

JOURNAL OF THE HOUSE

Fiftieth Legislative Assembly

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SIXTY-SECOND DAY

Bismarck, April 3, 1987

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

The prayer was offered by Representative Melby.

ROLL CALL

The roll was called and all Representatives were present, except Representatives L. Hanson, Klundt, Meyer, and Stofferahn.

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 Sixty-first Day and finds the same to be correct.

REP. THOMPSON, Chairman

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

DOCTOR OF THE DAY SCHEDULE

April 6, 7, 8 - Judy C. Kienholz, M.D. - Fargo

MOTION

REP. STRINDEN MOVED that the rules be suspended, that after action taken on the Sixth order, all bills be deemed properly engrossed and placed on the Fourteenth order, as amended, for second reading and final passage, which motion prevailed.

SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to SB 2006 as recommended by the Committee on Appropriations as printed on pages 2517-2518 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2006: A BILL for an Act making an appropriation for defraying the expenses of the state industrial school 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 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, O.; Haugen; Haugland; Hausauer, A.; 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; 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: Hanson, L.; Klundt; Meyer

SB 2006 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to SB 2016 as recommended by the Committee on Appropriations as printed on pages 2518-2522 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

REQUEST

REP. GRABA REQUESTED that the question of the adoption of the amendments to SB 2016 be divided to have the sections voted on separately in the following manner, which request was granted as per House Rule 316, which states that the Division of the Question must be supported by twelve members.

DIVISION A

On page 1 of the engrossed bill, line 3, after the word "Dakota" insert the words "; authorizing the director of institutions to sell, lease, exchange, or transfer title or use of the properties of San Haven; to provide legislative intent regarding expenditures at the Grafton state school and San Haven; and to provide an expiration date"

- On page 1 of the engrossed bill, line 18, delete the numerals "45,561,339" and insert in lieu thereof the numerals "45,411,339"
- On page 1 of the engrossed bill, line 19, delete the numerals "9,410,873" and insert in lieu thereof the numerals "8,910,873"
- On page 1 of the engrossed bill, line 23, delete the numerals "57,029,398" and insert in lieu thereof the numerals "56,379,398"
- On page 1 of the engrossed bill, line 25, delete the numerals "9,924,255" and insert in lieu thereof the numerals "9,274,255"
- On page 2 of the engrossed bill, line 3, delete the numerals "1,533,764" and insert in lieu thereof the numerals "746,189"
- On page 2 of the engrossed bill, line 4, delete the numerals "443,982" and insert in lieu thereof the numerals "238,793"
- On page 2 of the engrossed bill, line 5, delete the numerals "4,700" and insert in lieu thereof the numerals "500"
- On page 2 of the engrossed bill, delete line 6
- On page 2 of the engrossed bill, line 7, delete the numerals "48,966" and insert in lieu thereof the numerals "3,595"
- On page 2 of the engrossed bill, line 8, delete the numerals "2,071,412" and insert in lieu thereof the numerals "989,077"
- On page 2 of the engrossed bill, line 9, delete the numerals "750,150" and insert in lieu thereof the numerals "300,000"
- On page 2 of the engrossed bill, line 10, delete the numerals "1,321,262" and insert in lieu thereof the numerals "689,077"
- On page 2 of the engrossed bill, line 13, delete the numerals "222,470" and insert in lieu thereof the numerals "192,000"
- On page 2 of the engrossed bill, line 14, delete the numerals "222,470" and insert in lieu thereof the numerals "192,000"
- On page 2 of the engrossed bill, line 15, delete the numerals "11,467,987" and insert in lieu thereof the numerals "10,155,332"

On page 2 of the engrossed bill, line 16, delete the numerals "47,855,293" and insert in lieu thereof the numerals "47,405,143"

On page 2 of the engrossed bill, line 17, delete the numerals "59,323,280" and insert in lieu thereof the numerals "57,560,475"

On page 3 of the engrossed bill, after line 14, insert the following new sections:

"SECTION 6. Director may sell, lease, exchange, or transfer title or use to all or part of the San Haven properties. The director of institutions, with the approval of the governor and the budget section, is authorized to sell, lease, exchange, or transfer title or use of any part or all of the San Haven facilities and properties, located in sections nineteen, twenty-nine, and thirty, township one hundred sixty-two north, range seventy-two west, located in Hill Side Township in Rolette County, North Dakota, to the federal government or any public or private agency, organization, or business enterprise for any native American project or program or any other worthy undertaking, under the following provisions:

1. The transaction is exempt from the provisions of sections 54-01-05.2 and 54-01-05.5.
2. The transaction must be with the technical assistance and advice of the commissioner of university and school lands.
3. All required legal documents, papers, and instruments in any transaction must be reviewed and approved as to form and legality by the attorney general.
4. Any funds realized by any transaction must be deposited in the state's general fund.

SECTION 7. LEGISLATIVE INTENT - GRAFTON STATE SCHOOL - EXPENDITURES. It is the intent of the legislative assembly that if the Grafton state school spends less in the purchase of a standby generator or air handling system in Collette auditorium than the amounts included in the appropriation in subdivision 1 of this Act, savings up to \$150,000 may be used in the salaries and wages line item if necessary. It is also the intent of the legislative assembly that the \$500,000 included in operating expenses in subdivision 1 of this Act for the closure of San Haven must be used to sell the property or to close up and secure the facility or returned to the general fund.

SECTION 8. EXPIRATION DATE. Section 6 of this Act is effective through June 30, 1989, and after that date is ineffective."

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Grafton State School

	Total All Funds Increase <u>(Decrease)</u>	General Fund Increase <u>(Decrease)</u>	Other Funds Increase <u>(Decrease)</u>
<u>Salaries and wages</u>			
Reduce for estimated vacancy savings	\$ (150,000)	\$ (150,000)	
<u>Operating expenses</u>			
Reduce San Haven phaseout from \$1,000,000 to \$500,000	(500,000)	(500,000)	
Total subdivision 1	\$ (650,000)	\$ (650,000)	
<u>Court Monitor</u>			
<u>Operating expenses</u>			
Reduce funding to \$400 per day for 480 days	\$ (30,470)	\$ (30,470)	
Total subdivision 3	\$ (30,470)	\$ (30,470)	
Total changes to engrossed SB 2016	\$(1,762,805)	\$(1,312,655)	\$(450,150)

New sections are added to allow the Director of Institutions to sell San Haven and to provide legislative intent that if the Grafton State School spends less on the purchase of a standby generator or air handling system for Collette Auditorium, savings up to \$150,000 may be used for salaries and wages. Legislative intent is also provided that the \$500,000 included for San Haven closure must be used for the sale of property or to close and secure the facility, or returned to the general fund.

DIVISION B

Protection and Advocacy Project

<u>Salaries and wages</u>			
Delete funding for 10 new FTE - five MR advocates, one program administrator,	\$ (459,341)	\$ (459,341)	

and four FTE secretaries			
Delete funding for four new FTE - four CMI advocates	(210,393)		\$(210,393)
Delete funding for three FTE - added by Senate	(117,841)		(117,841)
Subtotal	\$ (787,575)	\$ (459,341)	\$(328,234)
<u>Operating expenses</u>			
Delete funding for:			
10 new FTE described above	\$ (120,018)	\$ (120,018)	
4 new FTE - CMI program	(66,427)		\$ (66,427)
3 new FTE - added by Senate	(18,744)		(18,744)
Subtotal	\$ (205,189)	\$ (120,018)	\$(85,171)
<u>Equipment</u>			
Delete funding for:			
10 new FTE described above	\$ (12,826)	\$ (12,826)	
4 new FTE - CMI program	(1,870)		\$ (1,870)
3 new FTE - added by Senate	(30,675)		(30,675)
Subtotal	\$ (45,371)	\$ (12,826)	\$(32,545)
<u>Data processing</u>			
Delete funding for three FTE added by Senate	\$ (4,200)		\$ (4,200)
<u>Grants</u>			
Delete funding for 10 new FTE described above	\$ (40,000)	\$ (40,000)	
Total subdivision 2	\$(1,082,335)	\$ (632,185)	\$(450,150)

The question being on the motion to adopt Division A of the proposed amendments to SB 2016. The motion to adopt Division A of the proposed amendments to SB 2106 prevailed.

REQUEST

REP. GRABA REQUESTED a recorded roll call vote on the motion to adopt Division B of the proposed amendments to SB 2016, which request was granted.

ROLL CALL

The question being on the adoption of Division B of the proposed amendments to SB 2016, the roll was called and there were 62 YEAS, 40 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, R.; Christman; Cleveland; Dalrymple; Dotzenrod; Gates; Gerntholz; Goetz; Gorman; Gunsch; Hamerlik; Hanson, O.; Haugen;

Haugland; Hausauer, A.; Hausauer, R.; Kent; Kingsbury; Knell; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Lindgren; Martin; Martinson; Melby; 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; Trautman; Vander Vorst; Wald; Wentz; Whalen; Winkelman; Speaker Kloubec

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

ABSENT AND NOT VOTING: Dorso; Hanson, L.; Klundt; Meyer

So the motion to adopt Division B of the proposed amendments to SB 2016 prevailed.

The question then was on the adoption of the proposed amendments to SB 2016, including Division A, and including Division B, with title, lines, sections, and pages renumbered accordingly.

The proposed amendments to SB 2016, including Division A, and including Division B to SB 2016 were adopted.

SB 2016, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2016: A BILL for an Act making an appropriation for defraying the expenses of the Grafton state school, protection and advocacy project, and deinstitutionalization court monitor of the state of North Dakota; authorizing the director of institutions to sell, lease, exchange, or transfer title or use of the properties of San Haven; to provide legislative intent regarding expenditures at the Grafton state school and San Haven; 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 81 YEAS, 22 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, R.; Christman; Cleveland; Dalrymple; DeMers, P.; Dorso; Dotzenrod; Enget; Gates; Gerntholz; Goetz; Gorman; Gunsch; Halmrast; Hamerlik; Hanson, O.; Haugen; Haugland;

Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Kelly
 Kent; Kingsbury; Knell; Knudson; Koland; Kretschmar
 Kuchera; Lang; Larson; Lautenschlager; Linderman
 Lindgren; Marks; Martin; Martinson; Melby; Moore;
 Myrdal; Nelson, C.; Nicholas; Nowatzki; Olsen, D.;
 Olson, A.; Olson, V.; Opedahl; Payne; Peterson; Rice;
 Rydell; Schindler; Shaft; Shaw; Shide; Skjerven;
 Smette; Solberg; Sorensen; Stofferahn; Strinden;
 Thompson; Tokach; Tollefson; Trautman; Vander Vorst;
 Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.;
 Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Berg, G.; Brokaw; DeMers, J.; Flaagan; Frey; Graba;
 Hill; Kolbo; Laughlin; Mertens; Murphy; Nelson, J.;
 Oban; O'Connell; O'Shea; Riehl; Scherber; Schneider;
 Shockman; Starke; Tomac; Ulmer

ABSENT AND NOT VOTING: Hanson, L.; Klundt; Meyer

SB 2016 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to SB 2068 as recommended by the Committee on Appropriations as printed on pages 2522-2523 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2068: A BILL for an Act to create and enact two new sections to chapter 25-04 of the North Dakota Century Code, relating to liability for care and treatment of nonresident patients at and reduction or writeoff of accounts receivable by the Grafton state school; and to amend and reenact section 25-04-04, subsection 3 of section 25-04-05, and sections 25-04-14, 25-04-15, 25-16-13, 50-06.3-03, 50-06.3-04, and 50-06.3-09 of the North Dakota Century Code, relating to payment of expenses for care and treatment of patients at the Grafton state school and the state hospital.

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 96 YEAS, 6 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; Halmrast;
 Hamerlik; Hanson, O.; Haugen; Haugland; Hausauer, A.;
 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; Moore; Myrdal; Nelson, C.; Nelson, J.;
 Nicholas; Nowatzki; Oban; O'Connell; Olson, V.;
 Opedahl; O'Shea; 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; Watne; Wentz; Whalen;
 Wilkie; Williams, A.; Williams, C.; Williams, W.;
 Winkelman; Speaker Kloubec

NAYS: Gunsch; Murphy; Olson, A.; Payne; Ulmer; Wald

ABSENT AND NOT VOTING: Hanson, L.; Klundt; Meyer;
 Olsen, D.

SB 2068 passed and the title was agreed to.

**MESSAGE TO THE SENATE
 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 2259: Reps. Anderson, Dorso, G. Berg

ROY GILBREATH, Chief Clerk

SIGNING OF BILLS AND RESOLUTIONS

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following:

SB 2031, SB 2040, SB 2072, SB 2076, SB 2078, SB 2304,
 SB 2307, SB 2451, SB 2489, SB 2540, SB 2549

ROY GILBREATH, Chief Clerk

**MESSAGES TO THE SENATE
 HOUSE CHAMBER**

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

SB 2031, SB 2040, SB 2072, SB 2076, SB 2078, SB 2304,
 SB 2307, SB 2451, SB 2489, SB 2540, SB 2549

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

HB 1682

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

SB 2430, SB 2449, SB 2461, SB 2465, SB 2527, SCR 4005,
SCR 4051

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

SB 2521, SB 2530, SB 2545, SCR 4050

ROY GILBREATH, Chief Clerk

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. A. HAUSAUER MOVED that the House do not concur in the Senate amendments to HB 1548 as printed on page 2306 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 A CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1548:

Reps. Goetz, A. Hausauer, J. DeMers

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WHALEN MOVED that the House do not concur in the Senate amendments to HB 1633 as printed on page 2313 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 A CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1633:

Reps. Dorso, Shide, Dotzenrod

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WHALEN MOVED that the House do not concur in the Senate amendments to HB 1634 as printed on page 2323 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 A CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1634:

Reps. Dalrymple, Shide, Enget

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. A. HAUSAUER MOVED that the House do not concur in the Senate amendments to HB 1645 as printed on page 2506 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 A CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1645:

Reps. Anderson, Tollefson, W. Williams

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.

REPORT OF STANDING COMMITTEE

MR. SPEAKER: Your Committee on Joint Constitutional Revision to which was referred HCR 3029 has had the same under consideration and recommends by a vote of 7 YEAS, 1 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 resolution, line 7, delete the second comma and insert in lieu thereof the word "and"
- On page 1 of the engrossed resolution, line 8, delete the words ", and compensation"
- On page 1 of the engrossed resolution, line 14, delete the first comma and insert in lieu thereof the word "and" and delete the word ", and"
- On page 1 of the engrossed resolution, line 15, delete the word "compensation"
- On page 2 of the engrossed resolution, after line 2, insert the following new section:

"SECTION 1. A new section to a new article V of the Constitution of the State of North Dakota is hereby created and enacted to read as follows:

The executive power is vested in a governor, who shall reside at the seat of government and shall hold office for the term of four years beginning in the year 1992, and until a successor is elected and qualified. The

term begins on December fifteenth following the governor's election."

On page 3 of the engrossed resolution, line 5, after the word "state" insert the words ", must be at least twenty-five years of age on the day of the election,"

On page 3 of the engrossed resolution, line 6, delete the word "two" and insert in lieu thereof the word "five"

On page 3 of the engrossed resolution, line 7, after the word "governor" insert the words "or lieutenant governor"

On page 3 of the engrossed resolution, line 19, after the period insert the words "The terms of the governor and lieutenant governor begin on December fifteenth following their election."

On page 3 of the engrossed resolution, delete lines 23 through 28

On page 4 of the engrossed resolution, line 13, delete the numeral "10" and insert in lieu thereof the numeral "11"

On page 4 of the engrossed resolution, line 14, delete the word "resolution" and insert in lieu thereof the word "article"

On page 4 of the engrossed resolution, delete lines 17 through 19 and insert in lieu thereof the following: "The governor shall present information on the condition of the state, together with any recommended legislation, to every session of the legislative assembly.

The governor shall transact and supervise all necessary business of the state with the United States, the other states, and the officers and officials of this state."

On page 4 of the engrossed resolution, delete lines 22 and 23

On page 5 of the engrossed resolution, line 22, after the word "three" insert the word "legislative" and delete the comma

On page 5 of the engrossed resolution, line 23, delete the words "Saturdays and Sundays excepted,"

On page 6 of the engrossed resolution, line 20, after the period insert the sentence: "The lieutenant governor shall succeed to the office of governor when a vacancy occurs in the office of governor."

And renumber the lines, sections, and pages accordingly

REP. MARTIN, Chairman

HCR 3029 was placed on the Sixth 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 1266 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 2278-2279 of the House journal and that HB 1266 be amended as follows:

On page 1, line 13, remove the overstrike over the words "~~ninety days~~" and insert immediately thereafter the words "or if the property is used in the exploration for or the production of oil or gas within" and after the word "months" insert an underscored comma

On page 2, line 9, remove the overstrike over the word "~~ninety~~"

On page 2, line 10, remove the overstrike over the word "~~days~~" and insert immediately thereafter the words "or if the property is used in the exploration for or the production of oil or gas within" and after the word "months" insert an underscored comma

And renumber the lines, sections, and pages accordingly

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

For the House: Reps. Shaft, Lindgren, J. Nelson

HB 1266 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MESSAGE 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 1548, HB 1633, HB 1634, and HB 1645, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1548: Reps. Goetz, A. Hausauer, J. DeMers

HB 1633: Reps. Dorso, Shide, Dotzenrod

HB 1634: Reps. Dalrymple, Shide, Enget

HB 1645: Reps. Anderson, Tollefson, W. Williams

ROY GILBREATH, Chief Clerk

MESSAGES FROM THE SENATE SENATE CHAMBER

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

HB 1052: Sens. Wogsland, Redlin, Nelson
 HB 1470: Sens. J. Meyer, Heinrich, Nalewaja
 HB 1004: Sens. Shea, Redlin, Streibel

PERRY GROTEBERG, Secretary

SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith HB 1644 and HB 1680 which the Senate has amended, and subsequently passed:

SENATE AMENDMENTS TO HB 1644

In lieu of the amendments to House Bill No. 1644 as printed on pages 1971-72 of the Senate Journal, House Bill No. 1644 is amended as follows:

On page 1, line 6, delete the comma and insert in lieu thereof the word "and" and after the second word "of" insert the words "sales of flight simulators."

On page 1, delete lines 7 through 9

On page 1, line 15, delete the words "and necessary land upon which the building is"

On page 1, line 16, delete the words ", if the" and insert in lieu thereof the word "on", delete the word "is", and delete the words "or a nonprofit" and insert in lieu thereof the words "if the building is"

On page 1, delete lines 17 through 22

On page 2, line 2, delete the words "mechanical or electronic equipment for use" and insert in lieu thereof the words "flight simulators or mechanical or electronic equipment for use in association with a flight simulator."

On page 2, delete lines 3 through 7

On page 2, line 11, delete the words "mechanical or" and insert in lieu thereof the words "flight simulators or mechanical or electronic equipment for use in association with a flight simulator."

On page 2, delete lines 12 through 16

And renumber the lines, sections, and pages accordingly

SENATE AMENDMENTS TO HB 1680

On page 1, line 13, after the word "pay" insert the words "from its retirement fund and without the need for a prior appropriation,"

On page 1, line 14, delete the word "that" and insert in lieu thereof the word "which"

And renumber the lines, sections, and pages accordingly
PERRY GROTEBERG, Secretary

MOTIONS

REP. STRINDEN MOVED that the House stand in recess until 12:30 p.m., which motion prevailed.

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

REP. STRINDEN MOVED that the House reconsider its action whereby the committee report was accepted and SB 2453 was placed on the Sixth order of business on the calendar, which motion prevailed.

REP. STRINDEN MOVED that SB 2453 be rereferred to the Committee on Appropriations, which motion prevailed.

SPEAKER KLOUBEC ANNOUNCED that SB 2453 was referred to the Committee on Appropriations.

REP. STRINDEN MOVED that HB 1678, which is on the Eleventh order, be rereferred to the Committee on Appropriations, which motion prevailed

SPEAKER KLOUBEC ANNOUNCED that HB 1678 was rereferred to the Committee on Appropriations.

MESSAGES FROM THE SENATE
SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith HB 1578 which the Senate has amended, and subsequently passed:

SENATE AMENDMENTS TO REENGROSSED HB 1578

In addition to the amendments to reengrossed House Bill No. 1578 adopted by the Senate as printed on pages 1577-1578 of the Senate Journal and in lieu of the amendments to reengrossed House Bill No. 1578 adopted by the Senate as printed on pages 1766-1767 of the Senate Journal, reengrossed House Bill No. 1578 is amended as follows:

On page 5 of the reengrossed bill, delete lines 33 through 35

And renumber the lines, sections, and pages accordingly

SENATE AMENDMENTS TO REENGROSSED HB 1578

In addition to the amendments to reengrossed House Bill No. 1578 adopted by the Senate as printed on pages 1577-1578 of the Senate Journal, reengrossed House Bill No. 1578 is amended as follows:

On page 1 of the reengrossed bill, line 3, delete the word "and"

On page 1 of the reengrossed bill, line 6, after the second word "program" insert the words "; and to provide an appropriation"

On page 5 of the reengrossed bill, line 33, delete the words "Initial scholarship awards. Notwithstanding the" and insert in lieu thereof the words "APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$100,000, or so much thereof as may be necessary, to the North Dakota student financial assistance program for the purpose of providing merit scholarships as provided in this Act for the biennium beginning July 1, 1987, and ending June 30, 1989. Notwithstanding the provisions in section 4 of this Act, the first merit scholarships must be awarded in July 1987 for the 1987-88 academic year."

On page 5 of the reengrossed bill, delete lines 34 and 35

And renumber the lines, sections, and pages accordingly

SENATE AMENDMENTS TO REENGROSSED HB 1578

On page 3 of the reengrossed bill, line 8, after the word "rank" insert the words "calculated on a percentile basis"

And renumber the lines, sections, and pages accordingly

PERRY GROTBORG, Secretary

SENATE CHAMBER

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

HB 1052: Sens. Dotzenrod, Holmberg, Reiten

PERRY GROTBORG, Secretary

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 1247: Sens. Schoenwald, Keller, Todd

HB 1359: Sens. Schoenwald, Krauter, Reiten

HB 1450: Sens. Axtman, Lodoen, Bakewell

HB 1666: Sens. Langley, Krauter, Reiten

PERRY GROTBORG, Secretary

SENATE CHAMBER

MR. SPEAKER: I have the honor to transmit herewith the following on which the Senate has adopted the conference committee report and subsequently passed the same:

SB 2314, SB 2378, SB 2510

PERRY GROTBORG, Secretary

SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the Senate does not concur in the House amendments to SB 2004, SB 2012,

SB 2103 and the President Pro Tem has appointed as a conference committee to act with a like committee from the House on:

SB 2004: Sens. Tallackson, Waldera, Nelson
 SB 2012: Sens. Waldera, Wogsland, Naaden
 SB 2103: Sens. Stromme, Wogsland, Streibel

PERRY GROTBORG, Secretary

SIGNING OF BILLS AND RESOLUTIONS

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following:

HB 1068, HB 1072, HB 1156, HB 1303, HB 1474, HB 1506,
 HB 1560, HB 1571, HB 1615, HCR 3034, HCR 3044, HCR 3088

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 1068, HB 1072, HB 1156, HB 1303, HB 1474, HB 1506,
 HB 1560, HB 1571, HB 1615, HCR 3034, HCR 3044, HCR 3088

ROY GILBREATH, Chief Clerk

REPORT OF STANDING COMMITTEE

MR. SPEAKER: Your Committee on Political Subdivisions to which was referred SCR 4066 has had the same under consideration and recommends by a vote of 11 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

REP. MOORE, Chairman

SCR 4066 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MOTION

REP. STRINDEN MOVED that the House stand in recess until 1:30 p.m., which motion prevailed.

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

REPORTS OF CONFERENCE COMMITTEES

MR. SPEAKER: Your Conference Committee to which was referred Engrossed HB 1161 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 2237 of the House Journal and that Engrossed HB 1161 be amended as follows:

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

- On page 1 of the engrossed bill, line 24, delete the words "nominated by the"
- On page 1 of the engrossed bill, line 25, delete the words "county superintendent of schools and"
- On page 1 of the engrossed bill, line 26, delete the words "at its annual meeting"
- On page 2 of the engrossed bill, line 3, after the word "concerned" insert the words ", hold a hearing, giving advance notice to the parties directly involved,"
- On page 2 of the engrossed bill, line 4, after the period insert the words "The hearing must be conducted in a manner that allows the arguments and responses of all parties to be presented." and overstrike the word "such" and insert immediately thereafter the word "its"
- On page 3 of the engrossed bill, line 19, delete the words "nominated by the county superintendent of schools and"
- On page 3 of the engrossed bill, line 20, delete the words "at its annual meeting"
- On page 4 of the engrossed bill, after line 4, insert the following:

"SECTION 2. 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

For the Senate: Sens. Heinrich, Peterson, Kelly
For the House: Reps. Schindler, Almlie, Klundt

Engrossed HB 1161 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Conference Committee to which was referred SB 2314 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on page 2012 of the House Journal and that SB 2314 be amended as follows:

On page 1, line 16, after the word "misdemeanor" insert the words "unless the false report is made to a law enforcement official, in which case the person who causes the false report to be made is guilty of a class A misdemeanor"

And renumber the lines, sections and pages accordingly

For the Senate: Sens. Mathern, Maxson, Peterson
For the House: Reps. Shaft, Cleveland, Flaagan

SB 2314 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Conference Committee to which was referred Engrossed SB 2378 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on page 1915 of the House Journal and that Engrossed SB 2378 be amended as follows:

On page 1 of the engrossed bill, line 16, after the word "number" insert the words ", as soon as available,"

On page 1 of the engrossed bill, line 19, delete the words "The building permit official may not issue"

On page 1 of the engrossed bill, delete lines 20 and 21

And renumber the lines, sections, and pages accordingly

For the Senate: Sens. Krauter, Schoenwald, Nething

For the House: Reps. Lindgren, Sorensen, Skjerven (refused to sign)

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

MR. SPEAKER: Your Conference Committee to which was referred Engrossed SB 2510 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 1757-1758 of the House Journal and that Engrossed SB 2510 be amended as follows:

On page 5 of the engrossed bill, line 10, overstrike the words "in writing" and insert immediately thereafter the words "and documented"

On page 5 of the engrossed bill, line 18, after the word "~~thereafter~~" insert the words "and, if the restraint is a chemical one, it must be administered by a licensed nurse or physician" and underscore the period

On page 5 of the engrossed bill, line 24, delete the underscored period and insert in lieu thereof a period

And renumber the lines, sections, and pages accordingly

For the Senate: Sens. Heinrich, Maxson, Stenehjem

For the House: Reps. Larson, Gates, Schneider

Engrossed SB 2510 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

SECOND READING OF HOUSE BILLS

HB 1331: A BILL for an Act to create and enact section 14 to House Bill No. 1172, section 2 to House Bill No. 1321, section 2 to Senate Bill No. 2047, and section 2 to Senate Bill No. 2458, as approved by the fiftieth legislative assembly, to provide an effective date for those bills, relating to radio communication functions by the director of institutions and telecommunication functions by the office of central data processing, compensation and expenses for witnesses in criminal actions, investigations on Indian reservations by the attorney general, and court costs; 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 75 YEAS, 0 NAYS, 31 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Goetz; Gorman; Halmrast; Hamerlik; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hokana; Klundt; Knell; Knudson; Kolbo; Kretschmar; Lang; Larson; Lautenschlager; Linderman; Lindgren; Marks; Martinson; Melby; Mertens; Moore; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Riehl; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shide; Shockman; Skjerven; Sorensen; Starke; Strinden; Tokach; Tollefson; Trautman; Ulmer; Vander Vorst; Watne; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Speaker Kloubec

NAYS: None

ABSENT AND NOT VOTING: Berg, G.; Berg, R.; Gerntholz; Graba; Gunsch; Hanson, L.; Hausauer, R.; Hill; Hoffner; Kelly; Kent; Kingsbury; Koland; Kuchera; Laughlin; Martin; Meyer; Murphy; Nowatzki; Opedahl; Payne; Peterson; Rice; Smette; Solberg; Stofferahn; Thompson; Tomac; Wald; Wentz; Winkelman

HB 1331 passed, the title was agreed to, and the emergency clause carried.

HB 1677: A BILL for an Act to establish a temporary court of appeals; to amend and reenact subsection 5 of section 12.1-01-04, section 27-01-01, subsection 2 of section 27-23-01, and section 59-04-27 of the North Dakota Century Code, relating to references to the temporary court of

appeals and judges of the temporary court of appeals; and to provide an appropriation.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 59 YEAS, 23 NAYS, 24 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Cleveland; Dalrymple; Dotzenrod; Enget; Flaagan; Frey; Gates; Goetz; Halmrast; Hamerlik; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hokana; Kelly; Kolbo; Lang; Larson; Linderman; Lindgren; Marks; Martinson; Moore; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; O'Connell; Olsen, D.; Olson, A.; O'Shea; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shide; Smette; Sorensen; Strinden; Tollefson; Trautman; Ulmer; Vander Vorst; Watne; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Brokaw; Christman; DeMers, J.; DeMers, P.; Dorso; Gorman; Graba; Klundt; Knell; Knudson; Koland; Lautenschlager; Melby; Oban; Olson, V.; Riehl; Shockman; Skjerven; Starke; Tokach; Tomac; Whalen; Wilkie

ABSENT AND NOT VOTING: Gerntholz; Gunsch; Hanson, L.; Hausauer, R.; Hill; Hoffner; Kent; Kingsbury; Kretschmar; Kuchera; Laughlin; Martin; Mertens; Meyer; Murphy; Opedahl; Payne; Peterson; Rice; Solberg; Stofferahn; Thompson; Wald; Wentz

HB 1677 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 1349 as printed on page 2501 of the House Journal, which motion prevailed.

MOTION

REP. STRINDEN MOVED that the rules be suspended, that HB 1349 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 1349: A BILL for an Act to create and enact two new chapters to title 35 of the North Dakota Century Code, relating to statutory agricultural liens; to amend and reenact sections 11-18-14, 11-29-24, 35-21-01, and subsection 9 of section 41-09-28 of the North Dakota Century Code, relating to

duties of the county register of deeds, county seed, feed, and fuel liens, release of liens, and to information that must be filed with the secretary of state under the central notice system; to repeal chapters 35-07, 35-08, 35-09, and 35-10 of the North Dakota Century Code, relating to threshing or drying liens, crop production liens, motor fuel liens, fertilizer, farm chemicals, or seed liens, and sugar beet production liens; 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 93 YEAS, 0 NAYS, 13 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; Goetz; Gorman; Graba; Halmrast; Hamerlik; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hokana; Kelly; Kingsbury; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Lang; Larson; Laughlin; Lautenschlager; Linderman; Marks; Martin; Martinson; Melby; Mertens; Moore; 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; Smette; Sorensen; Starke; Stofferahn; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: None

ABSENT AND NOT VOTING: Gerntholz; Gunsch; Hanson, L.; Hill; Hoffner; Kent; Kuchera; Lindgren; Meyer; Murphy; Peterson; Solberg; Wentz

HB 1349 passed, the title was agreed to, and the emergency clause carried.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. GATES MOVED that the House do concur in the Senate amendments to HB 1644, which motion prevailed.

MOTION

REP. STRINDEN MOVED that the rules be suspended, that HB 1644 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1644: A BILL for an Act to create and enact a new subsection to section 57-02-08, a new subsection to section 57-39.2-04, and a new subsection to section 57-40.2-04 of the North Dakota Century Code, relating to a property tax exemption for certain property used for academic or research purposes by students or faculty of a state institution of higher education and sales or use tax exemption of sales of flight simulators.

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 86 YEAS, 14 NAYS, 6 ABSENT AND NOT VOTING.

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

NAYS: Brokaw; DeMers, P.; Hausauer, A.; Lautenschlager; Linderman; Melby; Nelson, J.; Oban; O'Connell; O'Shea; Riehl; Tokach; Tomac; Wilkie

ABSENT AND NOT VOTING: Hanson, L.; Hoffner; Meyer; Murphy; Peterson; Wentz

HB 1644 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. MARTINSON MOVED that the House do concur in the Senate amendments to HB 1680, which motion prevailed.

MOTION

REP. STRINDEN MOVED that the rules be suspended, that HB 1680 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1680: A BILL for an Act to amend and reenact subdivision a of subsection 2 of section 54-35-02.4 of the North Dakota Century Code, relating to payment of costs of actuarial reports to the legislative council's committee on public employees retirement 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 85 YEAS, 15 NAYS, 6 ABSENT AND NOT VOTING.

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

NAYS: Berg, G.; DeMers, P.; Flaagan; Gates; Halmrast; Hill; Klundt; Lautenschlager; Mertens; Nelson, C.; Oban; O'Connell; O'Shea; Starke; Williams, C.

ABSENT AND NOT VOTING: Dorso; Hanson, L.; Hoffner; Meyer; Peterson; Wentz

HB 1680 passed and the title was agreed to.

MESSAGE 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:

SB 2552

PERRY GROTEBERG, Secretary

SECOND READING OF HOUSE BILL

HB 1683: A BILL for an Act to amend and reenact section 54-03-10 of the North Dakota Century Code and section 54-03-20 of the North Dakota Century Code as contained in House Bill

No. 1575, as approved by the fiftieth legislative assembly, relating to compensation of certain subcommittee chairmen and to reimbursement for expenses for members of the legislative assembly; and to declare an emergency.

Which has been read.

REQUEST

REP. KINGSBURY REQUESTED permission to be excused from voting.

SPEAKER KLOUBEC ANNOUNCED that Reps. Kingsbury, Kuchera, and R. Hausauer were excused from voting.

ROLL CALL

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

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

NAYS: DeMers, J.; DeMers, P.; Halmrast; Marks; Murphy; Nelson, C.; Schneider; Tomac; Watne; Wilkie; Williams, W.

ABSENT AND NOT VOTING: Hanson, L.; Hausauer, R.; Kingsbury; Kuchera; Meyer; Wentz

HB 1683 passed, the title was agreed to, and the emergency clause carried.

SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to SB 2204 as recommended by the Committee on Appropriations as printed on page 2523 of the House Journal be adopted, and when so adopted, recommends the same DO NOT PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2204: A BILL for an Act relating to the use by state-funded institutions of North Dakota native lignite coal or coal mined in other jurisdictions meeting certain standards.

Which has been read.

MOTION

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

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 29 YEAS, 72 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Flaagan; Frey; Graba; Gunsch; Haugen; Hill; Hoffner; Hokana; Knell; Laughlin; Marks; Melby; Nelson, C.; Nowatzki; Oban; Olson, V.; O'Shea; Peterson; Riehl; Schneider; Shaw; Shockman; Skjerven; Stofferahn; Tomac; Ulmer; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dotzenrod; Enget; Gates; Gerntholz; Goetz; Gorman; Halmrast; Hamerlik; Hanson, O.; Haugland; Hausauer, A.; Hausauer, R.; Kelly; Kent; Kingsbury; Klundt; Knudson; Koland; Kolbo; Kretschmar; Kuchera; Lang; Larson; Lautenschlager; Linderman; Lindgren; Martin; Martinson; Moore; Murphy; Myrdal; Nelson, J.; Nicholas; O'Connell; Olsen, D.; Olson, A.; Opedahl; Payne; Rice; Rydell; Scherber; Schindler; Shaft; Shide; Smette; Solberg; Sorensen; Starke; Strinden; Thompson; Tokach; Tollefson; Trautman; Vander Vorst; Wald; Watne; Whalen; Wilkie; Williams, A.; Williams, C.

ABSENT AND NOT VOTING: Dorso; Hanson, L.; Mertens; Meyer; Wentz

SB 2204 was declared lost.

FIRST READING OF SENATE BILL

SB 2552: A BILL for an Act to amend and reenact subsection 15 of section 57-02-08 of the North Dakota Century Code, relating to exemption of farm buildings and structures from property taxes; and to provide an effective date.

Was read the first time and referred to the Committee on Finance and Taxation.

SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to SB 2471 as recommended by the Committee on Appropriations as printed on

page 2525 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2471: A BILL for an Act to establish a child welfare research bureau at the university of North Dakota; and to provide an appropriation.

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 58 YEAS, 44 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gates; Gorman; Graba; Halmrast; Hamerlik; Haugland; Hausauer, A.; Hill; Hoffner; Hokana; Kelly; Klundt; Kolbo; Kretschmar; Kuchera; Laughlin; Lautenschlager; Linderman; Marks; Martinson; Mertens; Moore; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Opedahl; O'Shea; Payne; Peterson; Riehl; Rydell; Scherber; Schneider; Shaw; Shockman; Solberg; Starke; Stofferahn; Strinden; Tomac; Ulmer; Watne; Wilkie; Williams, A.; Williams, W.

NAYS: Aas; Almlie; Anderson; Belter; Dalrymple; Dorso; Dotzenrod; Gerntholz; Goetz; Gunsch; Hanson, O.; Haugen; Hausauer, R.; Kent; Kingsbury; Knell; Knudson; Koland; Lang; Larson; Lindgren; Martin; Melby; Murphy; Myrdal; Olsen, D.; Olson, A.; Olson, V.; Rice; Schindler; Shaft; Shide; Skjerven; Smette; Sorensen; Thompson; Tokach; Tollefson; Trautman; Vander Vorst; Wald; Whalen; Winkelman; Speaker Kloubec

ABSENT AND NOT VOTING: Hanson, L.; Meyer; Wentz; Williams, C.

SB 2471 passed and the title was agreed to.

MESSAGE TO THE SENATE HOUSE CHAMBER

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

SB 2006, SB 2016, SB 2068

ROY GILBREATH, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

REP. AAS MOVED that the conference committee report on HB 1038 as printed on page 2481 of the House Journal be adopted, which motion prevailed.

MOTION

REP. STRINDEN MOVED that the rules be suspended, that HB 1038 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 1038: A BILL for an Act to amend and reenact subsection 3 of section 12.1-06.1-01 and section 12.1-06.1-08 of the North Dakota Century Code, relating to computer fraud and computer crime classifications; 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 98 YEAS, 0 NAYS, 8 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hamerlik; 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; Moore; Murphy; 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; Smette; Solberg; Sorensen; Starke; Stofferahn; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Watne; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: None

ABSENT AND NOT VOTING: Dalrymple; Hanson, L.; Mertens; Meyer; Myrdal; Peterson; Wald; Wentz

HB 1038 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

REP. CHRISTMAN MOVED that the conference committee report on HB 1081 as printed on page 2423 of the House Journal be adopted, which motion prevailed.

MOTION

REP. STRINDEN MOVED that the rules be suspended, that HB 1081 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 1081: A BILL for an Act to create and enact a new section to chapter 54-44.2 of the North Dakota Century Code, relating to a data processing advisory committee.

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 52 YEAS, 51 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Berg, G.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gerntholz; Gorman; Graba; Halmrast; Hanson, O.; Haugen; Haugland; Hausauer, R.; Hoffner; Kelly; Kingsbury; Knell; Knudson; Kolbo; Larson; Marks; Murphy; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olson, V.; Opedahl; Payne; Peterson; Scherber; Shockman; Skjerven; Smette; Solberg; Tokach; Tollefson; Trautman; Watne; Wilkie; Williams, A.; Williams, C.; Speaker Kloubec

NAYS: Anderson; Belter; Berg, R.; Dorso; Dotzenrod; Gates; Goetz; Gunsch; Hamerlik; Hausauer, A.; Hill; Hokana; Kent; Klundt; Koland; Kretschmar; Kuchera; Lang; Laughlin; Lautenschlager; Linderman; Lindgren; Martin; Martinson; Melby; Mertens; Moore; Myrdal; Olsen, D.; Olson, A.; O'Shea; Rice; Riehl; Rydell; Schindler; Schneider; Shaft; Shaw; Shide; Sorensen; Starke; Stofferahn; Strinden; Thompson; Tomac; Ulmer; Vander Vorst; Wald; Whalen; Williams, W.; Winkelman

ABSENT AND NOT VOTING: Hanson, L.; Meyer; Wentz

HB 1081 was declared lost for want of a Constitutional majority.

REPORT OF CONFERENCE COMMITTEE

REP. A. HAUSAUER MOVED that the conference committee report on HB 1192 as printed on page 2481 of the House Journal be adopted, which motion prevailed.

MOTION

REP. STRINDEN MOVED that the rules be suspended, that HB 1192 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 1192: A BILL for an Act to amend and reenact subsection 1 of section 26.1-03-17 of the North Dakota Century Code, relating to the rate of the premium tax on accident and health insurance and property and casualty insurance.

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, 9 NAYS, 5 ABSENT AND NOT VOTING.

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

NAYS: Hanson, O.; Kingsbury; Lindgren; Murphy; O'Connell; Olson, A.; Shaft; Shockman; Skjerven

ABSENT AND NOT VOTING: Dalrymple; Hanson, L.; Knell; Meyer; Wentz

HB 1192 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

REP. TOLLEFSON MOVED that the conference committee report on HB 1257 as printed on page 2338 of the House Journal be adopted, which motion prevailed on a verification vote.

MOTION

REP. STRINDEN MOVED that the rules be suspended, that HB 1257 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1257: A BILL for an Act to amend and reenact section 20.1-07-03.1 of the North Dakota Century Code, relating to the use of snares for taking coyotes; 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 40 YEAS, 59 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, R.; Brokaw; Dorso; Enget; Flaagan; Gates; Gerntholz; Goetz; Hamerlik; Haugen; Hausauer, R.; Hoffner; Knell; Koland; Kretschmar; Kuchera; Larson; Linderman; Lindgren; Marks; Mertens; Moore; Olson, V.; Peterson; Shaw; Solberg; Sorensen; Thompson; Tokach; Tollefson; Tomac; Ulmer; Wilkie; Williams, C.; Williams, W.; Speaker Kloubec

NAYS: Berg, G.; Christman; Cleveland; Dalrymple; DeMers, P.; Dotzenrod; Frey; Gorman; Graba; Gunsch; Halmrast; Hanson, O.; Haugland; Hausauer, A.; Hill; Hokana; Kelly; Kent; Kingsbury; Klundt; Knudson; Kolbo; Lang; Laughlin; Lautenschlager; Martin; Martinson; Melby; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Opedahl; O'Shea; Payne; Rice; Riehl; Rydell; Scherber; Schindler; Shaft; Shide; Shockman; Skjerven; Smette; Stofferahn; Trautman; Vander Vorst; Wald; Watne; Whalen; Williams, A.; Winkelman

ABSENT AND NOT VOTING: DeMers, J.; Hanson, L.; Meyer; Schneider; Starke; Strinden; Wentz

HB 1257 was declared lost.

MOTION

REP. CLEVELAND MOVED that HB 1535, which is on the Seventh order, be laid over one legislative day, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEES

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2004:

Reps. R. Hausauer, Thompson, Nowatzki

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2012:

Reps. Kent, Payne, Hoffner

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2103:

Reps. Tollefson, Martin, Schneider

REP. STRINDEN MOVED that the conference committee report on SB 2109 as printed on page 2516 of the House Journal be adopted, which motion prevailed.

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 Seventh order of business, and at the conclusion of the Seventh order, the House stand adjourned until 8:00 a.m., Monday, April 6, 1987, which motion prevailed.

REPORT OF STANDING COMMITTEE

MR. SPEAKER: Your Committee on Appropriations to which was rereferred SB 2063 has had the same under consideration and recommends by a vote of 22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. PETERSON, Chairman

SB 2063 was placed on the Fourteenth 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 1129 has had the same under consideration and recommends that the HOUSE ACCEDE to the amendments as found on pages 2016-2017 of the House Journal.

For the Senate: Sens. D. Meyer, Maixner, Moore

For the House: Reps. Koland, Tollefson, Lautenschlager

HB 1129 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

REPORTS OF STANDING COMMITTEE

MR. SPEAKER: Your Committee on Appropriations to which was referred SB 2009 has had the same under consideration and recommends by a vote of 23 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the reengrossed bill, line 22, delete the numerals "2,144,214" and insert in lieu thereof the numerals "2,120,214"

On page 1 of the reengrossed bill, line 23, delete the numerals "14,882,785" and insert in lieu thereof the numerals "14,858,785"

On page 1 of the reengrossed bill, line 25, delete the numerals "13,252,929" and insert in lieu thereof the numerals "13,228,929"

On page 2 of the reengrossed bill, line 8, delete the numerals "13,252,929" and insert in lieu thereof the numerals "13,228,929"

On page 2 of the reengrossed bill, line 10, delete the numerals "20,647,973" and insert in lieu thereof the numerals "20,623,973"

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

State Penitentiary

The capital improvements line item is reduced by \$24,000 from the general fund for funding relating to the food service renovation project.

REP. PETERSON, Chairman

SB 2009 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations to which was referred SB 2010 has had the same under consideration and recommends by a vote of 23 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 15, delete the numerals "1,883,106" and insert in lieu thereof the numerals "1,937,310"

On page 1 of the engrossed bill, line 18, delete the numerals "3,624,403" and insert in lieu thereof the numerals "3,678,607"

On page 1 of the engrossed bill, line 27, delete the numerals "3,304,403" and insert in lieu thereof the numerals "3,438,607"

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Radio Communications

The operating expenses line item is increased by \$54,204 from the state highway fund to provide funds for the telecommunications tariff on Radio Communications' statewide network.

The estimated income amount received from the law enforcement teletype system fees charged to system users is decreased by \$80,000, to \$240,000, with a corresponding increase in the state highway fund transfer. It is the intent of the Legislative Assembly that the fees charged to system users remain the same for the 1987-89 biennium as those fees charged during the 1985-87 biennium.

REP. PETERSON, Chairman

SB 2010 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations to which was rereferred SB 2037 has had the same under consideration and recommends by a vote of 19 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

In addition to the amendments to reengrossed Senate Bill No. 2037 adopted by the House as found on page 2202 of the House Journal, reengrossed Senate Bill No. 2037 is amended as follows:

On page 1 of the reengrossed bill, line 4, delete the first word "and"

On page 1 of the reengrossed bill, line 8, after the word "care" and insert the words "; and to provide an effective date"

On page 3 of the reengrossed bill, after line 19, insert the following new section:

"SECTION 5. EFFECTIVE DATE. This Act becomes effective on July 1, 1988."

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment delays the effective date of the Act to July 1, 1988.

REP. PETERSON, Chairman

SB 2037 was placed on the Sixth 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