert the words "; and to declare an emergency"

On page 6, after line 32, insert the following section:

"SECTION 6. AMENDMENT. Section 16.1-16-10 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16.1-16-10. Legislative contest of election. Legislative election contests ~~shall~~ must be determined pursuant to sections 16.1-16-10 through 16.1-16-17. Any person intending to contest, before either house of the legislative assembly, the election of a member of the legislative assembly shall serve on that member a statement of contest, which shall specify the grounds for the contest. The statement shall be served on the member and a copy filed with the secretary of state within five days after a recount is completed, and within ten days after the canvass is completed if no recount is to be conducted in court as provided in this chapter for other contests. No legislative election may be contested before either house of the legislative assembly."

On page 9, line 6, delete the word "Legislative", overstrike the word "contest" and insert immediately thereafter the words "Qualifications of members - Each house to judge", and overstrike the word "right" and insert immediately thereafter the word "qualifications"

On page 9, line 7, overstrike the words "person to a seat in" and insert immediately thereafter the words "member of" and overstrike the word "is" and insert immediately thereafter the word "are"

On page 9, line 8, overstrike the word "contested" and insert immediately thereafter the word "challenged", delete the word "that", and overstrike the word "person" and insert immediately thereafter the words "that member"

On page 9, after line 28, insert the following section:

"SECTION 13. AMENDMENT. The new section to chapter 54-07 of the North Dakota Century Code as created by House Bill No. 1057, as approved by the fiftieth legislative assembly, is hereby amended and reenacted to read as follows:

Governor to file bills with secretary of state. The governor shall cause each bill passed by the legislative assembly and not vetoed by the governor to be filed with the secretary of state within three five days, Sundays excepted, after the bill has been presented to the governor unless the legislative assembly by its adjournment prevents

its return in which case the governor shall cause the bill to be filed within fifteen days after the adjournment."

On page 10, line 15, delete the words "and section 16.1-16-10 of the 1985"

On page 10, line 16, delete the words "Supplement to the North Dakota Century Code"

On page 10, after line 16, insert the following section:

"SECTION 16. EMERGENCY. This Act is declared to be an emergency measure and is in effect upon its filing with the secretary of state or on a date specified in this Act."

And renumber the lines, sections, and pages accordingly

PERRY GROTERBERG, Secretary

#### SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith HB 1163 which the Senate has amended:

#### SENATE AMENDMENTS TO ENGROSSED HB 1163

On page 1 of the engrossed bill, line 12, delete the word "state" and insert in lieu thereof the words "state-owned or state-managed"

And renumber the lines, sections, and pages accordingly

PERRY GROTERBERG, Secretary

#### MOTION

REP. STRINDEN MOVED that the rules be suspended, that HCR 3077 and HCR 3079 be deemed properly engrossed and be placed directly after HCR 3075 on the Eleventh order on the calendar, as amended, for second reading and final passage, which motion prevailed.

#### SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3075: A concurrent resolution directing the Legislative Council to study the levels of workmen's compensation benefits and premiums, the exclusiveness principle, and the possibility of allowing negligence actions in limited circumstances.

Which has been read.

#### REQUEST

REP. OBAN REQUESTED a recorded roll call vote on the motion to adopt HCR 3075, which request was granted.

## ROLL CALL

The question being on the adoption of the resolution, the roll was called and there were 43 YEAS, 60 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Berg, G.; Brokaw; DeMers, J.; DeMers, P.; Flaagan; Frey; Graba; Halmrast; Hanson, L.; Haugland; Hill; Hoffner; Hokana; Kelly; Klundt; Kolbo; Kuchera; Laughlin; Lautenschlager; Linderman; Marks; Mertens; Nelson, C.; Nelson, J.; Oban; O'Connell; Olsen, D.; Opedahl; O'Shea; Riehl; Scherber; Schneider; Shaw; Shide; Shockman; Starke; Stofferahn; Tomac; Ulmer; Watne; Wentz; Williams, A.; Williams, W.

NAYS: Aas; Almlie; Anderson; Belter; Berg, R.; Christman; Cleveland; Dalrymple; Dorso; Dotzenrod; Enget; Gates; Gerntholz; Goetz; Gorman; Gunsch; Hamerlik; Hanson, O.; Haugen; Hausauer, A.; Hausauer, R.; Kent; Kingsbury; Knell; Knudson; Koland; Kretschmar; Lang; Larson; Lindgren; Martin; Martinson; Melby; Meyer; Moore; Murphy; Myrdal; Nowatzki; Olson, A.; Olson, V.; Payne; Peterson; Rice; Rydell; Schindler; Shaft; Skjerven; Solberg; Sorensen; Strinden; Thompson; Tollefson; Trautman; Vander Vorst; Wald; Whalen; Wilkie; Williams, C.; Winkelman; Speaker Kloubec

ABSENT AND NOT VOTING: Nicholas; Smette; Tokach

HCR 3075 was declared lost.

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## SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3077: A concurrent resolution directing the Legislative Council to study the differences in employee benefits between part-time and full-time employment in the private sector.

Which has been read.

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

HCR 3077 was declared adopted on a verification vote.

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## MOTION

REP. GOETZ MOVED that the rules be suspended, that HCR 3079 be placed on the Consent Calendar, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS  
AND SENATE CONCURRENT RESOLUTIONS  
ON CONSENT CALENDAR

- HCR 3066: A concurrent resolution directing the Legislative Council to study the funding of adult basic and secondary education, to review the various alternative methods of funding this type of education, and to arrive at a method of funding adult basic and secondary education that is secure and stable.
- HCR 3068: A concurrent resolution directing the Legislative Council to study corporal punishment in schools.
- HCR 3072: A concurrent resolution directing the Legislative Council to study the statutes of limitations in this state and the feasibility and desirability of shortening, lengthening, or otherwise modifying existing statutes of limitations.
- HCR 3078: A concurrent resolution directing the Legislative Council to study fiscal aspects of the office of the court monitor which was created by the federal district court in the case concerning deinstitutionalization of developmentally disabled persons.
- HCR 3079: A concurrent resolution directing the Legislative Council to study the potential benefits to be derived from offering courses through the use of electronic media, including satellite dishes, cable and public television, video cassettes, and video and telephone audiosystems, and the methods available to implement a system of telecommunications.
- SCR 4022: A concurrent resolution directing the Legislative Council to study criminal sentencing statutes in misdemeanor and felony cases.
- SCR 4023: A concurrent resolution directing the Legislative Council to study property tax credits allowed by law for persons 65 years of age or older with limited income.

Which have been read.

The question being on the final adoption of the resolutions.

So the resolutions were adopted.

REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER: Your procedural Committee on Delayed Bills recommends that the following be introduced:

HB 1674

REP. STRINDEN, Chairman

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

### SECOND READING OF SENATE BILLS

SB 2077: A BILL for an Act to amend and reenact subsections 4 and 24 of section 57-39.2-04 of the North Dakota Century Code, relating to limitations upon exemptions of certain sales from sales taxes when in competition with retailers.

Which has been read.

### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 80 YEAS, 21 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Flaagan; Gates; Goetz; Gorman; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Knudson; Koland; Kolbo; Kretschmar; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Melby; Mertens; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olson, A.; Olson, V.; Rice; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shockman; Solberg; Sorensen; Starke; Stofferahn; Strinden; Thompson; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Wentz; Whalen; Wilkie; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Brokaw; Enget; Frey; Graba; Gunsch; Halmrast; Kingsbury; Klundt; Knell; Kuchera; Lang; Meyer; Olsen, D.; Opedahl; O'Shea; Payne; Riehl; Shide; Skjerven; Watne; Williams, A.

ABSENT AND NOT VOTING: Gerntholz; Martinson; Peterson; Smette; Tokach

SB 2077 passed and the title was agreed to.

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SB 2161: A BILL for an Act to amend and reenact sections 6-09.9-02 and 6-09.9-04 of the North Dakota Century Code, relating to an operating loan program for farmers and agribusinesses.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 103 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Kingsbury; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Rice; Riehl; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shide; Shockman; Skjerven; Solberg; Sorensen; Starke; Stofferahn; Strinden; Thompson; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: None

ABSENT AND NOT VOTING: Peterson; Smette; Tokach

SB 2161 passed and the title was agreed to.

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SB 2213: A BILL for an Act to create and enact a new section to chapter 57-06 of the North Dakota Century Code, relating to telecommunication services; and to amend and reenact section 57-06-02 of the North Dakota Century Code, relating to the definition of property that is taxed as telephone service property.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 102 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Kingsbury; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin;



Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Rice; Riehl; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shide; Shockman; Skjerven; Solberg; Sorensen; Starke; Stofferahn; Strinden; Thompson; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

**NAYS:** None

**ABSENT AND NOT VOTING:** Cleveland; Peterson; Smette; Tokach

SB 2213 passed and the title was agreed to.

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#### MOTION

**REP. GOETZ MOVED** that the House waive the reading of the title to SB 2214, which motion prevailed.

#### SECOND READING OF SENATE BILLS

**SB 2214:** A BILL for an Act to amend and reenact section 47-21-08 of the North Dakota Century Code, relating to the tax levied on selling and licensing performing rights or music or dramatico-musical compositions; and to repeal sections 47-21-01, 47-21-02, 47-21-03, 47-21-04, 47-21-05, 47-21-06, 47-21-07, 47-21-09, and 47-21-10 of the North Dakota Century Code, relating to copyrights for musical and dramatico-musical compositions.

Which has been read.

#### ROLL CALL

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

**YEAS:** Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Dalrymple; DeMers, J.; DeMers, P.; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Kingsbury; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Rice; Riehl; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shide; Shockman;

Skjervén; Solberg; Sorensen; Starke; Stofferahn;  
Thompson; Tollefson; Trautman; Ulmer; Vander Vorst;  
Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.;  
Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: None

ABSENT AND NOT VOTING: Cleveland; Dorso; Haugen;  
Martinson; Peterson; Smette; Strinden; Tokach; Tomac

SB 2214 passed and the title was agreed to.

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SB 2343: A BILL for an Act to amend and reenact subdivision i of subsection 1 of section 57-38-01.2 and subdivision g of subsection 1 of section 57-38-01.3 of the North Dakota Century Code, relating to the domestic dividend exclusion for income tax purposes.

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: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Kingsbury; Klundt; Knell; Knudson; Kolbo; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Peterson; Rice; Riehl; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shide; Shockman; Skjervén; Solberg; Sorensen; Starke; Stofferahn; Thompson; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: None

ABSENT AND NOT VOTING: Dorso; Koland; Smette; Strinden; Tokach

SB 2343 passed and the title was agreed to.

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SB 2385: A BILL for an Act to amend and reenact subsection 1 of section 57-39.2-12 of the North Dakota Century Code, relating to the due date of the last sales and use tax return for the 1987-89 biennium.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 102 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Kingsbury; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Peterson; Rice; Riehl; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shide; Shockman; Skjerven; Solberg; Sorensen; Starke; Stofferahn; Thompson; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: None

ABSENT AND NOT VOTING: Dorso; Smette; Strinden; Tokach

SB 2385 passed and the title was agreed to.

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SB 2436: A BILL for an Act to amend and reenact section 57-60-14 of the North Dakota Century Code, relating to the time for distribution of the privilege tax on coal facilities by the state treasurer.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 102 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dotzenrod; Enget; Flaagan; Frey; Gates;

Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Kingsbury; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Peterson; Rice; Riehl; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shide; Shockman; Skjerven; Solberg; Sorensen; Starke; Stofferahn; Thompson; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

**NAYS:** None

**ABSENT AND NOT VOTING:** Dorso; Smette; Strinden; Tokach

SB 2436 passed and the title was agreed to.

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**SB 2441:** A BILL for an Act to create and enact a new section to chapter 57-39.2 of the North Dakota Century Code, relating to inclusion of the sales taxes on sales of alcoholic beverages in the purchase price of the alcoholic beverages.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 97 YEAS, 4 NAYS, 5 ABSENT AND NOT VOTING.

**YEAS:** Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dotzenrod; Enget; Flaagan; Gates; Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kingsbury; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Peterson; Rice; Riehl; Rydell; Schindler; Shaft; Shaw; Shide; Skjerven; Solberg; Sorensen; Starke; Stofferahn; Strinden; Thompson; Tollefson; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Frey; Kent; Scherber; Shockman

ABSENT AND NOT VOTING: Dorso; Schneider; Smette; Tokach;  
Tomas

SB 2441 passed and the title was agreed to.

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SB 2493: A BILL for an Act to amend and reenact section 29-07-01.1 of the North Dakota Century Code, relating to recoupment of expenses for defense of indigent defendants.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 50 YEAS, 53 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Christman; Dorso; Dotzenrod; Enget; Flaagan; Gates; Goetz; Gorman; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Kent; Knudson; Koland; Kretschmar; Lang; Larson; Laughlin; Lindgren; Martin; Martinson; Melby; Moore; Myrdal; Nelson, C.; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Rice; Rydell; Schindler; Shide; Skjerven; Solberg; Sorensen; Strinden; Tollefson; Trautman; Vander Vorst; Winkelman; Speaker Kloubec

NAYS: Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Frey; Gertholz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hoffner; Hokana; Kelly; Kingsbury; Klundt; Knell; Kolbo; Kuchera; Lautenschlager; Linderman; Marks; Mertens; Meyer; Murphy; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Opedahl; Riehl; Scherber; Schneider; Shaft; Shaw; Shockman; Starke; Stofferahn; Thompson; Tomas; Ulmer; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.

ABSENT AND NOT VOTING: Smette; Tokach; Wald

SB 2493 was declared lost.

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SB 2495: A BILL for an Act to amend and reenact section 47-19-14.1 of the North Dakota Century Code, relating to recognition of notarial acts.

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, 19 NAYS, 2 ABSENT AND NOT VOTING.

**YEAS:** Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; Dorso; Dotzenrod; Enget; Flaagan; Gates; Goetz; Gorman; Graba; Gunsch; Hamerlik; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Kent; Kingsbury; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Lang; Larson; Laughlin; Lautenschlager; Lindgren; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Olson, V.; Opedahl; Payne; Peterson; Rice; Riehl; Rydell; Scherber; Schindler; Shaft; Shaw; Shide; Shockman; Solberg; Sorensen; Starke; Strinden; Thompson; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Winkelman; Speaker Kloube

**NAYS:** DeMers, P.; Frey; Gerntholz; Halmrast; Hanson, L.; Hill; Hoffner; Hokana; Kelly; Kuchera; Linderman; Marks; Oban; O'Connell; O'Shea; Schneider; Skjerven; Stofferahn; Williams, W.

**ABSENT AND NOT VOTING:** Smette; Tokach

SB 2495 passed and the title was agreed to.

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## SIGNING OF BILLS AND RESOLUTIONS

**THE CHIEF CLERK ANNOUNCED** that the Speaker signed the following:

HB 1029, HB 1040, HB 1050, HB 1059, HB 1069, HB 1074,  
HB 1100, HB 1105, HB 1111, HB 1112, HB 1113, HB 1114,  
HB 1120, HB 1124, HB 1132, HB 1143, HB 1146, HB 1153,  
HB 1155, HB 1173, HB 1182, HB 1190, HB 1224, HB 1226,  
HB 1260, HB 1261, HB 1290, HB 1399, HB 1519

ROY GILBREATH, Chief Clerk

MESSAGE TO THE SENATE  
HOUSE CHAMBER

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

HB 1029, HB 1040, HB 1050, HB 1059, HB 1069, HB 1074,  
HB 1100, HB 1105, HB 1111, HB 1112, HB 1113, HB 1114,  
HB 1120, HB 1124, HB 1132, HB 1143, HB 1146, HB 1153,  
HB 1155, HB 1173, HB 1182, HB 1190, HB 1224, HB 1226,  
HB 1260, HB 1261, HB 1290, HB 1399, HB 1519

ROY GILBREATH, Chief Clerk

#### MOTION

REP. MARTIN MOVED that HCR 3030 be returned to the House floor from the Committee on Joint Constitutional Revision for the purpose of withdrawal, which motion prevailed.

#### REQUEST

REP. KRETSCHMAR REQUESTED the unanimous consent of the House to withdraw HCR 3030. There being no objection, it was so ordered by the Speaker.

#### MOTIONS

REP. MARTIN MOVED that HCR 3076 be returned to the House floor from the Committee on Joint Constitutional Revision and be rereferred to the Committee on Judiciary, which motion prevailed.

SPEAKER KLOUBEC ANNOUNCED that HCR 3076 was rereferred to the Committee on Judiciary.

REP. STRINDEN MOVED that the rules be suspended and that HCR 3066, HCR 3068, HCR 3072, HCR 3078, HCR 3079, SCR 4022, and SCR 4023 be messaged to the Senate immediately, which motion prevailed.

#### MESSAGES 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 3066, HCR 3068, HCR 3072, HCR 3077, HCR 3078, HCR 3079

ROY GILBREATH, Chief Clerk

##### 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 3065, HCR 3067, HCR 3071, HCR 3073, HCR 3074

ROY GILBREATH, Chief Clerk

##### HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to return herewith the following which the House has amended, and subsequently failed to pass.

SB 2051

ROY GILBREATH, Chief Clerk

## HOUSE CHAMBER

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

SB 2046, SB 2048, SB 2069, SB 2070, SB 2106, SB 2118,  
SB 2121, SB 2123, SB 2124, SB 2125, SB 2193, SB 2196,  
SB 2197

ROY GILBREATH, Chief Clerk

## HOUSE CHAMBER

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

SB 2113, SB 2253

ROY GILBREATH, Chief Clerk

## MESSAGES FROM THE SENATE

## 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 4041, SCR 4052, SCR 4056, SCR 4057, SCR 4058, SCR 4060  
PERRY GROTERBERG, Secretary

## SENATE CHAMBER

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

HB 1668

PERRY GROTERBERG, Secretary

## MOTIONS

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

REP. GOETZ MOVED that the House be on the Fifth order of business, and at the conclusion of the Fifth order, the House be on the Ninth order of business, and at the conclusion of the Ninth order, the House be on the Thirteenth order of business, and at the conclusion of the Thirteenth order, the House stand adjourned until 1:00 p.m., Wednesday, March 4, 1987, which motion prevailed.

## REPORTS OF STANDING COMMITTEES

MR. SPEAKER: Your Committee on State and Federal Government to which was referred HCR 3069 has had the same under consideration and recommends by a vote of 10 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

REP. MARTINSON, Chairman

HCR 3069 was placed on the Tenth order of business on the calendar for the succeeding legislative day.



MR. SPEAKER: Your Committee on Judiciary to which was referred SB 2144 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. KRETSCHMAR, Chairman

SB 2144 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 Engrossed SB 2151 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. KRETSCHMAR, Chairman

Engrossed SB 2151 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 Engrossed SB 2163 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

REP. GATES, Chairman

Engrossed SB 2163 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 2177 has had the same under consideration and recommends by a vote of 13 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. WHALEN, Chairman

SB 2177 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 2180 has had the same under consideration and recommends by a vote of 12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

REP. KRETSCHMAR, Chairman

SB 2180 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 2182 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. WHALEN, Chairman

SB 2182 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 Engrossed SB 2207 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

REP. GATES, 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 Judiciary to which was referred SB 2230 has had the same under consideration and recommends by a vote of 9 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. KRETSCHMAR, Chairman

SB 2230 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 SB 2263 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2, line 20, delete the word "weekly,"

And renumber the lines, sections, and pages accordingly

REP. A. HAUSAUER, Chairman

SB 2263 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary to which was referred SB 2284 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. KRETSCHMAR, Chairman

SB 2284 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 2342 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. WHALEN, Chairman

SB 2342 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 Engrossed SB 2358 has had the same under consideration and recommends by a vote of 11 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. GATES, Chairman

Engrossed SB 2358 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 2384 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. GATES, Chairman

SB 2384 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 Engrossed SB 2420 has had the same under consideration and recommends by a vote of 11 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING that the same DO PASS.

REP. KRETSCHMAR, Chairman

Engrossed SB 2420 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 2446 has had the same under consideration and recommends by a vote of 8 YEAS, 7 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

REP. GATES, Chairman

SB 2446 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 Engrossed SB 2450 has had the same under consideration and recommends by a vote of 11 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 10, delete the words "in boldface" and insert in lieu thereof the words "printed in a conspicuous manner"

On page 1 of the engrossed bill, line 11, delete the words "type of a minimum size of ten point"

And renumber the lines, sections, and pages accordingly

REP. KRETSCHMAR, Chairman

Engrossed SB 2450 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

**MR. SPEAKER:** Your Committee on Judiciary to which was referred Engrossed SB 2455 has had the same under consideration and recommends by a vote of 11 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 10, after the word "statement" insert the words "filed against an individual" and delete the word "residential"

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

Engrossed SB 2455 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

**MR. SPEAKER:** Your Committee on State and Federal Government to which was referred SB 2459 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. MARTINSON, Chairman**

SB 2459 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

**MR. SPEAKER:** Your Committee on State and Federal Government to which was referred SB 2505 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. MARTINSON, Chairman**

SB 2505 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

**MR. SPEAKER:** Your Committee on State and Federal Government to which was referred SB 2534 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. MARTINSON, Chairman**

SB 2534 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

**MR. SPEAKER:** Your Committee on State and Federal Government to which was referred SCR 4006 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 and BE PLACED ON THE CONSENT CALENDAR.

**REP. MARTINSON, Chairman**

SCR 4006 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

**MR. SPEAKER:** Your Committee on State and Federal Government to which was referred SCR 4015 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 and BE PLACED ON THE CONSENT CALENDAR.

REP. MARTINSON, Chairman

SCR 4015 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education to which was referred SCR 4018 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 and BE PLACED ON THE CONSENT CALENDAR.

REP. GATES, Chairman

SCR 4018 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government to which was referred SCR 4020 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 and BE PLACED ON THE CONSENT CALENDAR.

REP. MARTINSON, Chairman

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

MR. SPEAKER: Your Committee on State and Federal Government to which was referred SCR 4036 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 and BE PLACED ON THE CONSENT CALENDAR.

REP. MARTINSON, Chairman

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

MR. SPEAKER: Your Committee on State and Federal Government to which was referred SCR 4045 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 and BE PLACED ON THE CONSENT CALENDAR.

REP. MARTINSON, Chairman

SCR 4045 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

#### FIRST READING OF HOUSE BILLS

Reps. Kingsbury, Hoffner and Sens. Stenehjem, Shea introduced:  
(Approved by the Committee on Delayed Bills)

HB 1674: A BILL for an Act to authorize the industrial commission acting as the North Dakota building authority to issue evidences of indebtedness for the construction of an aerospace science training facility at the university of North Dakota; to create and enact a new section to chapter 54-17.2 of the North Dakota Century Code, relating to evidences of indebtedness issued by the industrial commission and continued authority of the commission as the

North Dakota building authority; to amend and reenact section 22 of chapter 571 of the 1985 Session Laws of North Dakota, relating to the continuing appropriation of moneys related to the projects; and to repeal section 21 of chapter 571 of the 1985 Session Laws of North Dakota, relating to projects authorized by the forty-ninth legislative assembly.

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

#### FIRST READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4017: A concurrent resolution directing the Legislative Council to study the investigation and prosecution procedures for child abuse and neglect cases and to determine whether state law protects the interests of justice and of all parties involved in such cases.

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

SCR 4026: A concurrent resolution directing the Legislative Council to study programs for assistance to victims of and witnesses to crime.

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

SCR 4032: A concurrent resolution designating May 14, 1989, as "Founders Day" to remember those citizens involved in creating the Constitution of North Dakota.

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

SCR 4033: A concurrent resolution designating July 4, 1989, as "Constitution Day" to observe the creation of the Constitution of North Dakota.

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

SCR 4034: A concurrent resolution designating February 22, 1989, as "Government Day" to observe and remember the day when the organizing of North Dakota state government was authorized to begin.

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

SCR 4050: A concurrent resolution directing the Legislative Council to study the office, duties, and functions of the Commissioner of Labor and whether these could be adequately performed by other state agencies.

Was read the first time and referred to the Committee on Industry, Business and Labor.

SCR 4051: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing a state bonding fund for those persons who are required by state law to be bonded in order to engage in business activities.

Was read the first time and referred to the Committee on Industry, Business and Labor.

SCR 4053: A concurrent resolution directing the Legislative Council to study the appropriation of special funds. Was read the first time and referred to the **Committee on State and Federal Government**.

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

ROY GILBREATH, Chief Clerk