

JOURNAL OF THE HOUSE

Fiftieth Legislative Assembly

FIFTY-EIGHTH DAY

Bismarck, March 30, 1987

The House convened at 9:00 a.m., with Speaker Kloubec presiding.

The prayer was offered by W. H. Fanning, Bethel Lutheran Church, Bismarck, North Dakota.

ROLL CALL

The roll was called and all Representatives were present.

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 Fifty-seventh Day and finds the same to be correct.

REP. THOMPSON, Chairman

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

COMMUNICATION FROM GOVERNOR

State of North Dakota
EXECUTIVE OFFICE
Bismarck

March 28, 1987

The Honorable Richard Kloubec
Speaker of the House
House Chambers
State Capitol
Bismarck, North Dakota 58505

Dear Speaker Kloubec:

This is to inform you that on March 27, 1987, I signed the following:

HB 1032,	HB 1034,	HB 1154,	HB 1197,	HB 1207,	HB 1209,
HB 1241,	HB 1279,	HB 1293,	HB 1304,	HB 1310,	HB 1330,
HB 1333,	HB 1363,	HB 1433,	HB 1449,	HB 1452,	HB 1468,
HB 1481,	HB 1533,	HB 1538,	HB 1545,	HB 1549,	HB 1552,
HB 1563,	HB 1579,	HB 1582,	HB 1595,	HB 1613,	HB 1671,

HB 1079, HB 1099, HB 1117, HB 1254, HB 1405, HB 1420,
HB 1456, HB 1460, HB 1491, HB 1568, HB 1608

Sincerely,

GEORGE A. SINNER
Governor

MOTION

REP. STRINDEN MOVED that the rules be suspended, and that after action taken on the Sixth order, that all bills and resolutions be placed on the Eleventh and Fourteenth orders respectively for second reading and final passage, which motion prevailed.

SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to SB 2004 as recommended by the Committee on Appropriations as printed on pages 2258-2259 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2004: A BILL for an Act making an appropriation for defraying the expenses of the various divisions under the supervision of the director of the office of management and budget of the state of North Dakota; providing an exemption to the provisions of section 54-44.1-11 of the North Dakota Century Code; and to amend and reenact section 54-16-11.1 of the North Dakota Century Code, relating to the emergency commission authority to increase revenue appropriation authority for intergovernmental service fund agencies.

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 97 YEAS, 9 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Hamerlik; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Meyer; Moore; 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; Smette; Solberg; Sorensen; Starke; Stofferahn; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne;

Wentz; Wilkie; Williams, A.; Williams, C.;
Williams, W.; Winkelman; Speaker Kloubec

NAYS: Dotzenrod; Gunsch; Halmrast; Hanson, O.; Kingsbury;
Melby; Mertens; Murphy; Whalen

ABSENT AND NOT VOTING: None

SB 2004 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to SB 2012 as recommended by the Committee on Appropriations as printed on pages 2285-2286 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed on a verification vote.

SECOND READING OF SENATE BILL

SB 2012: A BILL for an Act making an appropriation for defraying the expenses of the pardon board and the parole and probation office of the state of North Dakota.

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 88 YEAS, 17 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: Brokaw; DeMers, J.; Enget; Flaagan; Frey; Graba; Halmrast; Haugen; Hoffner; Laughlin; Lautenschlager; Oban; O'Connell; Scherber; Shockman; Solberg; Ulmer

ABSENT AND NOT VOTING: Williams, A.

SB 2012 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to SB 2013 as recommended by the Committee on Appropriations as printed on pages 2259-2261 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

REQUEST

REP. L. HANSON REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to SB 2013, which request was granted.

ROLL CALL

The question being on the motion to adopt the amendments to SB 2013, the roll was called and there were 89 YEAS, 16 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: Flaagan; Frey; Halmrast; Hokana; Knell; Knudson; Kolbo; Kretschmar; Laughlin; O'Connell; Olson, V.; O'Shea; Schneider; Stofferahn; Ulmer; Vander Vorst

ABSENT AND NOT VOTING: Martinson

The motion to adopt the amendments to SB 2013 passed.

MOTIONS

REP. STRINDEN MOVED that SB 2013 be placed on tomorrow's calendar, as amended, for second reading and final passage, which motion prevailed.

REP. MARTIN MOVED that the House reconsider its action whereby HCR 3029 was placed on the Eleventh order of business on the calendar, which motion prevailed.

REP. MARTIN MOVED that the rules be suspended and HCR 3029 be rereferred to the Committee on Joint Constitutional Revision, which motion prevailed.

SPEAKER KLOUBEC ANNOUNCED that HCR 3029 was referred to the Committee on Joint Constitutional Revision.

MESSAGES FROM THE SENATE
SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the Senate has concurred in the House amendments to SB 2044, SB 2184, SB 2391, SB 2444, SB 2445, SB 2458, SB 2484, SB 2490, and SB 2526 and subsequently passed the same but has refused to concur in the House amendments to SB 2056, SB 2080, SB 2314, SB 2378, SB 2510, SB 2520, and SCR 4026 and the President Pro Tem has appointed as a conference committee to act with a like committee from the House on:

SB 2056: Sens. Maxson, Nalewaja, Stenehjem
SB 2080: Sens. Schoenwald, Nething, Wright
SB 2314: Sens. Mathern, Maxson, Peterson
SB 2378: Sens. Krauter, Schoenwald, Nething
SB 2510: Sens. Heinrich, Maxson, Stenehjem
SB 2520: Sens. Kelsh, Peterson, Kelly
SCR 4026: Sens. J. Meyer, Holmberg, Stenehjem

PERRY GROTEBERG, Secretary

SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith the following which the President Pro Tem has signed:

HB 1041, HB 1042, HB 1151, HB 1171, HB 1598

PERRY GROTEBERG, Secretary

SENATE CHAMBER

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

SB 2055, SB 2130, SB 2442, SB 2469

PERRY GROTEBERG, Secretary

MOTION

REP. GOETZ MOVED that the House stand in recess until 11:00 a.m., which motion prevailed.

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

MESSAGES TO THE SENATE
HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House has concurred in the Senate amendments to HB 1051, HB 1080, HB 1150, HB 1227, HB 1325, HB 1332, HB 1463, HB 1529, HB 1604,

HB 1631, HCR 3003, HCR 3062, and HCR 3076 and subsequently passed the same but has refused to concur in the Senate amendments to HB 1009, HB 1038, HB 1062, HB 1131, and HB 1161 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1009: Reps. Wald, Rice, Stofferahn
HB 1038: Reps. Aas, Murphy, J. Nelson
HB 1062: Reps. Moore, Haugen, W. Williams
HB 1131: Reps. Haugen, Aas, O'Connell
HB 1161: Reps. Schindler, Almlie, L. Hanson

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House has refused to concur in the Senate amendments to HB 1192, HB 1242, HB 1266, and HB 1416 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1192: Reps. A. Hausauer, Goetz, Tomac
HB 1242: Reps. Sorensen, Cleveland, Kolbo
HB 1266: Reps. Shaft, Lindgren, J. Nelson
HB 1416: Reps. D. Olsen, Shaw, Meyer

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

SB 2503

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

SB 2040

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

SB 2076, SB 2336

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith the following which the House has amended, and subsequently passed, with the emergency clause failing to pass:

SB 2480

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

SB 2392

ROY GILBREATH, Chief Clerk

SIGNING OF BILLS AND RESOLUTIONS

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following:

SB 2055, SB 2130, SB 2442, SB 2469

ROY GILBREATH, Chief Clerk

MESSAGE TO THE SENATE

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith the following which the Speaker has signed:

SB 2055, SB 2130, SB 2442, SB 2469

ROY GILBREATH, Chief Clerk

SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to SB 2015 as recommended by the Committee on Appropriations as printed on pages 2286-2291 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

MOTION

REP. A. HAUSAUER MOVED the previous question, which motion prevailed.

REQUEST

REP. KELLY REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to SB 2015, which request was granted.

ROLL CALL

The question being on the motion to adopt the amendments to SB 2015, the roll was called and there were 64 YEAS, 41 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, R.; Christman; Cleveland; Dalrymple; Dorso; Dotzenrod; Gates; Gerntholz; Goetz; Gorman; Gunsch; Hamerlik; Hanson, O. Haugen; Haugland; Hausauer, A.; Hausauer, R. Kingsbury; Knell; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Lindgren; Martin; Martinson; Melby; Meyer; Moore; Murphy; Myrdal; Nicholas; Olsen, D. Olson, A.; Olson, V.; Payne; Peterson; Rice; Rydell; Schindler; Shaft; Shaw; Shide; Skjerven; Smette; Sorensen; Strinden; Thompson; Tokach; Tollefson; Tomac

Trautman; Vander Vorst; Wald; Wentz; Whalen; Winkelman;
Speaker Kloubec

NAYS: Berg, G.; Brokaw; DeMers, J.; DeMers, P.; Enget;
Flaagan; Frey; Graba; Halmrast; Hanson, L.; Hill;
Hoffner; Hokana; Kelly; Klundt; Kolbo; Laughlin;
Lautenschlager; Linderman; Marks; Mertens; Nelson, C.;
Nelson, J.; Nowatzki; Oban; O'Connell; Opedahl; O'Shea;
Riehl; Scherber; Schneider; Shockman; Solberg; Starke;
Stofferahn; Ulmer; Watne; Wilkie; Williams, A.;
Williams, C.; Williams, W.

ABSENT AND NOT VOTING: Kent

The motion to adopt the amendments to SB 2015 passed.

SECOND READING OF SENATE BILL

SB 2015: A BILL for an Act making an appropriation for defraying the expenses of the department of human services, state hospital, and the governor's council on human resources; making an appropriation and transfer from the lands and minerals trust fund to the common schools trust fund; making an appropriation of excess revenues generated by human service centers; providing the emergency commission with appropriation transfer authority; to amend and reenact section 50-01-09.2 of the North Dakota Century Code, relating to poor relief expenditures; and to provide legislative intent statements relating to inspection of care and survey functions, DUI evaluation program reductions, and the use of capital improvement appropriations for payment of construction bonds.

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 68 YEAS, 37 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, R.; Christman;
Cleveland; Dalrymple; Dorso; Dotzenrod; Gates;
Gerntholz; Goetz; Gorman; Gunsch; Hamerlik; Hanson, O.;
Haugen; Haugland; Hausauer, A.; Hausauer, R.;
Kingsbury; Knell; Knudson; Koland; Kretschmar; Kuchera;
Lang; Larson; Linderman; Lindgren; Marks; Martin;
Martinson; Melby; Moore; Murphy; Myrdal; Nicholas;
Olsen, D.; Olson, A.; Olson, V.; Payne; Peterson; Rice;
Riehl; Rydell; Schindler; Shaft; Shaw; Shide; Skjerven;
Smette; Solberg; Sorensen; Strinden; Thompson; Tokach;
Tollefson; Trautman; Vander Vorst; Wald; Wentz; Whalen;
Williams, A.; Williams, C.; Winkelman; Speaker Kloubec

NAYS: Berg, G.; Brokaw; DeMers, J.; DeMers, P.; Enget;
Flaagan; Frey; Graba; Halmrast; Hanson, L.; Hill;

Hoffner; Hokana; Kelly; Klundt; Kolbo; Laughlin; Lautenschlager; Mertens; Meyer; Nelson, C.; Nelson, J.; Nowatzki; Oban; O'Connell; Opedahl; O'Shea; Scherber; Schneider; Shockman; Starke; Stofferahn; Tomac; Ulmer; Watne; Wilkie; Williams, W.

ABSENT AND NOT VOTING: Kent

SB 2015 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. MOORE MOVED that the House do not concur in the Senate amendments to HB 1052 as printed on page 2309 of the House Journal and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEES

THE SPEAKER APPOINTED as a Conference Committee on HB 1052:

Reps. A. Hausauer, Shaw, Dotzenrod

THE SPEAKER APPOINTED as a Conference Committee on SB 2056:

Reps. Aas, Shaft, Ulmer

THE SPEAKER APPOINTED as a Conference Committee on SB 2314:

Reps. Shaft, Cleveland, Flaagan

THE SPEAKER APPOINTED as a Conference Committee on SB 2378:

Reps. Lindgren, Sorensen, Skjerven

THE SPEAKER APPOINTED as a Conference Committee on SB 2520:

Reps. Shaw, Rydell, Klundt

THE SPEAKER APPOINTED as a Conference Committee on SCR 4026:

Reps. Wentz, Knudson, A. Williams

INTRODUCTION BY SPEAKER

SPEAKER KLOUBEC INTRODUCED W. H. "Binx" Remnant, Clerk of the Assembly, Manitoba Legislature, to the Assembly.

MOTION

REP. GOETZ MOVED that the House stand in recess until 1:00 p.m., which motion prevailed.

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

SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to SB 2023 as recommended by the Committee on Appropriations as printed on page 2261 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

MOTION

REP. STRINDEN MOVED that SB 2023 be laid over one legislative day on the Fourteenth order, which motion prevailed.

MESSAGES TO THE SENATE

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House has refused to concur in the Senate amendments to HB 1052 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1052: Reps. A. Hausauer, Shaw, Dotzenrod

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2056: Reps. Aas, Shaft, Ulmer

SB 2314: Reps. Shaft, Cleveland, Flaagan

SB 2378: Reps. Lindgren, Sorensen, Skjervén

SB 2520: Reps. Shaw, Rydell, Klundt

SCR 4026: Reps. Wentz, Knudson, A. Williams

ROY GILBREATH, Chief Clerk

MESSAGE FROM THE SENATE

SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith HB 1221, HB 1448, and HB 1450 which the Senate has amended, and subsequently passed:

SENATE AMENDMENTS TO HB 1221

On page 1, line 1, after the numerals "12.1-20-01" insert the words and numerals "and subsection 1 of section 12.1-20-09"

On page 1, line 3, delete the word "and" and insert in lieu thereof a comma

On page 1, line 4, after the word "victims" insert the words ", and adultery"

On page 2, after line 17, insert the following new section:

"SECTION 2. AMENDMENT. Subsection 1 of section 12.1-20-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. A married person is guilty of a class A misdemeanor if he or she engages in a sexual act with another person, who is not his or her spouse."

And renumber the lines, sections, and pages accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1448

On page 3 of the engrossed bill, line 17, delete the word "thirtieth" and insert in lieu thereof the word "thirty-first"

On page 4 of the engrossed bill, line 22, after the underscored period insert the words "After January 1, 1990, no medical assistance payments may be made to any nursing home unless the nursing home, using the mechanism established by the department for preadmission assessment, assesses the health and social needs of each person making application for admission to the nursing home."

On page 11 of the engrossed bill, line 17, delete the words "so that the"

On page 11 of the engrossed bill, line 18, delete the words "material arrives at the designed"

On page 11 of the engrossed bill, line 19, delete the word "address"

And renumber the lines, sections, and pages accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1450

On page 1 of the engrossed bill, line 3, after the word "licensure" insert the words "; to provide an expiration date; and to declare an emergency"

On page 1 of the engrossed bill, line 13, after the word "in" insert the words "residential or agricultural"

On page 2 of the engrossed bill, after line 13, insert the following new sections:

"SECTION 2. EXPIRATION DATE. This Act is effective through June 30, 1989, and after that date is ineffective.

SECTION 3. 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 GROTEBERG, Secretary

SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to SB 2029 as recommended by the Committee on Appropriations as printed on pages 2262-2263 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2029: A BILL for an Act making an appropriation for defraying the expenses of the various divisions of the state water commission of the state of North Dakota; and providing for an appropriation and transfer of funds from the resources trust fund, bond guarantee fund, the water use fund, and the lands and minerals trust fund.

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 91 YEAS, 12 NAYS, 3 ABSENT AND NOT VOTING.

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

NAYS: Berg, G.; Dorso; Kingsbury; Klundt; Mertens; Meyer; Murphy; Riehl; Shockman; Skjerven; Sorensen; Watne

ABSENT AND NOT VOTING: Graba; Kent; Solberg

SB 2029 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

REP. A. HAUSAUER MOVED that the amendments to SB 2099 as recommended by the Committee on Finance and Taxation as printed on pages 2291-2292 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2099: A BILL for an Act to amend and reenact section 57-60-02 of the North Dakota Century Code, relating to the rate of the coal conversion facility privilege tax imposed on coal gasification plants; and to declare 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 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; 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; Scherber; Schindler; Schneider; Shaft; Shaw; Shide; Shockman; Skjerven; Smette; Sorensen; Starke; Stofferahn; Strinden; Thompson; Tokach; 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: Graba; Kent; Solberg

SB 2099 passed, the title was agreed to, and the emergency clause carried.

MOTION

REP. GOETZ MOVED that HB 1679 and SB 2344 be placed at the top of the calendar, which motion prevailed.

SIXTH ORDER OF BUSINESS

REP. A. HAUSAUER MOVED that the amendments to HB 1679 as recommended by the Committee on Finance and Taxation as printed on page 2336 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1679: A BILL for an Act to amend and reenact sections 57-32-01.2 and 57-32-04 of the North Dakota Century Code, relating to the assessment and allocation of the tax on air carrier transportation companies; and to repeal section 57-32-01.3 of the North Dakota Century Code, relating to allocation of value of air carrier transportation companies.

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 105 YEAS, 0 NAYS, 1 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; Gertholz; 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; Scherber; Schindler; Schneider; Shaft; Shaw; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Starke; Stofferahn; Strinden; Thompson; Tokach; 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: Kent

HB 1679 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

REP. KRETCHMAR MOVED that the amendments to SB 2344 as recommended by the Committee on Judiciary as printed on page 2337 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2344: A BILL for an Act to amend and reenact sections 16.1-11-24, 16.1-11-25, 16.1-11-37, and 16.1-15-01 of the

North Dakota Century Code, relating to no-party primary ballots.

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 21 YEAS, 83 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Almlie; Berg, R.; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dotzenrod; Gates; Hamerlik; Kretschmar; Mertens; Myrdal; Nicholas; Oban; Olson, A.; Rydell; Shaft; Sorensen; Strinden; Vander Vorst; Wilkie

NAYS: Aas; Anderson; Belter; Berg, G.; Brokaw; Christman; Dorso; Enget; Flaagan; Frey; Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kingsbury; Klundt; Knell; Knudson; Koland; Kolbo; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Melby; Meyer; Moore; Murphy; Nelson, C.; Nelson, J.; Nowatzki; O'Connell; Olsen, D.; Olson, V.; Opedahl; O'Shea; Payne; Peterson; Rice; Riehl; Scherber; Schindler; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg; Starke; Stofferahn; Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

ABSENT AND NOT VOTING: Kent; Martinson

SB 2344 was declared lost.

SIGNING OF BILLS AND RESOLUTIONS

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following:

HB 1150, HB 1204, HB 1332, HB 1342, HB 1390, HB 1408,
HB 1411, HB 1525, HB 1551, HB 1631, HCR 3003, HCR 3062,
HCR 3081

ROY GILBREATH, Chief Clerk

MESSAGE TO THE SENATE HOUSE CHAMBER

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

HB 1150, HB 1204, HB 1332, HB 1342, HB 1390, HB 1408,
HB 1411, HB 1525, HB 1551, HB 1631, HCR 3003, HCR 3062,
HCR 3081

ROY GILBREATH, Chief Clerk

MOTION

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

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

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER: Your Conference Committee to which was referred Engrossed HB 1073 has had the same under consideration and recommends that the HOUSE ACCEDE to the amendments as found on page 1870 of the House Journal and that Engrossed HB 1073 be further amended as follows:

On page 1 of the engrossed bill, line 19, after the word "The" insert the words "department shall, when designing or redesigning the" and after the word "application" insert the word "form,"

On page 1 of the engrossed bill, line 20, delete the word "must"

And renumber the lines, sections, and pages accordingly

For the Senate: Sens. Schoenwald, Hilken, Mutch

For the House: Reps. Almlie, Shaft, Marks

Engrossed HB 1073 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER: Your Conference Committee to which was referred Engrossed HB 1231 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 1844 of the House Journal and that Engrossed HB 1231 be amended as follows:

On page 2 of the engrossed bill, line 1, after the third comma insert the word "chiropractic,"

And renumber the lines, sections, and pages accordingly

For the Senate: Sens. Keller, Krauter, Reiten

For the House: Reps. Dalrymple, Vander Vorst, Scherber

Engrossed HB 1231 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER: Your Conference Committee to which was referred HB 1535 has had the same under consideration and recommends that the HOUSE ACCEDE to the amendments as found on page 1979 of the House Journal:

For the Senate: Sens. J. Meyer, Stenehjem, Nalewaja

For the House: Reps. Wentz, Cleveland, A. Williams

HB 1535 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER: Your Conference Committee to which was referred HB 1601 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 2019 of the House Journal:

For the Senate: Sens. Richard, D. Meyer, David

For the House: Reps. Shaw, Lindgren, R. Meyer

HB 1601 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KENT MOVED that the House do concur in the Senate amendments to HB 1030 as printed on pages 2233-2234 of the House Journal, which motion prevailed on a verification vote.

MOTION

REP. STRINDEN MOVED that the rules be suspended, that HB 1030 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1030: A BILL for an Act to create and enact a new section to chapter 4-19 of the North Dakota Century Code, relating to the qualifications of district foresters; and to amend and reenact sections 4-19-01 and 57-57-01 of the North Dakota Century Code, relating to the appointment and duties of the state forester.

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 82 YEAS, 22 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; DeMers, P.; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Gunsch; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland;

Hausauer, A.; Hausauer, R.; Hill; Kelly; Kent;
 Kingsbury; Klundt; Knell; Knudson; Koland; Kolbo;
 Kuchera; Larson; Laughlin; Lautenschlager; Linderman;
 Lindgren; Marks; Martin; Martinson; Mertens; Meyer;
 Moore; Myrdal; Nelson, C.; Nelson, J.; Nicholas;
 Nowatzki; O'Connell; Olsen, D.; Olson, A.; Olson, V.;
 Opedahl; Payne; Rice; Riehl; Scherber; Schindler;
 Schneider; Shaft; Shide; Shockman; Smette; Solberg;
 Starke; Stofferahn; Strinden; Thompson; Tollefson;
 Trautman; Wald; Watne; Wentz; Whalen; Wilkie;
 Williams, A.; Williams, C.; Williams, W.;
 Speaker Kloubec

NAYS: Anderson; Belter; Dalrymple; DeMers, J.; Dorso;
 Halmrast; Hoffner; Hokana; Lang; Melby; Murphy; Oban;
 O'Shea; Rydell; Shaw; Skjerven; Sorensen; Tokach;
 Tomac; Ulmer; Vander Vorst; Winkelman

ABSENT AND NOT VOTING: Kretschmar; Peterson

HB 1030 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WHALEN MOVED that the House do concur in the Senate amendments to HB 1187 as printed on page 2237 of the House Journal, which motion prevailed.

MOTION

REP. STRINDEN MOVED that the rules be suspended, that HB 1187 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1187: A BILL for an Act to amend and reenact section 65-05.1-06 of the North Dakota Century Code, relating to limiting vocational rehabilitation benefits to two years, except in extraordinary circumstances, and to relocation and remodeling expense.

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 101 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.;
 Brokaw; Christman; Cleveland; Dalrymple; 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;
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; Shaft;
Shaw; Shide; Shockman; Skjerven; Smette; Solberg;
Sorensen; Starke; Stofferahn; Strinden; Thompson;
Tokach; Tollefson; Tomac; Trautman; Ulmer;
Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie;
Williams, A.; Williams, C.; Williams, W.; Winkelman;
Speaker Kloubec

NAYS: DeMers, J.; Dorso; Schneider

ABSENT AND NOT VOTING: Kretschmar; Peterson

HB 1187 passed and the title was agreed to.

MOTION

REP. J. DEMERS MOVED that the House reconsider its action whereby HCR 3064 failed to pass.

REQUEST

REP. MEYER REQUESTED a recorded roll call vote on the motion to reconsider the action whereby HCR 3064 failed to pass, which request was granted.

ROLL CALL

The question being on the motion to reconsider the action whereby HCR 3064 failed to pass, the roll was called and there were 73 YEAS, 33 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Brokaw;
Christman; DeMers, J.; DeMers, P.; Dotzenrod; Enget;
Flaagan; Frey; Gerntholz; Gorman; Graba; Halmrast;
Hamerlik; Hanson, L.; Hanson, O.; Haugen; Hausauer, R.;
Hill; Hoffner; Kelly; Kent; Kingsbury; Klundt; Kolbo;
Lang; Laughlin; Lautenschlager; Linderman; Marks;
Melby; Mertens; Meyer; Murphy; Myrdal; Nelson, C.;
Nelson, J.; Oban; O'Connell; Olsen, D.; Olson, A.;
Olson, V.; Opedahl; O'Shea; Peterson; Riehl; Scherber;
Schneider; Shaw; Shide; Shockman; Skjerven; Solberg;
Sorensen; Starke; Stofferahn; Thompson; Tokach;
Tollefson; Tomac; Ulmer; Vander Vorst; Wald; Watne;
Whalen; Wilkie; Williams, A.; Williams, C.;
Williams, W.

NAYS: Berg, R.; Cleveland; Dalrymple; Dorso; Gates;
Goetz; Gunsch; Haugland; Hausauer, A.; Hokana; Knell;

Knudson; Koland; Kretschmar; Kuchera; Larson; Lindgren; Martin; Martinson; Moore; Nicholas; Nowatzki; Payne; Rice; Rydell; Schindler; Shaft; Smette; Strinden; Trautman; Wentz; Winkelman; Speaker Kloubec

ABSENT AND NOT VOTING: None

So the motion to reconsider the action whereby HCR 3064 failed to pass prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3064: A concurrent resolution requesting the Congress of the United States to propose for ratification by the states an amendment to the United States Constitution to terminate all fractional reserve banking practices in the United States and to establish the United States Monetary Commission.

Which has been read.

REQUEST

REP. MEYER REQUESTED a recorded roll call vote on adoption of HCR 3064, which request was granted.

ROLL CALL

The question being on the adoption of the resolution, as amended, the roll was called and there were 67 YEAS, 39 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Almlie; Anderson; Belter; Berg, G.; Brokaw; Christman; Cleveland; DeMers, J.; DeMers, P.; Dotzenrod; Enget; Flaagan; Frey; Gerntholz; Gorman; Graba; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Hill; Hoffner; Kent; Kingsbury; Klundt; Kolbo; Lang; Laughlin; Lautenschlager; Linderman; Marks; Melby; Meyer; Murphy; Myrdal; Nelson, C.; Nelson, J.; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Riehl; Schindler; Schneider; Shide; Shockman; Skjerven; Solberg; Sorensen; Starke; Thompson; Tokach; Tollefson; Tomac; Ulmer; Vander Vorst; Wald; Watne; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.

NAYS: Aas; Berg, R.; Dalrymple; Dorso; Gates; Goetz; Gunsch; Haugland; Hausauer, A.; Hausauer, R.; Hokana; Kelly; Knell; Knudson; Koland; Kretschmar; Kuchera; Larson; Lindgren; Martin; Martinson; Mertens; Moore; Nicholas; Nowatzki; Payne; Peterson; Rice; Rydell; Scherber; Shaft; Shaw; Smette; Stofferahn; Strinden; Trautman; Wentz; Winkelman; Speaker Kloubec

ABSENT AND NOT VOTING: None

HCR 3064 was declared adopted.

MOTION

REP. LAUGHLIN MOVED that the House reconsider its action whereby HCR 3014 passed, which motion prevailed on a verification vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3014: A concurrent resolution for the amendment of subsection 1 and subdivision d of subsection 6 of section 6 of article VIII and sections 12 and 13 of article IX of the Constitution of the State of North Dakota, relating to a college and university system and removing references to the types and locations of institutions of higher education; and to provide an effective date.

Which has been read.

ROLL CALL

The question being on the adoption of the resolution, as amended, the roll was called and there were 63 YEAS, 40 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson; Belter; Berg, R.; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Frey; Gates; Gorman; Gunsch; Hamerlik; Hanson, L.; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Kelly; Klundt; Knell; Knudson; Kretschmar; Lang; Larson; Linderman; Lindgren; Marks; Martinson; Meyer; Moore; Murphy; Nelson, C.; Nelson, J.; Oban; O'Connell; O'Shea; Payne; Riehl; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Skjerven; Sorensen; Starke; Stofferahn; Strinden; Tokach; Tomac; Ulmer; Vander Vorst; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Almlie; Berg, G.; Brokaw; Enget; Flaagan; Gerntholz; Goetz; Graba; Halmrast; Hanson, O.; Haugen; Haugland; Hill; Kent; Kingsbury; Kolbo; Kuchera; Laughlin; Lautenschlager; Martin; Melby; Mertens; Myrdal; Nowatzki; Olsen, D.; Olson, A.; Olson, V.; Opedahl; Peterson; Rice; Shide; Shockman; Smette; Solberg; Thompson; Tollefson; Trautman; Watne; Wentz; Whalen

ABSENT AND NOT VOTING: Koland; Nicholas; Wald

HCR 3014 was declared adopted.

REQUEST

REP. O'CONNELL REQUESTED that the record show that he meant to vote "nay" on HCR 3014, which request was granted.

**MESSAGE FROM THE SENATE
SENATE CHAMBER**

MR. SPEAKER: I have the honor to inform you that the Senate has reconsidered its action whereby it did concur with the House amendments to SB 2404 and consequently did not concur in the House amendments to SB 2404, and the President has appointed as a conference committee to meet with a like committee from the House, the following:

SB 2404: Sens. Maxson, Stenehjem, Holmberg

PERRY GROTEBERG, Secretary

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. HAUGLAND MOVED that the House do concur in the Senate amendments to HB 1208 as printed on page 2298 of the House Journal, which motion prevailed.

MOTION

REP. STRINDEN MOVED that the rules be suspended, that HB 1208 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1208: A BILL for an Act to create and enact a new subsection to section 43-12.1-02 of the North Dakota Century Code, relating to definition of the word "licensee"; to amend and reenact sections 43-12.1-11, 43-12.1-12, and 43-12.1-14 of the North Dakota Century Code, relating to when a nursing license is issued, the qualifications for obtaining a nursing license by endorsement and the imposition of fines, costs, and disbursements for respondents in disciplinary proceedings before the board of nursing; and to provide a penalty.

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 97 YEAS, 5 NAYS, 4 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.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Klundt; Knell; Knudson; Kolbo; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Mertens; Meyer; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nowatzki; Oban; O'Connell; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Peterson; Rice; Riehl; Rydell;

Scherber; Schindler; Schneider; Shaft; Shaw; Shide;
Shockman; Skjervén; Smette; Solberg; Sorensen; Starke;
Stofferahn; Strinden; Tokach; Tollefson; Tomac;
Trautman; Ulmer; Vander Vorst; Watne; Wentz; Wilkie;
Williams, A.; Williams, C.; Williams, W.; Winkelman;
Speaker Kloubec

NAYS: Hanson, O.; Kingsbury; Melby; Thompson; Whalen

ABSENT AND NOT VOTING: Koland; Nicholas; Olsen, D.; Wald

HB 1208 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. LARSON MOVED that the House do concur in the Senate amendments to HB 1272 as printed on pages 2298-2299 of the House Journal, which motion prevailed.

MOTION

REP. STRINDEN MOVED that the rules be suspended, that HB 1272 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1272: A BILL for an Act to create and enact two new sections to chapter 23-12 of the North Dakota Century Code, relating to enforcement of public smoking restrictions; and to amend and reenact sections 23-12-09, 23-12-10, and 23-12-11 of the North Dakota Century Code, relating to designated smoking areas in places of public assembly.

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 85 YEAS, 17 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson; Belter; Berg, G.; Berg, R.; Brokaw;
Christman; Cleveland; Dalrymple; DeMers, J.;
DeMers, P.; Dotzenrod; Enget; Frey; Gates; Gertholz;
Goetz; Gorman; Graba; Gunsch; Halmrast; Hamerlik;
Hanson, L.; Haugland; Hausauer, A.; Hausauer, R.; Hill;
Hoffner; Kelly; Knell; Knudson; Koland; Kolbo;
Kretschmar; Kuchera; Lang; Larson; Laughlin;
Lautenschlager; Linderman; Lindgren; Marks; Martin;
Martinson; Melby; Mertens; Meyer; Moore; Myrdal;
Nelson, C.; Nowatzki; Oban; O'Connell; Olson, A.;
Olson, V.; Opedahl; O'Shea; Payne; Peterson; Rydell;
Scherber; Schindler; Schneider; Shaft; Shaw; Shide;
Smette; Solberg; Sorensen; Starke; Stofferahn;

Strinden; Thompson; Tollefson; Trautman; Ulmer;
 Vander Vorst; Watne; Wentz; Wilkie; Williams, A.;
 Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Almlie; Dorso; Flaagan; Hanson, O.; Haugen; Hokana;
 Kent; Kingsbury; Murphy; Nelson, J.; Rice; Riehl;
 Shockman; Skjerven; Tokach; Tomac; Whalen

ABSENT AND NOT VOTING: Klundt; Nicholas; Olsen, D.; Wald

HB 1272 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. GATES MOVED that the House do concur in the Senate amendments to HB 1278 as printed on page 2310 of the House Journal, which motion prevailed.

MOTION

REP. STRINDEN MOVED that the rules be suspended, that HB 1278 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1278: A BILL for an Act to amend and reenact section 15-22-23, subsection 1 of section 15-28-03, and sections 15-28-04 and 15-28-07 of the North Dakota Century Code, relating to the date of school district elections.

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 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.; Dorso; Dotzenrod; Enget; Flaagan; Frey;
 Gates; Gerntholz; Goetz; Gorman; Graba; Gunsch;
 Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen;
 Haugland; Hausauer, R.; Hill; Hoffner; Hokana; Kelly;
 Kent; Kingsbury; 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.; 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; Smette; Solberg; Sorensen; Starke;
 Stofferahn; Strinden; Thompson; Tokach; Tollefson;

Tomac; Trautman; Vander Vorst; Wald; Watne; Wentz;
Whalen; Wilkie; Williams, A.; Williams, C.;
Williams, W.; Winkelman; Speaker Kloubec

NAYS: None

ABSENT AND NOT VOTING: Hausauer, A.; Klundt; Nicholas;
Ulmer

HB 1278 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. MOORE MOVED that the House do concur in the Senate amendments to HB 1289 as printed on page 2299 of the House Journal, which motion prevailed.

MOTION

REP. STRINDEN MOVED that the rules be suspended, that HB 1289 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1289: A BILL for an Act to create and enact a new section to chapter 11-11 of the North Dakota Century Code, relating to objects loaned or donated to local museums which have closed.

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 100 YEAS, 1 NAY, 5 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; Kingsbury; Knell; Knudson; Kolbo;
Kretschmar; Kuchera; Lang; Larson; Laughlin; Linderman;
Lindgren; Marks; Martin; Martinson; Melby; Mertens;
Meyer; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.;
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; Smette; Solberg; Sorensen; Starke;
Stofferahn; Strinden; Thompson; Tokach; Tollefson;
Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne;

Wentz; Whalen; Wilkie; Williams, A.; Williams, C.;
Williams, W.; Winkelman; Speaker Kloubec

NAYS: Koland

ABSENT AND NOT VOTING: Kent; Klundt; Lautenschlager;
Nicholas; Peterson

HB 1289 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. GATES MOVED that the House do concur in the Senate amendments to HB 1406 as printed on pages 2238-2239 of the House Journal, which motion prevailed.

MOTION

REP. STRINDEN MOVED that the rules be suspended, that HB 1406 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1406: A BILL for an Act to amend and reenact subsection 3 of section 43-11-19 and subdivision a of subsection 1 of section 43-11-27 of the North Dakota Century Code, relating to educational qualifications of cosmetology students and cosmetology training.

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 79 YEAS, 19 NAYS, 8 ABSENT AND NOT VOTING.

YEAS: Aas; Berg, G.; Berg, R.; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Knudson; Kolbo; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Mertens; Meyer; Moore; Myrdal; Nelson, C.; Nelson, J.; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Rice; Riehl; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shide; Shockman; Solberg; Sorensen; Starke; Stofferahn; Thompson; Tollefson; Trautman; Ulmer; Vander Vorst; Watne; Wentz; Wilkie; Williams, A.; Williams, C.; Williams, W.; Speaker Kloubec

NAYS: Almlie; Anderson; Belter; Flaagan; Gunsch; Hanson, O.; Haugen; Knell; Koland; Melby; Murphy; O'Connell; Skjerven; Smette; Strinden; Tokach; Tomac; Whalen; Winkelman

ABSENT AND NOT VOTING: Brokaw; Gorman; Kent; Kingsbury; Klundt; Nicholas; Peterson; Wald

HB 1406 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. GATES MOVED that the House do concur in the Senate amendments to HB 1424 as printed on page 2310 of the House Journal, which motion prevailed.

MOTION

REP. STRINDEN MOVED that the rules be suspended, that HB 1424 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1424: A BILL for an Act to create and enact section 15-40.2-08.1 of the North Dakota Century Code, relating to the payment of tuition for handicapped children placed outside their school districts of residence for purposes other than education; and to amend and reenact section 15-40.2-08 of the North Dakota Century Code, relating to tuition payments for foster care students placed outside their school districts of residence.

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 101 YEAS, 1 NAY, 4 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Nelson, C.; Nelson, J.; 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; Smette; Solberg; Sorensen; Starke;
 Stofferahn; Strinden; Thompson; Tokach; Tollefson;
 Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne;
 Wentz; Whalen; Wilkie; Williams, A.; Williams, C.;
 Williams, W.; Winkelman; Speaker Kloubec

NAYS: Myrdal

ABSENT AND NOT VOTING: Brokaw; Gorman; Kingsbury;
 Nicholas

HB 1424 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. MOORE MOVED that the House do concur in the Senate amendments to HB 1426 as printed on pages 2279-2280 of the House Journal, which motion prevailed.

MOTION

REP. STRINDEN MOVED that the rules be suspended, that HB 1426 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1426: A BILL for an Act to amend and reenact sections 52-09-08 and 57-15-28.1 of the North Dakota Century Code, relating to mill levy limitations for counties participating in the old age and survivors' insurance program and other related programs.

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 92 YEAS, 13 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson; Belter; Berg, G.; Berg, R.; Brokaw;
 Christman; Cleveland; Dalrymple; DeMers, J.;
 DeMers, P.; Dorso; Flaagan; Frey; Gates; Gerntholz;
 Goetz; Gorman; Graba; Halmrast; Hamerlik; Hanson, L.;
 Hanson, O.; Haugen; Haugland; Hausauer, A.;
 Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Klundt;
 Knell; Knudson; Kolbo; Kretschmar; Kuchera; Lang;
 Larson; Laughlin; Lautenschlager; Linderman; Lindgren;
 Marks; Martin; Martinson; Mertens; Meyer; Moore;
 Nelson, C.; Nelson, J.; Nowatzki; Oban; O'Connell;
 Olsen, D.; Olson, V.; Opedahl; O'Shea; Payne; Peterson;
 Rice; Riehl; Rydell; Scherber; Schindler; Schneider;
 Shaft; Shaw; Shockman; Skjerven; Smette; Solberg;
 Sorensen; Starke; Stofferahn; Strinden; Thompson;

Tokach; Tollefson; Tomac; Trautman; Ulmer;
 Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.;
 Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Almlie; Dotzenrod; Enget; Gunsch; Kent; Kingsbury;
 Koland; Melby; Murphy; Myrdal; Olson, A.; Shide; Wilkie

ABSENT AND NOT VOTING: Nicholas

HB 1426 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. NICHOLAS MOVED that the House do concur in the Senate amendments to HB 1504 as printed on page 2310 of the House Journal, which motion prevailed.

MOTION

REP. STRINDEN MOVED that the rules be suspended, that HB 1504 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1504: A BILL for an Act to require creditors or vendors, in all proceedings to foreclose a mortgage or cancel a contract for the sale of agricultural property, to advise the debtor of the existence of available state administered or sponsored assistance programs; and to provide an expiration date.

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 84 YEAS, 19 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson; Belter; Berg, G.; Berg, R.; Brokaw;
 Christman; Cleveland; Dalrymple; DeMers, J.;
 DeMers, P.; Dotzenrod; Enget; Flaagan; Frey; Gerntholz;
 Graba; Gunsch; Halmrast; Hanson, L.; Haugen; Haugland;
 Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana;
 Kelly; Kent; Kingsbury; Klundt; Knudson; Kolbo;
 Kretschmar; Kuchera; Lang; Laughlin; Lautenschlager;
 Linderman; Marks; Martin; Martinson; Melby; Mertens;
 Meyer; Myrdal; Nelson, C.; Nelson, J.; Nowatzki; Oban;
 O'Connell; Olson, A.; Olson, V.; Opedahl; O'Shea;
 Peterson; Rice; Riehl; Rydell; Scherber; Schindler;
 Schneider; Shaft; Shaw; Shockman; Skjerven; Smette;
 Solberg; Sorensen; Starke; Stofferahn; Strinden;
 Tokach; Tollefson; Tomac; Trautman; Ulmer;

Vander Vorst; Watne; Wentz; Wilkie; Williams, A.;
Williams, W.; Winkelman

NAYS: Almlie; Dorso; Gates; Goetz; Gorman; Hamerlik;
Hanson, O.; Knell; Koland; Larson; Lindgren; Moore;
Murphy; Olsen, D.; Payne; Shide; Thompson; Whalen;
Speaker Kloube

ABSENT AND NOT VOTING: Nicholas; Wald; Williams, C.

HB 1504 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. ANDERSON MOVED that the House do concur in the Senate amendments to HB 1597 as printed on page 2312 of the House Journal, which motion prevailed.

MOTION

REP. STRINDEN MOVED that the rules be suspended, that HB 1597 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1597: A BILL for an Act to create and enact a new subsection to section 39-04-02 of the North Dakota Century Code, relating to disclosure of certain information concerning registration of motor vehicle trailers; and to provide a penalty.

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 102 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, R.; Brokaw;
Christman; Cleveland; Dalrymple; DeMers, J.;
DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey;
Gates; Gerntholz; Goetz; Gorman; Graba; Gunsch;
Halmarst; Hamerlik; Hanson, L.; Hanson, O.; Haugen;
Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner;
Hokana; Kelly; Kent; 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.; 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; Smette; Solberg; Sorensen; Starke;

Stofferahn; Strinden; Thompson; Tokach; Tollefson;
Tomas; Trautman; Ulmer; Vander Vorst; Wald; Watne;
Wentz; Whalen; Wilkie; Williams, A.; Williams, W.;
Winkelman; Speaker Kloubec

NAYS: Berg, G.; Kingsbury

ABSENT AND NOT VOTING: Nicholas; Williams, C.

HB 1597 passed and the title was agreed to.

REPORT OF PROCEDURAL COMMITTEE

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

HB 1682, HCR 3091, HCR 3092, HCR 3093, HCR 3094

REP. STRINDEN, Chairman

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

FIRST READING OF HOUSE BILL

Reps. J. DeMers, P. DeMers, C. Nelson and Sens. Richard, Axtman introduced:

(Approved by the Committee on Delayed Bills)

HB 1682: A BILL for an Act to prohibit payment by the state of occupational or professional license fees of state officers and employees.

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

MOTION

REP. STRINDEN MOVED that all Representatives and Senators from Districts 42, 43, 17, 18, and 19 be listed as sponsors for HCR 3091, HCR 3092, and HCR 3093 congratulating the University of North Dakota on its national championship, which motion prevailed.

FIRST READING OF A HOUSE CONCURRENT RESOLUTION

Reps. Hamerlik, Cleveland, J. DeMers, Gates, Graba, Kuchera, D. Olsen, Shaft, Shide, Strinden and Sens. Stenehjem, Holmberg, Ingstad, Mutch, Shea introduced:

(Approved by the Committee on Delayed Bills)

HCR 3091: A concurrent resolution congratulating the University of North Dakota Fighting Sioux Hockey Team on an outstanding season that culminated in winning the NCAA Division I National Hockey Championship.

Was read the first time.

MOTION

REP. STRINDEN MOVED that the rules be suspended, that HCR 3091 not be printed, not be referred to committee, not be read in its

entirety, be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

Reps. Hamerlik, Cleveland, J. DeMers, Gates, Graba, Kuchera, D. Olsen, Shaft, Shide, Strinden and Sens. Stenehjelm, Holmberg, Ingstad, Mutch, Shea introduced:

HOUSE CONCURRENT RESOLUTION NO. 3091

A concurrent resolution congratulating the University of North Dakota Fighting Sioux Hockey Team on an outstanding season that culminated in winning the NCAA Division I National Hockey Championship.

WHEREAS, the University of North Dakota Fighting Sioux Hockey Team captured the NCAA Division I Hockey Championship with its victory in Detroit, Michigan, on March 28, 1987; and

WHEREAS, the 1986-87 University of North Dakota Fighting Sioux Hockey Team established numerous national, conference, and team records, including winning an unprecedented 40 games in one season; and

WHEREAS, members of the 1986-87 University of North Dakota Fighting Sioux Hockey Team were honored with awards in the naming of the national college hockey coach of the year, John "Gino" Gasparini; the Hobey Baker award winner, Tony Hrkac; and four All-American hockey players in Tony Hrkac, Bob Joyce, Ian Kidd, and Ed Belfour; and

WHEREAS, on a team distinguished by individual awards and records this was, most of all, a team that displayed exemplary teamwork and selflessness in pursuit of a common goal that was realized by winning the 1986-87 NCAA Division I Hockey Championship;

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

That the Fiftieth Legislative Assembly takes great pride in extending to all members and coaches of the University of North Dakota Fighting Sioux Hockey Team its heartiest congratulations for winning the 1986-87 NCAA Division I National Hockey Championship; and

BE IT FURTHER RESOLVED, that the Secretary of State forward enrolled copies of this resolution to each member of the University of North Dakota Fighting Sioux Hockey Team, to each of their coaches, and to the president of the University of North Dakota, home of the Fighting Sioux.

SECOND READING OF A HOUSE CONCURRENT RESOLUTION

HCR 3091: A concurrent resolution congratulating the University of North Dakota Fighting Sioux Hockey Team on an

outstanding season that culminated in winning the NCAA Division I National Hockey Championship.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3091 was declared adopted on a voice vote.

FIRST READING OF A HOUSE CONCURRENT RESOLUTION

Reps. Hamerlik, Cleveland, J. DeMers, Gates, Graba, Kuchera, D. Olsen, Shaft, Shide, Strinden and Sens. Stenehjelm, Holmberg, Ingstad, Mutch, Shea introduced:

(Approved by the Committee on Delayed Bills)

HCR 3092: A concurrent resolution congratulating Tony Hrkac on winning the 1987 Hobey Baker Award as college hockey's finest player.

Was read the first time.

MOTION

REP. STRINDEN MOVED that the rules be suspended, that HCR 3092 not be printed, not be referred to committee, not be read in its entirety, be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

Reps. Hamerlik, Cleveland, J. DeMers, Gates, Graba, Kuchera, D. Olsen, Shaft, Shide, Strinden and Sens. Stenehjelm, Holmberg, Ingstad, Mutch, Shea introduced:

HOUSE CONCURRENT RESOLUTION NO. 3092

A concurrent resolution congratulating Tony Hrkac on winning the 1987 Hobey Baker Award as college hockey's finest player.

WHEREAS, Tony Hrkac has been unanimously named the winner of the 1987 Hobey Baker Award, given annually to collegiate hockey's finest player; and

WHEREAS, Tony Hrkac was singularly deserving of winning the Hobey Baker Award, having completed a season in which he helped the University of North Dakota to a national championship and established a new single season national collegiate hockey individual scoring record of 116 points and was named to the first team All-WCHA Hockey Team, named the WCHA most valuable player, named to the first team All-American Hockey Team, and named most valuable player of the National Hockey Tournament; and

WHEREAS, in addition to his outstanding individual accomplishments during the season, Tony Hrkac displayed outstanding teamwork and leadership throughout the season;

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

That the Fiftieth Legislative Assembly takes great pleasure in extending its sincere congratulations to Tony Hrkac for winning the 1987 Hobey Baker Award as college hockey's finest player; and

BE IT FURTHER RESOLVED, that the Secretary of State forward enrolled copies of this resolution to Tony Hrkac and to the president of the University of North Dakota, home of the Fighting Sioux.

SECOND READING OF A HOUSE CONCURRENT RESOLUTION

HCR 3092: A concurrent resolution congratulating Tony Hrkac on winning the 1987 Hobey Baker Award as college hockey's finest player.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3092 was declared adopted on a voice vote.

FIRST READING OF A HOUSE CONCURRENT RESOLUTION

Reps. Hamerlik, Cleveland, J. DeMers, Gates, Graba, Kuchera, D. Olsen, Shaft, Shide, Strinden and Sens. Stenehjem, Holmberg, Ingstad, Mutch, Shea introduced:

(Approved by the Committee on Delayed Bills)

HCR 3093: A concurrent resolution congratulating John "Gino" Gasparini on coaching the University of North Dakota Fighting Sioux Hockey Team to the NCAA Division I National Championship and being named by his peers as Coach of the Year.

Was read the first time.

MOTION

REP. STRINDEN MOVED that the rules be suspended, that HCR 3093 not be printed, not be referred to committee, not be read in its entirety, be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

Reps. Hamerlik, Cleveland, J. DeMers, Gates, Graba, Kuchera, D. Olsen, Shaft, Shide, Strinden and Sens. Stenehjem, Holmberg, Ingstad, Mutch, Shea introduced:

HOUSE CONCURRENT RESOLUTION NO. 3093

A concurrent resolution congratulating John "Gino" Gasparini on coaching the University of North Dakota Fighting Sioux Hockey Team to the NCAA Division I National Championship and being named by his peers as Coach of the Year.

WHEREAS, John "Gino" Gasparini was named as Coach of the Year by his peers during the 1986-87 season and capped the season by leading his University of North Dakota Fighting Sioux Hockey Team to the NCAA Division I National Hockey Championship; and

WHEREAS, John "Gino" Gasparini in nine years as head coach of the University of North Dakota Fighting Sioux Hockey Team has coached his team to four WCHA hockey championships and three NCAA Division I championships and has established a hockey program of which all North Dakotans are justifiably proud; and

WHEREAS, John "Gino" Gasparini has established a University of North Dakota Fighting Sioux hockey program that has seen 28 players go on to star in the National Hockey League and several players go into competition with the Canadian or United States Olympic hockey teams and other levels of amateur and professional hockey and has established a program of outstanding competitive excellence;

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

That the Fiftieth Legislative Assembly takes great pride in extending to Coach John "Gino" Gasparini its most sincere congratulations for winning the 1987 NCAA Division I Hockey Championship and for establishing a hockey program of excellence of which all North Dakotans can be justifiably proud; and

BE IT FURTHER RESOLVED, that the Secretary of State forward enrolled copies of this resolution to Coach John "Gino" Gasparini and to the president of the University of North Dakota, home of the Fighting Sioux.

SECOND READING OF A HOUSE CONCURRENT RESOLUTION

HCR 3093: A concurrent resolution congratulating John "Gino" Gasparini on coaching the University of North Dakota Fighting Sioux Hockey Team to the NCAA Division I National Championship and being named by his peers as Coach of the Year.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3093 was declared adopted on a voice vote.

FIRST READING OF A HOUSE CONCURRENT RESOLUTION

Reps. Nowatzki, Mertens introduced:

(Approved by the Committee on Delayed Bills)

HCR 3094: A concurrent resolution urging the Congress of the United States to enact legislation deleting the requirement

that nonconsensual statutory lien statements contain the signature and Social Security number of the person engaged in farming operations in order to be considered effective financing statements for purposes of filing the lien statements in a state's central notice system established under the Food Security Act of 1985.

Was read the first time.

MOTION

REP. STRINDEN MOVED that the rules be suspended, that HCR 3094 be printed, not be referred to committee, be read in its entirety, be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

Reps. Nowatzki, Mertens introduced:

HOUSE CONCURRENT RESOLUTION NO. 3094

A concurrent resolution urging the Congress of the United States to enact legislation deleting the requirement that nonconsensual statutory lien statements contain the signature and Social Security number of the person engaged in farming operations in order to be considered effective financing statements for purposes of filing the lien statements in a state's central notice system established under the Food Security Act of 1985.

WHEREAS, the administrator of the Packers and Stockyards Administration of the United States Department of Agriculture takes the position that effective financing statements filed in a state's central notice system must contain all the information required under the Food Security Act of 1985, including the signature and Social Security number of the person engaged in farming operations; and

WHEREAS, acceptance of nonconsensual statutory lien statements without the signature and Social Security number of the person engaged in farming operations by the Secretary of State may result in decertification of North Dakota's central notice system by the Packers and Stockyards Administration; and

WHEREAS, the signature and Social Security number of the person engaged in farming operations are often impossible or difficult to obtain by a person entitled to a nonconsensual statutory lien; and

WHEREAS, persons entitled to nonconsensual statutory liens should be afforded the same protection accorded other types of creditors who are able to protect themselves against third-party buyers by filing effective financing statements under a state's central notice system;

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

That the Fiftieth Legislative Assembly urges the Congress of the United States to enact legislation deleting the requirement that nonconsensual statutory lien statements contain the signature and Social Security number of the person engaged in farming operations in order to be considered an effective financing statement for purposes of filing the lien statement in a state's central notice system; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the Secretary of Agriculture of the United States Department of Agriculture, the administrator of the Packers and Stockyards Administration of the United States Department of Agriculture, the chairmen of the United States Senate and House Committees on Agriculture, and to each member of the North Dakota Congressional Delegation.

SECOND READING OF A HOUSE CONCURRENT RESOLUTION

HCR 3094: A concurrent resolution urging the Congress of the United States to enact legislation deleting the requirement that nonconsensual statutory lien statements contain the signature and Social Security number of the person engaged in farming operations in order to be considered effective financing statements for purposes of filing the lien statements in a state's central notice system established under the Food Security Act of 1985.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3094 was declared adopted on a voice vote.

SECOND READING OF SENATE BILL

SB 2127: A BILL for an Act to create and enact a new section to chapter 52-04 of the North Dakota Century Code, relating to advances from sources other than the federal unemployment trust fund; and to amend and reenact section 52-04-22 of the North Dakota Century Code, relating to the federal advance interest repayment fund.

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 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.; 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; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Meyer; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; 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; Smette; Solberg; Sorensen; Starke; Stofferahn; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: None

ABSENT AND NOT VOTING: Lang; Mertens; Nicholas;
Peterson; Whalen

SB 2127 passed and the title was agreed to.

MESSAGE FROM THE SENATE SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the President Pro Tem has appointed as a conference committee to act with a like committee from the House on:

HB 1081: Sens. D. Meyer, Lodoen, Axtman
HB 1228: Sens. Schoenwald, Freborg, Nething
HB 1233: Sens. Dotzenrod, Satrom, Holmberg

PERRY GROTEBERG, Secretary

MESSAGE TO THE SENATE HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House has concurred in the Senate amendments to HB 1030, HB 1187, HB 1208, HB 1272, HB 1278, HB 1289, HB 1406, HB 1424, HB 1426, HB 1504, and HB 1597 and subsequently passed the same.

ROY GILBREATH, Chief Clerk

MOTION

REP. GOETZ MOVED that the House waive the reading of the title to SB 2468, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2468: A BILL for an Act to create and enact a new section to chapter 39-20 of the North Dakota Century Code, relating to death or serious bodily injury caused by a driver under the influence of intoxicating liquor or a controlled substance; and to amend and reenact sections 39-06-31, 39-06.1-05, subdivision a of subsection 3.1 of section 39-06.1-10,

sections 39-07-08, 39-07-11 or in the alternative to amend and reenact section 39-07-11 as amended by section 2 of House Bill No. 1323, as approved by the fiftieth legislative assembly, 39-08-01, 39-08-01.2, 39-20-01, subsection 3 of section 39-20-03.1, subsection 3 of section 39-20-03.2, sections 39-20-04, 39-20-06, 54-38-05, and 65-01-11 of the North Dakota Century Code, relating to law enforcement, judicial, and administrative procedures, sanctions, penalties for driving or being in actual physical control of a motor vehicle while under the influence of alcohol or a controlled substance, and burden of proof in compensation matters; to repeal section 39-06-33.1 of the North Dakota Century Code, relating to the suspension of a driver's license for causing injury or death; and to provide a penalty.

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 59 YEAS, 42 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Belter; Christman; Dalrymple; DeMers, J.; DeMers, P.; Dotzenrod; Enget; Frey; Gates; Goetz; Gorman; Graba; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hill; Hoffner; Kelly; Klundt; Lang; Larson; Linderman; Lindgren; Martinson; Melby; Moore; Nelson, C.; Nowatzki; O'Connell; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Rice; Riehl; Rydell; Scherber; Schindler; Schneider; Skjerven; Solberg; Sorensen; Starke; Strinden; Thompson; Tokach; Trautman; Vander Vorst; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Aas; Almlie; Anderson; Berg, G.; Berg, R.; Brokaw; Cleveland; Dorso; Flaagan; Gerntholz; Gunsch; Haugen; Hokana; Kent; Kingsbury; Knell; Knudson; Koland; Kolbo; Kretschmar; Kuchera; Laughlin; Lautenschlager; Marks; Martin; Mertens; Murphy; Myrdal; Nelson, J.; Oban; Olsen, D.; Shaft; Shaw; Shide; Shockman; Smette; Stofferahn; Tollefson; Tomac; Ulmer; Whalen; Wilkie

ABSENT AND NOT VOTING: Hausauer, R.; Meyer; Nicholas; Peterson; Wald

SB 2468 passed and the title was agreed to.

APPOINTMENT OF CONFERENCE COMMITTEES

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2404:

Reps. Wentz, Sorensen, Ulmer

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2510:

Reps. Larson, Gates, Schneider

**MESSAGE TO THE SENATE
HOUSE CHAMBER**

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

HB 1679, HCR 3094

ROY GILBREATH, Chief Clerk

SIGNING OF BILLS AND RESOLUTIONS

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following:

HB 1011, HB 1012, HB 1013, HB 1024, HB 1051, HB 1080,
HB 1222, HB 1227, HB 1288, HB 1325, HB 1340, HB 1356,
HB 1463, HB 1529, HB 1534, HB 1577, HB 1584, HB 1604,
HB 1665, HCR 3076

ROY GILBREATH, Chief Clerk

**MESSAGE TO THE SENATE
HOUSE CHAMBER**

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

HB 1011, HB 1012, HB 1013, HB 1024, HB 1051, HB 1080,
HB 1222, HB 1227, HB 1288, HB 1325, HB 1340, HB 1356,
HB 1463, HB 1529, HB 1534, HB 1577, HB 1584, HB 1604,
HB 1665, HCR 3076

ROY GILBREATH, Chief Clerk

DELIVERY OF ENROLLED BILLS

THE SPEAKER ANNOUNCED that the following bills were delivered to the Governor for his approval at the hour of 4:45 p.m., March 30, 1987:

HB 1041, HB 1042, HB 1151, HB 1171, HB 1598

MOTION

REP. GOETZ MOVED that the House be on the Fifth order of business, and at the conclusion of the Fifth order, the House stand adjourned until 9:00 a.m., Tuesday, March 31, 1987, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER: Your Committee on Appropriations to which was referred SB 2017 has had the same under consideration and recommends by a

vote of 17 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 2, delete the words "weather modification" and insert in lieu thereof the words "atmospheric resource" and after the word "Dakota" insert the words "; to provide for changing the name of the North Dakota weather modification board to the North Dakota atmospheric resource board; and to amend and reenact subsection 3 of section 61-04.1-24 and sections 61-04.1-26 and 61-04.1-32 of the North Dakota Century Code, relating to mill levies for weather modification"

On page 1 of the engrossed bill, line 9, delete the words "weather modification" and insert in lieu thereof the words "atmospheric resource"

On page 1 of the engrossed bill, line 19, delete the numerals "2,378,104" and insert in lieu thereof the numerals "2,194,464"

On page 1 of the engrossed bill, line 20, delete the numerals "350,000" and insert in lieu thereof the numerals "533,640"

On page 1 of the engrossed bill, line 25, delete the words "weather modification" and insert in lieu thereof the words "atmospheric resource"

On page 2 of the engrossed bill, after line 4, insert the following new sections:

"SECTION 4. ATMOSPHERIC RESOURCE BOARD. The North Dakota legislative council is hereby authorized to delete, where appropriate, "weather modification board" wherever it appears in the North Dakota Century Code or in the supplements thereto and to insert in lieu of each deletion "atmospheric resource board." Such changes are to be made when any volume or supplement of the North Dakota Century Code is being reprinted. It is the intent of the legislative assembly that the atmospheric resource board shall be substituted for, shall take any action previously to be taken by, and shall perform any duties previously to be performed by the weather modification board.

SECTION 5. AMENDMENT. Subsection 3 of section 61-04.1-24 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. The following paragraph: We, the undersigned qualified electors of the (name of county), state of North Dakota, are notified hereby that the creation of the (name of county) weather modification authority and the appointment of its

commissioners by the (name of county) board of county commissioners will grant unto the authority by law the power to certify to the board of county commissioners a mill levy tax not to exceed ~~four~~ seven mills upon the taxable valuation of property in said county for a weather modification fund, which tax may be levied in excess of the mill levy limit fixed by law for taxes for general county purposes and that such fund shall be used for weather modification activities in conjunction with the state of North Dakota. We, the undersigned, understand that the authority requested in this petition expires ten years after the creation of the weather modification authority, except that the board of county commissioners may by resolution create a weather modification authority and all its powers, including the power to certify a tax levy as provided by North Dakota Century Code section 61-04.1-26, for five-year periods in accordance with North Dakota Century Code section 61-04.1-27.

SECTION 6. AMENDMENT. Section 61-04.1-26 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

61-04.1-26. Tax may be certified by weather modification authority. The weather modification authority may certify annually to the board of county commissioners a tax of not to exceed ~~four~~ seven mills upon the taxable valuation of the property in the county for a "weather modification" fund. The tax shall be levied by the board of county commissioners and may be levied in excess of the mill levy limit fixed by law for taxes for general county purposes. The weather modification fund shall be used only for weather modification activities in conjunction with the state of North Dakota. The tax certified by the weather modification authority is limited to the period of existence of the weather modification authority as provided for in this chapter.

SECTION 7. AMENDMENT. Section 61-04.1-32 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

61-04.1-32. County budget may be waived for first appropriation - Conditions. The provisions of chapter 11-23 shall not apply to appropriations made under the provisions of this chapter. However, immediately after a weather modification authority has been created by resolution of the board of county commissioners, and after certification of a mill levy by the weather modification authority, and only for the initial or first appropriation for the

authority, the county commissioners may, at their discretion, appropriate from moneys, not otherwise appropriated, in the general fund, such moneys as are necessary for carrying out the provisions of this chapter. However, the appropriation shall not exceed an amount equal to what funds would be raised by a ~~four-mill~~ seven-mill mill levy upon the taxable valuation of the property in the county."

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Weather Modification Board/Atmospheric Resource Board

The estimated income line item is decreased by \$183,640, with a corresponding general fund increase to provide an increased level of general fund support.

A new section is added which provides for changing the name of the Weather Modification Board to the Atmospheric Resource Board.

The amendments also provide that the maximum number of mills that can be levied by counties for weather modification is increased from four to seven mills.

REP. PETERSON, Chairman

SB 2017 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor to which was referred SCR 4067 has had the same under consideration and recommends by a vote of 9 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. WHALEN, Chairman

SCR 4067 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

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

ROY GILBREATH, Chief Clerk