

JOURNAL OF THE HOUSE

Forty-eighth Legislative Assembly

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SIXTEENTH DAY

Bismarck, January 25, 1983

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

The prayer was offered by Rev. John Miller, Baptist Temple, Mandan.

ROLL CALL

The roll was called and all members were present, except Representatives Swiontek and Timm.

A quorum was declared by the Speaker.

REVISION AND CORRECTION OF THE JOURNAL

MADAM SPEAKER: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Fifteenth day and recommends that the same be corrected as follows and when so corrected, recommends that the same be approved:

On page 386, line 32, insert the following:

"SIGNING OF BILLS AND RESOLUTIONS

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following:

SB 2059, SB 2072

CHARLES FLEMING, Chief Clerk"

And renumber the lines and pages accordingly

On page 413, line 12, insert after the name "Knudson" the word "introduced:"

We have reexamined the Journal of the Fourteenth day and recommend that the same be corrected as follows:

On page 358, line 42, insert the following:

"SIGNING OF BILLS AND RESOLUTIONS

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following:

HB 1012

CHARLES FLEMING, Chief Clerk"

And renumber the lines and pages accordingly

REP. LAUGHLIN, Chairman

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

REPORT OF PROCEDURAL COMMITTEE

MADAM SPEAKER: Your Committee on Enrollment and Engrossment respectfully reports that it has examined the following bill and finds the same correctly enrolled:

HB 1212

REP. G. MARTIN, Chairman

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

MADAM SPEAKER: Your Committee on Enrollment and Engrossment respectfully reports that it has examined the following bills and finds the same correctly engrossed:

HB 1045, HB 1168, HB 1188, HB 1217, HB 1234

REP. G. MARTIN, Chairman

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

MADAM SPEAKER: Your Committee on Enrollment and Engrossment respectfully reports that it has examined the following bill and finds the same correctly engrossed:

HB 1058

REP. G. MARTIN, Chairman

REP. O'CONNELL MOVED that the report be adopted, which motion prevailed.

MESSAGES 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 1069, HB 1081, HB 1121, HB 1167, HB 1180, HB 1182,  
HB 1190, HB 1199, HB 1220, HB 1254, HB 1294, HCR 3010

Very respectfully,  
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

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

SB 2085, SB 2110, SB 2113, SCR 4010

Very respectfully,  
CHARLES FLEMING, Chief Clerk

MESSAGE FROM THE SENATE  
SENATE CHAMBER

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

SB 2004, SB 2066, SB 2106, SB 2108, SB 2138, SB 2139,  
SB 2161, SB 2171, SB 2208, SB 2243, SB 2291, SCR 4006  
Very respectfully,  
LEO LEIDHOLM, Secretary

POINT OF PERSONAL PRIVILEGE

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

Madam Speaker, and members of the House of Representatives:

One hundred years ago today, on January 25, 1883, the first meeting of the Ramsey County Commissioners was held at Devils Lake, Dakota Territory. Meanwhile at the Dakota Territorial Congress in Yankton, one of the delegates from the northern part of the territory was threatening to introduce a bill to move the capitol from Yankton to Devils Lake. Because he had the blessing of Jim Hill, railroad baron, the other delegates thought he might have enough votes to do it. They continued through the winter with the task of organizing counties with this threat hanging over them.

Meanwhile, Bishop Shanley, first bishop of the Fargo Diocese, assigned a young priest, Fr. Vincent Werle to Devils Lake with the assignment to minister to a small mission at Minot. He later started St. Gaul's Monastery on the shore of Devils Lake, later moved it to Richardton and renamed it Assumption Abbey. This young pastor from Devils Lake was later to become the first bishop of the Bismarck Diocese.

Ramsey County and Devils Lake officially begin their centennial celebration this week. They have published two volumes of the history of the county to preserve the heritage of our grandfathers for future generations.

Thank you, Madam Speaker, and members of this assembly.

POINT OF PERSONAL PRIVILEGE

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

Madam Speaker: At this very hour in Devils Lake, there is a birthday party being held, complete with a huge birthday cake and special music. The Honorable Judge Douglas B. Heen will be master of ceremonies. A flag flown over

the United States Capitol will be presented to the Ramsey County Commissioners today.

It is with a great deal of pleasure that I have the honor of officially inviting the members of this assembly to our Ramsey County Centennial July 1-7.

We are proud of Ramsey County and Ramsey County is proud to be a part of this great state of North Dakota.

Please come and celebrate with us in July. We have many, many activities planned for you.

#### RECOGNITION

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

#### MOTION

REP. L. HANSON MOVED that HB 1077 be returned to the House floor from the Committee on Natural Resources, which motion prevailed.

REP. L. HANSON REQUESTED the unanimous consent of the House to withdraw HB 1077. There being no objection, it was so ordered by the Speaker.

REP. S. F. HOFFNER MOVED that HB 1293 be returned to the Committee on Industry, Business, and Labor, which motion prevailed.

SPEAKER KELLY ANNOUNCED that HB 1293 was returned to the Committee on Industry, Business, and Labor.

#### REPORTS OF STANDING COMMITTEES

MADAM SPEAKER: Your Committee on Finance and Taxation to which was referred HB 1052 has had the same under consideration and recommends by a vote of 15 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2, line 17, overstrike the word "five-year" and insert immediately thereafter the word "ten-year"

On page 2, line 18, overstrike the word "five-year" and insert immediately thereafter the word "ten-year"

On page 2, line 19, overstrike the words "most recent five years of the six years" and insert immediately thereafter the words "twelve years ending with the most recent year"

On page 2, line 20, after the numeral "1" insert the words ", discarding the highest and lowest years,"

On page 2, line 34, after the period, insert the following new sentence: "The information provided will show the county-wide value per acre for crop land and for land that is not crop land."

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

HB 1052 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Social Services and Veterans Affairs to which was referred HB 1129 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for and Act to amend and reenact section 14-15-16 of the North Dakota Century Code, relating to the issuance of a certified copy of a decree of adoption and the release of identifying information regarding an adult sibling.

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

SECTION 1. AMENDMENT. Section 14-15-16 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

14-15-16. Hearings and records in adoption proceedings - Confidential nature - Disclosure of identifying and nonidentifying information - Retroactive operation. Notwithstanding any other law concerning public hearings and records:

1. All hearings held in proceedings under this chapter shall be held in closed court without admittance of any person other than essential officers of the court, the parties, their witnesses, counsel, persons who have not previously consented to the adoption but are required to consent, and representatives of the agencies present to perform their official duties.
2. All papers, records, and information pertaining to the adoption whether part of the permanent record of the court or of a file in the department of human services or in an agency are confidential and may be

disclosed only in accordance with this section.

3. Nonidentifying information, if known, concerning undisclosed genetic parents shall be furnished to:
  - a. The adoptive parents at the time of adoptive placement or upon their request.
  - b. ~~The adult~~ An adopted person adult upon written request ~~therefor~~.

In addition, the clerk of the appropriate district court, upon request and payment of the proper fee, shall furnish a certified copy of the decree of adoption to the adopted parents, the guardian of an adopted minor child, or an adopted adult provided the decree does not disclose the identity of the genetic parents or the name of the adopted person prior to the adoption proceedings.

4. An adopted person who is twenty-one years of age or over may request the department of human services to secure and disclose information identifying the adopted child's genetic parents or to secure and disclose nonidentifying information not on file with the board or a child-placing agency. The department of human services shall, within five working days of receipt of the request, notify in writing the child-placing agency having access to the information requested of the request by the adopted child. If there has not been established a presumed or adjudicated father under chapter 14-17 then a "genetic parent" includes for the purposes of a request to secure and disclose nonidentifying information not on file with the department or child-placing agency, the alleged father as indicated in the files of the child-placing agency; provided, that there exists in the file information which corroborates the allegation of paternity, including the existence of communications between the alleged father and child-placing agency, or between the alleged father and the natural or adjudicated mother or members of her family, or such other corroborative

information permitted by rules adopted by the department of human services.

5. Within three months after receiving notice of the request of the adopted person, the child-placing agency shall make complete and reasonable efforts to notify the genetic parents of the adopted child. The child-placing agency may charge a reasonable fee to the adopted child for the cost of making a search pursuant to this subsection. All communications under this subsection are confidential. For purposes of this subsection, "notify" means a personal and confidential contact with the genetic parents of the adopted child; the personal and confidential contact shall not be by mail and shall be by an employee or agent of the licensed child-placing agency which processed the pertinent adoption, or some other licensed child-placing agency designated by the child-placing agency; the personal and confidential contact shall be evidenced by filing with the department of human services an affidavit of notification executed by the person who notified each genetic parent and certifying that each genetic parent was given the following information:
  - a. The nature of the identifying information to which the agency has access.
  - b. The nature of any nonidentifying information requested.
  - c. The date of the request of the adopted child.
  - d. The right of the genetic parent to file, within sixty days of receipt of the notice, an affidavit with the department of human services stating that the identifying information should not be disclosed.
  - e. The right of the genetic parent to file a consent to disclosure with the department of human services at any time.
  - f. The effect of a failure of the genetic parent to file either a consent to

disclosure or an affidavit stating that the identifying information should not be disclosed.

6. If the child-placing agency certifies to the department of human services that it has been unable to notify the genetic parent within three months, the identifying information shall not be disclosed to the adopted child. If either genetic parent has at any time filed with the department of human services an unrevoked affidavit stating that the identifying information should not be disclosed, the department of human services shall not disclose the information to the adopted child until the affidavit is revoked by the filing of a consent to disclosure by that parent.
7. If, within three months, the child-placing agency certifies to the department of human services that it has notified the genetic parents pursuant to subsection 5, the department of human services shall receive the identifying information from the child-placing agency and disclose the information sixty-one days after the date of the latest notice to either genetic parent. This disclosure will occur if, at any time during the sixty-one days, the genetic parent has filed an affidavit with the department of human services stating that the information shall be disclosed and the affidavit has not been revoked by the subsequent filing by the genetic parent of an affidavit that the information shall not be disclosed.
8. If the genetic parent has died and has not filed an unrevoked affidavit with the department of human services stating that identifying information shall not be disclosed, the information shall be forwarded to and released by the department of human services to the adopted child. If the genetic parent has died, and at any time prior to his death the genetic parent has filed an unrevoked affidavit with the department of human services stating that the identifying information shall not be disclosed, the adopted child may petition the court of original jurisdiction of the adoption proceeding for an order for release of the identifying information.

The court shall grant the petition if, after consideration of the interests of all known persons involved, the court determines that disclosure of the information would be of greater benefit than nondisclosure.

9. Any adopted person twenty-one or more years of age ~~or ever~~ whose adoption was finalized in this state or whose genetic parents had their parental rights terminated in this state may request the department of human services to secure and disclose identifying information concerning an adult sibling in the same manner as provided for in subsection 4. Identifying information pertaining exclusively to the adult sibling, whether part of the permanent record of a file in the department of human services or in an agency, ~~shall~~ may be released only upon written consent of ~~that~~ the adult sibling and any living genetic parents of the adult sibling if the adult sibling knows of their identity.
10. Upon application to the department of human services by an adult adopted person or the parent or guardian of a minor adopted child, the department may investigate or cause to be investigated facts necessary to determine the adopted person's eligibility for enrollment as a member of an Indian tribe.
  - a. The department of human services may inquire of any person or agency, including a licensed child-placing agency in North Dakota to assist in the investigation.
  - b. All identifying information obtained by the department of human services shall remain confidential.
  - c. The bureau of Indian affairs may be provided sufficient information obtained from the investigation to determine the eligibility of the adopted person for enrollment in an Indian tribe. Prior to the department's release of information to the bureau of Indian affairs, the department will obtain written assurance from the bureau of Indian

affairs that the information provided will remain confidential, and will not be furnished to any unauthorized person or agency.

- d. The procedure used in contacting the genetic parents of the adopted child shall be a personal and confidential contact. Any necessary contact shall be made by an employee or agent of a licensed child-placing agency or the department of human services. The information requested of the genetic parents shall be limited to that information necessary to make a determination of the adopted person's eligibility for enrollment in an Indian tribe.
- e. The department of human services may charge a reasonable investigation fee.
11. No person may be required to disclose the name or identity of either an adoptive parent or an adopted child except:
- a. In accordance with this section;
  - b. As authorized in writing by the adoptive parent or the adopted child;
  - c. Upon order of the court for good cause shown in exceptional cases.
- ~~11-~~ 12. The provisions of this section governing the release of identifying and nonidentifying adoptive information apply to adoptions completed before and after July 1, 1979.
- ~~12-~~ 13. Any child-placing agency discharging in good faith its responsibilities under this section is immune from any liability, civil or criminal, that otherwise might result.
- ~~13-~~ 14. The department of human services shall make such reasonable rules and regulations as are necessary to carry out the purposes of this section."

And renumber the lines and pages accordingly

REP. R. MEIERS, Chairman

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

**MADAM SPEAKER:** Your Committee on Political Subdivisions to which was referred HB 1131 has had the same under consideration and recommends by a vote of 15 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

- On page 1, line 11, delete the words "plat, replat" and insert in lieu thereof the words "contract for deed"
- On page 1, line 21, delete the words "plat, replat" and insert in lieu thereof the words "contract for deed"
- On page 1, line 28, after the period insert the following "Whenever a plat, replat, auditor's lot, or any instrument that changes the current property description, including condominium ownership established under chapter 47-04.1, is presented to the county auditor for transfer, the auditor shall ascertain from the books and records in the auditor's office and in the office of the county treasurer if there are current or delinquent taxes, special assessments and after February 1 of each year the tax estimate for that year against the land described in the instrument or if such land has been sold for taxes. If there are current taxes, delinquent taxes, delinquent special assessments, installments of special assessments or tax estimates against lands described in the instrument, the auditor shall certify the same."
- On page 2, line 5, delete the words ", plats, replats," and overstrike the word "or" and insert immediately thereafter the words ", contracts for deed, plats, replats,"
- On page 2, line 5, following the word "patents" insert the words ", auditor's lots, and any other instruments that change the current property description"
- On page 2, line 8, overstrike the words "He shall collect twenty-five cents for each certificate"
- On page 2, overstrike lines 9 through 12
- On page 2, line 18, delete the words ", plat, replat," and overstrike the word "or" and insert immediately thereafter the words ", contract for deed, plat, replat"

On page 2, line 18, after the word "patent" insert the following "auditor's lot, or any other instrument that changes the current property description"

And renumber the lines and pages accordingly

REP. DOTZENROD, Chairman

HB 1131 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Social Services and Veterans Affairs to which was referred HB 1174 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 9, after the word "issuance" insert the words "and renewals"

And renumber the lines accordingly

REP. R. MEIERS, Chairman

HB 1174 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Transportation to which was referred HB 1183 has had the same under consideration and recommends by a vote of 10 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, line 1, delete the numeral "39-24-03,"

On page 1, line 3, delete the word "registration," and delete the "," following the word "operation"

On page 1, delete lines 7 through 27

On page 2, delete lines 1 through 23

And renumber the lines, sections, and pages accordingly

REP. HJELLE, Chairman

HB 1183 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Education to which was referred HB 1184 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 1, after the word "reenact" insert the following: "sections 15-40.1-07 and 15-40.1-08,"

On page 1, line 2, delete the word "and" and insert in lieu thereof a comma, and after the numerals "15-40.2-09" insert the following: ", and 15-40.2-10"

On page 1, line 3, after the word "to" insert the words "high school per-pupil payments, elementary per-pupil payments,"

On page 1, line 4, delete the word "and"

On page 1, line 5, after the word "states" and before the period insert the following: ", and reciprocal master agreements for pupil attendance in other states"

On page 1, after line 7 insert the following new sections:

"SECTION 1. AMENDMENT. Section 15-40.1-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40.1-07. High school per-pupil payments - Amount - Proportionate payments. There shall be paid each year from state funds to all school districts of the county operating high schools and to school districts contracting to educate high school pupils in a federal school, subject to adjustment as provided in section 15-40.1-09, payments as follows:

1. For high schools having under seventy-five pupils in average daily membership, the amount of money resulting from multiplying the factor 1.70 times the educational support per pupil as provided in section 15-40.1-06 for each high school pupil registered in the schools each year.
2. For high schools having seventy-five or more, but less than one hundred fifty pupils in average daily membership, the amount of money resulting from multiplying the factor 1.40 times the educational support per pupil as provided in section 15-40.1-06 for each high school pupil registered in the schools each year.
3. For high schools having one hundred fifty or more, but less than five hundred fifty pupils in average daily membership, the amount of money resulting from multiplying the factor 1.32 times the educational support per pupil as provided in section 15-40.1-06 for each high school pupil registered in the schools each year.

4. For high schools having a total high school enrollment of five hundred fifty or more pupils in average daily membership, the amount of money resulting from multiplying the factor 1.20 times the educational support per pupil as provided in section 15-40.1-06 for each high school pupil registered in the schools each year.

Every high school district shall receive at least as much in total payments as it would have received if it had the highest number of pupils in the next lower category. No school district shall receive less in foundation program per-pupil payments for the 1979-80 school year than such district would have received in such payments based upon the average enrollment in such district for the previous three school years, and no school district shall receive less in foundation program per-pupil payments for any year thereafter than such district would have received in such payments based upon the enrollment in such district for the previous school year. However, no payment shall be made for those pupils for whom federal agencies provide education. Such payments shall not be made unless four or more units of standard high school work approved by the superintendent of public instruction are offered during the current year, only certificated teachers have been employed, and the other standards prescribed by this chapter have been met. Payments shall be made to the high school district in which the student is enrolled for graduation and units of approved vocational education in accordance with the provisions of chapter 15-20.1, and other courses approved by the superintendent of public instruction, earned in another high school district shall be included to meet the minimum four required units. In the case of students enrolled in nonpublic schools for graduation, proportionate payments shall be made to the public school district in which such student is enrolled for specific courses. School districts offering high school summer school programs shall be eligible for proportionate payments provided each course offered in such programs satisfies requirements for graduation and comprises at least as many clock hours as courses offered during the regular school term.

Districts that did not maintain high schools during the year of 1964-1965 shall not be eligible for payments unless they have a minimum enrollment of twenty-five pupils if four years of high school work are offered, a minimum enrollment of twenty pupils if three years of high school work are offered, a

minimum enrollment of fifteen pupils if two years of high school work are offered, and a minimum enrollment of ten pupils if one year of high school work is offered. Payments pursuant to this chapter to school districts in bordering states shall be made after subtracting the amount realized from a twenty-mill levy in the sending school district divided by the total number of resident pupils enrolled in the school district plus the number of resident pupils from the district attending school in another state.

SECTION 2. AMENDMENT. Section 15-40.1-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40.1-08. Elementary per-pupil payments - Amount. There shall be paid from state funds to school districts of the county operating elementary schools and to school districts contracting to educate elementary pupils in a federal school, employing teachers holding valid certificates or permits, payments based on the number of registered students at the beginning of each school year, adjusted as provided in section 15-40.1-09, as follows:

1. For one-room rural schools there shall be paid that amount of money resulting from multiplying the factor 1.30 times the educational support per pupil as provided in section 15-40.1-06 for each of the first sixteen pupils in grades one through eight in average daily membership, and for each additional pupil in grades one through eight in average daily membership there shall be paid .9 times the educational support per pupil as provided in section 15-40.1-06, except that no payment shall be made for more than twenty pupils in average daily membership.
2. For elementary schools having under one hundred pupils in average daily membership there shall be paid that amount of money resulting from multiplying the factor 1.0 times the educational support per pupil as provided in section 15-40.1-06 for each of the first twenty pupils in grades one through six in average daily membership in each classroom or for each teacher and for each additional pupil in grades one through six in average daily membership in each classroom or for each teacher there shall be paid .9 times the educational support per pupil as provided in section

15-40.1-06, except that no payment shall be made for more than twenty-five pupils in average daily membership in each classroom or for each teacher.

3. For elementary schools having one hundred or more pupils in average daily membership, and provided the districts in which such schools are located have an average daily membership of less than one thousand elementary pupils, there shall be paid that amount of money resulting from multiplying the factor .9 times the educational support per pupil as provided in section 15-40.1-06 for each of the first thirty pupils in grades one through six in average daily membership in each classroom or for each teacher, except that no payment shall be made for more than thirty pupils in average daily membership in each classroom or for each teacher.
4. For elementary schools in school districts having an average daily membership of one thousand or more elementary pupils, there shall be paid that amount of money resulting from multiplying the factor .95 times the educational support per pupil as provided in section 15-40.1-06 for each of the first thirty pupils in grades one through six in average daily membership in each classroom or for each teacher, except that no payment shall be made for more than thirty pupils in average daily membership in each classroom or for each teacher.
5. For each of the above classes of elementary schools, except for one-room rural schools, there shall be paid that amount of money resulting from multiplying the factor 1.0 times the educational support per pupil as provided in section 15-40.1-06 for each of the first thirty pupils in grades seven and eight in average daily membership in each classroom or for each teacher, except that no payment shall be made for more than thirty pupils in average daily membership in each classroom or for each teacher.
6. For elementary schools having pupils under the compulsory age for school attendance, but not less than three years of age, in a special education program approved by the director of special education, there shall

be paid that amount of money resulting from multiplying the factor .49 times the educational support per pupil as provided in section 15-40.1-06 for each special education pupil under the compulsory age for school attendance in average daily membership in each classroom or for each teacher.

7. For elementary schools providing kindergartens which are established according to provisions of section 15-45-01, and for out-of-state kindergarten programs, approved by the state superintendent and utilized by North Dakota school districts bordering other states, there shall be paid that amount of money resulting from multiplying the factor .50 times the educational support per-pupil payment for that elementary school as determined under this section for each of the first twenty-five pupils in average daily membership in each classroom or for each teacher, except that no payment shall be made for more than twenty-five pupils in average daily membership in each classroom or for each teacher. The full per-pupil payment shall be made only to those kindergarten programs providing the equivalent of ninety full days of classroom instruction during any twelve-month period. Programs providing shorter periods of instruction during the same time period shall receive a proportionately smaller per-pupil payment.

No school district shall receive less in foundation program per-pupil payments for the 1979-80 school year than such district would have received in such payments based upon the average enrollment in such district for the previous three school years, and no school district shall receive less in foundation program per-pupil payments for any year thereafter than such district would have received in such payments based upon the enrollment in such district for the previous school year. **Payments pursuant to this chapter to school districts in bordering states shall be made after subtracting the amount realized from a twenty-mill levy in the sending school district divided by the total number of resident pupils enrolled in the school district plus the number of resident pupils from the district attending school in another state."**

- On page 3, line 33, overstrike the words "county of" and insert immediately thereafter the words "state to", and overstrike the word "residence"
- On page 3, line 34, overstrike the words "to the", and overstrike the words "or institution in the bordering state" and insert immediately thereafter the words "of residence"
- On page 4, line 2, overstrike the words ", and the remainder of the pupil's"
- On page 4, overstrike line 3
- On page 4, line 4, overstrike the words "district of the pupil's residence"
- On page 4, after line 13, insert the following new section:

"SECTION 6. AMENDMENT. Section 15-40.2-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40.2-10. Reciprocal master agreements for pupil attendance in other states. The superintendent of public instruction shall enter into reciprocal master agreements with the appropriate state educational agencies or officers of bordering states in regard to the cost of educating elementary and high school pupils in the public schools or institutions in such bordering states. Such reciprocal agreements shall provide for payment on a per-pupil basis from the state foundation aid program for pupils from this state attending schools in bordering states in a sum equal to payments received by the district of the pupil's residence from the state foundation aid program. The superintendent of public instruction, by certificate to the office of management and budget shall authorize payments from the appropriation for state payments to school districts pursuant to chapter 15-40-1 for the attendance of pupils in bordering states; and the office of management and budget, within the limits of legislative appropriations, shall make such payments. The balance of the tuition payment by the pupil's district of residence shall not exceed the amount established by reciprocal agreement less the amount paid from the state foundation aid program to the school district or institution in the bordering state. Payments made from the superintendent of public instruction pursuant to these reciprocal agreements shall be made to the North Dakota school district from which pupils are attending schools in bordering states. The payments made by the

superintendent of public instruction on behalf of pupils attending schools in bordering states shall be based on weighting factors determined by the number of enrolled students in the North Dakota resident district, regardless of where those students attend public elementary or high school. After receipt of the payments from the superintendent of public instruction, the individual school district shall pay to the out-of-state school district the amount owing based upon the attendance of students from the North Dakota district in the out-of-state district."

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

HB 1184 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Natural Resources to which was referred HB 1196 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

- On page 1, line 1, delete the word and numeral "subsection 1" and insert in lieu thereof the words and numerals "subsections 1 and 2"
- On page 2, line 1, delete the words "one year" and insert in lieu thereof the words "six years"
- On page 2, line 2, after the word "reclamation" insert the words "covered by the bond"
- On page 2, after line 2, insert the following new section:

"SECTION 2. AMENDMENT. Subsection 2 of section 38-08.1-03.1 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

- 2. The bond shall remain on file with the industrial commission so long as the exploration covered by the bond is carried on or engaged in within the state, plus an additional one year six years thereafter; provided, however, that the aggregate liability of the surety shall in no event exceed the amount of the bond."

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

HB 1196 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

**MADAM SPEAKER:** Your Committee on Natural Resources to which was referred HB 1198 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS and be rereferred to the Committee on Appropriations:

On page 1, line 1, after the word "Act" insert the words "to create and enact two new sections to chapter 38-08 of the North Dakota Century Code, relating to the authority of the industrial commission to make contracts for the plugging or replugging of oil and gas wells and the reclamation of abandoned oil and gas well sites and establish a fund from fees collected to be used for purposes of contracting for plugging or replugging oil and gas wells and the reclamation of abandoned oil and gas well sites;"

On page 1, line 4, after the word "sites" insert the words "; to provide an appropriation; and to declare an emergency"

On page 1, after line 12, insert the following new sections:

"SECTION 2. A new section to chapter 38-08 of the North Dakota Century Code is hereby created and enacted to read as follows:

Commission authorized to enter into contracts. The commission is hereby authorized to enter into contracts for the plugging or replugging of oil and gas wells and the reclamation of abandoned oil and gas well sites if:

1. The person or company drilling or operating the well cannot be found or cannot be legally required to plug or replug the well or to reclaim the well site; and
2. There is no surety bond covering the well to be plugged or the site to be reclaimed or there is a forfeited surety bond but the cost of plugging or replugging the well or reclaiming the site exceeds the amount of the bond.

Reclamation work shall be limited to abandoned drilling and production sites, saltwater disposal pits, drilling fluid pits, and access roads. Sealed bids for any well plugging or reclamation work under

this section shall be solicited by placing a notice in the official county newspaper of the county in which the work is to be done and in such other newspapers of general circulation in the area as the commission may deem appropriate. Bids shall be addressed to the commission and shall be opened publicly at an industrial commission meeting designated in the notice. The contract shall be let to the lowest responsible bidder, but the commission may reject any or all bids submitted.

The contracts for the plugging or replugging of wells or the reclamation of well sites shall be on terms and conditions as set by the commission, but at a minimum the contracts shall require the plugging and reclamation to comply with all statutes and rules governing the plugging of wells and reclamation of well sites.

SECTION 3. A new section to chapter 38-08 of the North Dakota Century Code is hereby created and enacted to read as follows:

Abandoned oil and gas well plugging and site reclamation fund. There is hereby created an abandoned oil and gas well plugging and site restoration fund.

1. Revenue to the fund shall include:

- a. Fees collected by the oil and gas division of the industrial commission for permits or other services.
- b. Moneys received from the forfeiture of drilling and reclamation bonds.
- c. Moneys received from any federal agency for the purpose of this section.
- d. Moneys donated to the commission for the purposes of this section.
- e. Moneys received from the state's oil and gas impact fund.

2. Moneys in the fund may be used for the following purposes:

- a. Contracting for the plugging of abandoned wells.
- b. Contracting for the reclamation of abandoned drilling and production

sites, saltwater disposal pits,  
drilling fluid pits, and access roads.

3. Whenever the money accumulated in the fund exceeds fifty thousand dollars, any additional fees collected by the oil and gas division of the industrial commission shall be deposited in the general fund.

SECTION 4. APPROPRIATION. There is hereby appropriated out of any moneys in the abandoned oil and gas well plugging and site restoration fund in the state treasury, the sum of \$100,000 or so much thereof as may be necessary to the industrial commission for the purpose of entering into contracts for the plugging or replugging of oil and gas wells and the reclamation of abandoned well sites for the period beginning after the passage and approval of this Act and ending June 30, 1985.

SECTION 5. EMERGENCY. This Act is hereby declared to be an emergency measure and is in effect from and after its passage and approval."

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

HB 1198 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Agriculture to which was rereferred HB 1213 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2, line 21, overstrike the words "owning or"

On page 6, line 13, after the word "but" insert "for losses during any license period,"

And renumber the lines and pages accordingly  
REP. W. MEYER, Chairman

HB 1213 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on State and Federal Government to which was referred HB 1219 has had the same under consideration and recommends by a vote of 10 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

- On page 1, line 1, delete the words "a new section to chapter 55-01"
- On page 1, line 2, delete the word "and"
- On page 1, line 3, delete the words "to employees of the state historical board as"
- On page 1, line 4, delete the words "peace officers and" and after the word "superintendent" insert the words "of the state historical board"
- On page 3, delete lines 14 through 23
- And renumber the lines, sections, and pages accordingly  
 REP. L. HANSON, Chairman

HB 1219 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Transportation to which was referred HB 1259 has had the same under consideration and recommends by a vote of 12 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

- On page 1, line 1, after the word "to" insert the words "create and enact a new section to chapter 39-04 of the North Dakota Century Code, relating to issuance of special prisoner of war number plates; and to"
- On page 1, line 3, delete the words "exemption from", and delete the word "for" and insert in lieu thereof the word "of"
- On page 1, after line 6, insert the following section:

"SECTION 1. A new section to chapter 39-04 of the North Dakota Century Code is hereby created and enacted to read as follows:

Special prisoner of war number plates. The department shall issue distinctive number plates to former prisoners of war who qualify for registration exemption under subdivision o of subsection 2 of section 39-04-18. On the death of a prisoner of war, the department shall continue to issue the distinctive plates to the surviving spouse of the decedent on payment of the registration fee for the vehicle required under section 39-04-19."

- On page 1, line 28, delete the word "This"
- On page 2, delete lines 1 through 5

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

HB 1259 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Political Subdivisions to which was referred HB 1298 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2, line 13, after the overstruck word "weight" insert the words "by January 1, 1985," and delete the word "that" and insert in lieu thereof the words "which must"

And renumber the lines accordingly  
 REP. DOTZENROD, Chairman

HB 1298 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Education to which was referred HB 1128 has had the same under consideration and recommends by a vote of 10 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. JACOBSON, Chairman

HB 1128 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on State and Federal Government to which was referred HB 1290 has had the same under consideration and recommends by a vote of 15 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. L. HANSON, Chairman

HB 1290 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on State and Federal Government to which was referred HB 1292 has had the same under consideration and recommends by a vote of 9 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. L. HANSON, Chairman

HB 1292 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on State and Federal Government to which was referred HB 1300 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. L. HANSON, Chairman

HB 1300 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Finance and Taxation to which was referred HB 1316 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. SINNER, Chairman

HB 1316 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on State and Federal Government to which was referred HB 1361 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. L. HANSON, Chairman

HB 1361 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on State and Federal Government to which was referred SB 2086 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

REP. L. HANSON, Chairman

SB 2086 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

#### SIXTH ORDER OF BUSINESS

REP. SINNER MOVED that the amendments to HB 1053 as recommended by the majority of the Committee on Finance and Taxation as printed on page 387 of the House Journal be adopted.

#### REQUEST

REP. G. POMEROY REQUESTED a recorded roll call vote on the motion to adopt the proposed majority amendments to HB 1053, which request was granted.

#### ROLL CALL

The question being on the final adoption of the proposed majority amendments to HB 1053, the roll was called and there were 48 YEAS, 56 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Backes; Boyle; Brokaw; Dotzenrod; Erdman; Goetz; Gorder; Gullickson; Gunsch; Hjelle; Hoffner, S. F.; Hughes; Kent; Kingsbury; Koehn;

Kretschmar; Larson, B.; Larson, R.; Laughlin; Lipsiea; Lloyd; Meier, A.; Meiers, R.; Melby; Meyer, R.; Meyer, W.; Murphy; Nicholas; Nowatzki; O'Connell; Olafson; Olsen, D.; Olson, A.; Peltier; Retzer; Richard; Rued; Schindler; Shide; Shockman; Sinner; Solberg; Vander Vorst; Vig; Williams, C.; Williams, W.

**NAYS:** Aubol; Black; Conmy; DeMers; DuBord; Eagles; Gates; Gerl; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer; Hill; Hoffner, Serenus; Horgan; Jacobson; Keller; Kloubec; Knudson; Koski; Kuchera; Lang; Lardy; Lautenschlager; Linderman; Martin, C.; Martin, G.; Martinson; Mertens; Moore; Mushik; Nalewaja; Opedahl; O'Shea; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Rice; Riehl; Riley; Sanstead; Schneider; Schoenwald; Stofferahn; Strinden; Thompson; Unhjem; Watne; Wentz; Whalen; Williams, A.; Wold; Madam Speaker

**ABSENT AND NOT VOTING:** Swiontek; Timm

The amendments to HB 1053, as recommended by the majority of the Committee on Finance and Taxation were declared lost.

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**REP. RIEHL MOVED** that the amendments to HB 1053 as recommended by the minority of the Committee on Finance and Taxation as printed on page 388 of the House Journal be adopted, which motion prevailed on a verification vote.

**REP. W. MEYER MOVED** that the amendments to HB 1223 as recommended by the Committee on Agriculture as printed on pages 389 and 390 of the House Journal be adopted, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1045:** A BILL for an Act to amend and reenact sections 36-09-04, 36-09-13, and 36-09-14 of the North Dakota Century Code, relating to brand recording fees, fees for rerecording brands, and brand book pricing; and to provide an effective date.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill as amended on page 359 of the House Journal, the roll was called and there were 98 YEAS, 4 NAYS, 4 ABSENT AND NOT VOTING.

**YEAS:** Anderson, C.; Anderson, R.; Aubol; Black; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gates; Gerl; Goetz; Gorder; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer; Hjelle; Hoffner, Serenus; Hoffner, S. F.;

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

NAYS: Hill; Laughlin; Olafson; O'Shea

ABSENT AND NOT VOTING: Backes; Kingsbury; Strinden; Timm

HB 1045 passed and the title was agreed to.

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HB 1058: A BILL for an Act to amend and reenact sections 2-04-05, 2-06-10, 4-10-20, subsection 2 of section 4-14-09, subsection 1 of section 4-18.1-04, section 4-18.1-13, subsection 14 of section 4-35-05, section 10-15-23, subsection 4 of section 11-10-10; subsection 6 of section 11-11-14, sections 11-12-02, 11-15-24, 12-60-19, 14-02-10, 14-06.1-12, subsection 4 of section 14-09-09.1, sections 14-10-07, 14-13-03, 15-10-12, 15-10-12.1, 15-10-18, 15-20.1-03, 15-20.4-04, 15-21-13, 15-28-10, 15-34.2-02, 15-34.2-16, 15-40.2-03, 15-40.2-08, 15-40.2-09, 15-41-04, 15-47-06, 15-47-17, 15-52-03, 15-60-01, subsections 4 and 5 of section 15-62.3-01, section 15-62.3-02, subsection 4 of section 15-65-03, section 16.1-03-11, subsection 2 of section 16.1-05-03, sections 16.1-12-09, 20.1-01-22.1, 20.1-01-25.1, 21-03-07, 21-11-08, 23-16-08, 24-08-01, 24-08-05, 25-01.1-17, 25-01.2-03, 25-02-02, 26-21.2-10, 27-01-01.1, 27-05-01, 27-05-08, 27-05-22, 27-09.1-21, 27-19-08, subsection 5 of section 27-20-02, section 27-20-04, subsection 2 of sections 28-32-03 and 29-06-15, sections 29-30.1-04, 30.1-02-02, 30.1-28-02, subdivision a of subsection 1 of section 30.1-28-12, sections 31-01-06.3, 32-35-04, 34-05-01.2, 37-25-06, 38-09-15, 38-11-04, 39-04-18, 39-06-19, 39-06-29.1, 39-06-50, subsection 1 of section 39-26-02, sections 40-11-06, 40-11-13, 40-18-06, 40-21-13, 40-24-09, 40-24-16, 40-38.1-09, 40-45-16, subsection 1 of section 41-09-40, sections 43-07-22, 44-08-04, 45-05-03, 47-16-17, 47-18-28, 47-19-14.8, 48-03-03, subsections 18 and 20 of section 50-06-05.1, sections 50-06.2-02, 50-06.2-03, 50-19-01, 50-19-09, 50-20-01, 50-20-02, 50-20-04, 50-20-05, 50-22-02.1, subsection 3 of section 50-25.1-02, sections 51-13-07,

52-01-03, 52-04-13, 52-04-17, subdivision b of subsection 3 of section 52-06-04, sections 52-06-14, 52-06-15, 52-06-16, 52-06-17, 52-06-22, 52-06-37, 52-10-02, 52-10-03, 52-10-04, 52-10-05, 52-10-07, 52-11-01, 54-01-05.2, subsections 4 and 5 of section 54-01-05.5, sections 54-03-10, subsections 1 and 3 of section 54-06-04, section 54-06-04.1, subsections 14, 15, 16, and 17 of section 54-12-01, sections 54-14-01.1, 54-17.1-02, 54-23-24, 54-23-25, 54-27-10, 54-27-11, 54-35-01, 54-35-02.1, 54-35-02.7, 54-48-05, 54-48-06, 55-08-02.1, subsection 1 of sections 57-15-16 and 57-15-17, section 57-51.1-05, subsection 1 of section 57-55-10, sections 57-58-05, 61-07-24, 61-08-12, 61-21-43.1, 61-21-67, 61-24.2-03, 61-24.2-14, and 61-31-09 of the North Dakota Century Code, relating to inaccurate or obsolete references; and to repeal sections 10-18.1-10, 10-28-17, 14-10-18, 14-12.1-41, 15-38.1-15, 19-03.1-42, 23-06.1-08, 26-21.1-14, chapter 26-40.1, sections 27-09.1-19, 27-11-03, 27-11-05, 27-11-16, 27-11-18, 27-11-25, 27-11-26, 27-11-27, 27-20-58, 28-20.1-07, 34-12-13, 38-08-09.14, 40-51.2-19, 43-29-18, 43-33-19, 50-06-05, 54-34.1-06, 59-04.1-15, 61-16-16, 61-16-45, and 61-16-47.1 of the North Dakota Century Code, relating to statutory interpretation, blood donation, medical malpractice, admission to practice of law, the social service board, the state planning division, and water and flood control and culverts; and to provide an effective date.

Which has been read.

#### MOTION

REP. MUSHIK MOVED that the House suspend the rules and waive the reading of the title to HB 1058, which motion prevailed.

#### ROLL CALL

The question being on the final passage of the bill as amended on pages 360 and 361 of the House Journal, the roll was called and there were 103 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

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

Schoenwald; Shide; Shockman; Sinner; Solberg;  
 Stofferahn; Strinden; Swiontek; Thompson; Unhjem;  
 Vander Vorst; Vig; Watne; Wentz; Whalen; Williams, A.;  
 Williams, C.; Williams, W.; Wold; Madam Speaker

NAYS: None

ABSENT AND NOT VOTING: Kingsbury; Mertens; Timm

HB 1058 passed and the title was agreed to.

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#### MOTION

REP. BACKES MOVED that HB 1168 be moved to the foot of the calendar, which motion prevailed.

#### SECOND READING OF HOUSE BILLS

HB 1188: A BILL for an Act to amend and reenact sections 39-20-01, 39-20-02, 39-20-04, 39-20-05, 39-20-07, 39-20-08, 39-20-09, and 39-20-11 of the North Dakota Century Code, relating to chemical tests for intoxication, implied consent.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill as amended on page 363 of the House Journal, the roll was called and there were 98 YEAS, 6 NAYS, 2 ABSENT AND NOT VOTING.

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

NAYS: Black; DeMers; Gerl; Kuchera; Meier, A.; Schneider

ABSENT AND NOT VOTING: Kingsbury; Timm

HB 1188 passed and the title was agreed to.

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HB 1217: A BILL for an Act to create and enact a new section to chapter 62-03 of the North Dakota Century Code, relating to the sale and use of explosives; and to repeal section 62-03-02 of the North Dakota Century Code, relating to carrying concealed explosives.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill as amended on page 364 of the House Journal, the roll was called and there were 9 YEAS, 93 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Conmy; Gates; Hamerlik; Rued; Schneider;  
Stofferahn; Strinden; Wentz; Madam Speaker

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

ABSENT AND NOT VOTING: DuBord; Kingsbury; Larson, B.;  
Timm

HB 1217 was declared lost.

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HB 1221: A BILL for an Act to provide a state fire code for North Dakota; to amend and reenact section 54-21.3-04 of the North Dakota Century Code, relating to exemptions from the state building code; and to repeal sections 15-35-02, 15-35-03, 15-35-04, 15-35-05, 15-35-06, 18-12-06, 18-12-07, 18-12-08, 18-12-09, 18-12-10, 18-12-11, 18-12-12, 18-12-13, 18-12-14, 18-12-15, 18-12-16, 18-12-17, 18-12-18, 18-12-19, 18-12-20, 18-12-21, 18-12-22, subsections 1, 2, and 3 of

section 18-12-25, sections 23-09-03, 23-09-04, 23-09-06, 23-09-07, 23-15-01, 23-15-02, 23-15-03, and 23-15-04 of the North Dakota Century Code, relating to school buildings and fire prevention, a fire prevention code for school buildings, hotels and lodging houses, and fireworks.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 5 YEAS, 99 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Lardy; Peterson; Rued; Sanstead; Unhjem

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

ABSENT AND NOT VOTING: Kingsbury; Timm

HB 1221 was declared lost.

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HB 1234: A BILL for an Act to create and enact a new section to chapter 12-44.1 of the North Dakota Century Code, relating to payments by the state to the governing bodies of jails and juvenile detention centers of per-day inmate housing costs for persons incarcerated in a jail or juvenile detention center.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill as amended on page 365 of the House Journal, the roll was called and there were 2 YEAS, 101 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Hanson, O.; Retzer

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

ABSENT AND NOT VOTING: Gorder; Kingsbury; Timm

HB 1234 was declared lost.

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HB 1270: A BILL for an Act to provide for a North Dakota Athletic Trainers Act, defining terms, requiring a license for certain athletic trainer activities, granting the state board of medical examiners certain authority relating to such licensing, providing for a North Dakota board of athletic trainers, providing for license terms and fees, providing for the authorization, denial, suspension, or revocation of licenses; and to provide a penalty.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill as amended on page 340 of the House Journal, the roll was called and there were 64 YEAS, 41 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Aubol; Black; Conmy; DeMers; DuBord; Eagles; Erdman; Gerl; Gorder; Gullickson; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer; Hill; Hoffner, Serenus; Hoffner, S. F.; Horgan; Jacobson; Keller; Kloubec; Koski; Lardy; Larson, R.; Lautenschlager; Linderman; Lloyd; Martin, G.; Meiers, R.; Meyer, R.; Meyer, W.; Moore; Mushik; Nalewaja; Nowatzki; Olsen, D.; Opedahl; O'Shea; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Richard; Riehl; Riley; Sanstead; Schneider; Schoenwald; Shide; Solberg; Stofferahn;

Strinden; Swiontek; Unhjem; Vig; Watne; Wentz;  
Williams, A.; Williams, C.; Williams, W.; Madam Speaker

**NAYS:** Anderson, C.; Anderson, R.; Backes; Boyle; Brokaw;  
Dotzenrod; Gates; Goetz; Gunsch; Hanson, O.; Hjelle;  
Hughes; Kent; Kingsbury; Knudson; Koehn; Kretschmar;  
Kuchera; Lang; Larson, B.; Laughlin; Lipsiea;  
Martin, C.; Martinson; Meier, A.; Melby; Mertens;  
Murphy; Nicholas; O'Connell; Olafson; Olson, A.; Rice;  
Rued; Schindler; Shockman; Sinner; Thompson;  
Vander Vorst; Whalen; Wold

**ABSENT AND NOT VOTING:** Timm

HB 1270 passed and the title was agreed to.

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HB 1271: A BILL for an Act to amend and reenact section 15-28-01  
of the North Dakota Century Code, relating to decreasing  
the size of a school board.

Which has been read.

#### ROLL CALL

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

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

**NAYS:** Anderson, C.; Kent; Kingsbury; Laughlin; Meyer, R.;  
Rued; Vander Vorst

**ABSENT AND NOT VOTING:** Hausauer; Kuchera; Mushik; Timm

HB 1271 passed and the title was agreed to.

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HB 1287: A BILL for an Act to amend and reenact section 54-52-02.6 of the North Dakota Century Code, relating to the repurchase of past service under the public employees retirement system.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 61 YEAS, 43 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aubol; Backes; Black; Boyle; Brokaw; DeMers; Dotzenrod; DuBord; Erdman; Gerl; Gorder; Gullickson; Halmrast; Hamerlik; Hanson, L.; Haugland; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Jacobson; Keller; Kent; Knudson; Koski; Lardy; Larson, B.; Laughlin; Lautenschlager; Linderman; Lloyd; Martin, C.; Martin, G.; Meier, A.; Meiers, R.; Mertens; Moore; Mushik; O'Connell; Opedahl; O'Shea; Peltier; Pomeroy, E.; Pomeroy, G.; Rayl; Richard; Riehl; Sanstead; Schneider; Schoenwald; Sinner; Stofferahn; Unhjem; Vig; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Madam Speaker

NAYS: Anderson, C.; Anderson, R.; Conmy; Eagles; Gates; Goetz; Gunsch; Hanson, O.; Hausauer; Hughes; Kingsbury; Kloubec; Koehn; Kretschmar; Lang; Larson, R.; Lipsiea; Martinson; Melby; Meyer, R.; Meyer, W.; Murphy; Nalewaja; Nicholas; Nowatzki; Olafson; Olsen, D.; Olson, A.; Peterson; Retzer; Rice; Riley; Rued; Schindler; Shide; Shockman; Solberg; Strinden; Swiontek; Thompson; Vander Vorst; Whalen; Wold

ABSENT AND NOT VOTING: Kuchera; Timm

HB 1287 passed and the title was agreed to.

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HB 1291: A BILL for an Act to amend and reenact subsection 3 of section 14-17-11 of the North Dakota Century Code, relating to evidence concerning paternity.

Which has been read.

#### ROLL CALL

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

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

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

NAYS: None

ABSENT AND NOT VOTING: Horgan; Kuchera; Timm

HB 1291 passed and the title was agreed to.

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HB 1303: A BILL for an Act to amend and reenact section 10-21-13 of the North Dakota Century Code, relating to involuntary dissolution of corporations for failure to commence business and issue shares within two years after the date of the issuance of its certificate of incorporation or certificate of organization.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 83 YEAS, 20 NAYS, 3 ABSENT AND NOT VOTING.

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

Swiontek; Vander Vorst; Vig; Watne; Wentz;  
Williams, A.; Williams, C.; Williams, W.; Madam Speaker

NAYS: Anderson, C.; Anderson, R.; Conmy; Goetz; Gunsch;  
Hausauer; Kent; Kingsbury; Kretschmar; Lardy; Murphy;  
Olafson; Olsen, D.; Olson, A.; Shide; Strinden;  
Thompson; Unhjem; Whalen; Wold

ABSENT AND NOT VOTING: Kuchera; Rued; Timm

HB 1303 passed and the title was agreed to.

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HB 1310: A BILL for an Act to amend and reenact subsection 3 of section 57-39.2-01 of the North Dakota Century Code, relating to definition of "retail sale" for sales tax purposes.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 98 YEAS, 6 NAYS, 2 ABSENT AND NOT VOTING.

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

NAYS: Anderson, R.; Goetz; Hughes; Kent; Kingsbury;  
Lipsiea

ABSENT AND NOT VOTING: Kuchera; Timm

HB 1310 passed and the title was agreed to.

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HB 1311: A BILL for an Act to amend and reenact section 27-08.1-01 of the North Dakota Century Code, relating to garnishment of wages from a judgment of a small claims court.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 8 YEAS, 95 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Hoffner, Serenus; Larson, B.; Laughlin; Martin, G.; Meier, A.; Mertens; Richard; Vig

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

ABSENT AND NOT VOTING: Kuchera; Sanstead; Timm

HB 1311 was declared lost.

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#### MOTION

REP. BACKES MOVED that HB 1168 be moved to the head of the calendar, which motion prevailed.

#### SECOND READING OF HOUSE BILLS

HB 1168: A BILL for an Act to amend and reenact sections 19-01-02.1, 19-01-03, and 19-01-04 of the North Dakota Century Code, relating to the legislative intent that the state laboratories department serve as a consumer protection office and the employment of the director and assistant director of the state laboratories department by the governor; and to repeal subsection 1 of section 19-01-01 and section 19-01-02 of the North Dakota Century Code, relating to the state laboratories commission.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill as amended on page 362 of the House Journal, the roll was called and there were 52 YEAS, 51 NAYS, 3 ABSENT AND NOT VOTING.

**YEAS:** Anderson, C.; Anderson, R.; Conmy; Dotzenrod; Eagles; Gates; Goetz; Gorder; Gunsch; Hamerlik; Hanson, O.; Haugland; Hausauer; Hughes; Kent; Kingsbury; Kloubec; Knudson; Koehn; Kretschmar; Lang; Larson, R.; Lautenschlager; Lipsiea; Martin, C.; Martinson; Melby; Moore; Murphy; Nalewaja; Nicholas; Nowatzki; Olafson; Olsen, D.; Olson, A.; Peltier; Peterson; Retzer; Rice; Riley; Rued; Schindler; Shide; Sinner; Strinden; Swiontek; Thompson; Unhjem; Vander Vorst; Wentz; Whalen; Wold

**NAYS:** Aubol; Backes; Black; Boyle; Brokaw; DeMers; DuBord; Erdman; Gerl; Gullickson; Halmrast; Hanson, L.; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Jacobson; Keller; Koski; Lardy; Larson, B.; Laughlin; Linderman; Lloyd; Martin, G.; Meier, A.; Meiers, R.; Mertens; Meyer, R.; Meyer, W.; Mushik; O'Connell; Opedahl; O'Shea; Pomeroy, E.; Pomeroy, G.; Rayl; Richard; Riehl; Sanstead; Schneider; Schoenwald; Shockman; Solberg; Stofferahn; Vig; Watne; Williams, A.; Williams, C.; Williams, W.; Madam Speaker

**ABSENT AND NOT VOTING:** Horgan; Kuchera; Timm

HB 1168 was declared lost for lack of a constitutional majority.

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#### SECOND READING OF SENATE BILLS

**SB 2089:** A BILL for an Act to create and enact section 54-52-02.7 of the North Dakota Century Code, relating to the purchase by certain employees of prior service credit for service with a mental health and retardation center prior to January 1, 1982.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 95 YEAS, 8 NAYS, 3 ABSENT AND NOT VOTING.

**YEAS:** Anderson, C.; Aubol; Backes; Black; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gates; Gerl; Goetz; Gorder; Gullickson; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Jacobson; Keller; Kent; Kloubec; Knudson; Koehn; Koski;

Kretschmar; Lang; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Mertens; Meyer, R.; Meyer, W.; Moore; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Olafson; Olsen, D.; Olson, A.; Opedahl; O'Shea; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Rice; Richard; Riehl; Rued; Sanstead; Schindler; Schneider; Schoenwald; Shockman; Sinner; Solberg; Stofferahn; Strinden; Swiontek; Thompson; Unhjem; Vander Vorst; Vig; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold; Madam Speaker

NAYS: Anderson, R.; Gunsch; Hughes; Kingsbury; Melby; Murphy; Riley; Shide

ABSENT AND NOT VOTING: Horgan; Kuchera; Timm

SB 2089 passed and the title was agreed to.

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SB 2090: A BILL for an Act to amend and reenact subsection 8 of section 54-52-01 and section 54-52-05 of the North Dakota Century Code, relating to the definition of the phrase "permanent employee".

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 94 YEAS, 9 NAYS, 3 ABSENT AND NOT VOTING.

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

NAYS: Gunsch; Hanson, O.; Kingsbury; Melby; Olsen, D.;  
Olson, A.; Rued; Thompson; Whalen

ABSENT AND NOT VOTING: Horgan; Kuchera; Timm

SB 2090 passed and the title was agreed to.

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REPORTS OF STANDING COMMITTEES

MADAM SPEAKER: Your Committee on Transportation to which was referred HB 1228 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 12, delete the words "which is owned, leased, or rented by" and insert in lieu thereof the words "with permission of"

On page 1, line 23, overstrike the words "an automobile" and insert immediately thereafter the words "a class 3 vehicle"

On page 2, line 12, delete the words "or property. A child age"

On page 2, delete lines 13 through 15

On page 2, line 16, delete the words "accompanied by an adult licensed driver"

And renumber the lines accordingly

REP. HJELLE, Chairman

HB 1228 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Industry, Business, and Labor to which was referred HB 1149 has had the same under consideration and recommends by a vote of 11 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. S. F. HOFFNER, Chairman

HB 1149 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Industry, Business, and Labor to which was referred HB 1177 has had the same under consideration and recommends by a vote of 14 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. S. F. HOFFNER, Chairman

HB 1177 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MADAM SPEAKER:** Your Committee on Judiciary to which was referred HB 1272 has had the same under consideration and recommends by a vote of 11 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. E. POMEROY, Chairman

HB 1272 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MADAM SPEAKER:** Your Committee on Judiciary to which was referred HB 1283 has had the same under consideration and recommends by a vote of 10 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. E. POMEROY, Chairman

HB 1283 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MADAM SPEAKER:** Your Committee on Industry, Business, and Labor to which was referred HB 1304 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

REP. S. F. HOFFNER, Chairman

HB 1304 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MADAM SPEAKER:** Your Committee on Industry, Business, and Labor to which was referred HB 1313 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. S. F. HOFFNER, Chairman

HB 1313 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MADAM SPEAKER:** Your Committee on Industry, Business, and Labor to which was referred HB 1319 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. S. F. HOFFNER, Chairman

HB 1319 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MADAM SPEAKER:** Your Committee on Industry, Business, and Labor to which was referred HB 1320 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. S. F. HOFFNER, Chairman

HB 1320 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MADAM SPEAKER:** Your Committee on Judiciary to which was referred HB 1345 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. E. POMEROY, Chairman

HB 1345 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MADAM SPEAKER:** Your Committee on Judiciary to which was referred HB 1381 has had the same under consideration and recommends by a vote of 14 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. E. POMEROY, Chairman

HB 1381 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MADAM SPEAKER:** Your Committee on Judiciary to which was referred HB 1382 has had the same under consideration and recommends by a vote of 14 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. E. POMEROY, Chairman

HB 1382 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MADAM SPEAKER:** Your Committee on Industry, Business, and Labor to which was referred HB 1411 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

REP. S. F. HOFFNER, Chairman

HB 1411 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MADAM SPEAKER:** Your Committee on Judiciary to which was referred HB 1560 has had the same under consideration and recommends by a vote of 11 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. E. POMEROY, Chairman

HB 1560 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MADAM SPEAKER:** Your Committee on Industry, Business, and Labor to which was referred HCR 3001 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. S. F. HOFFNER, Chairman

HCR 3001 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MADAM SPEAKER:** Your Committee on Industry, Business, and Labor to which was referred SB 2096 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

REP. S. F. HOFFNER, Chairman

SB 2096 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

**MADAM SPEAKER:** Your Committee on Industry, Business, and Labor to which was referred SB 2130 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. S. F. HOFFNER, Chairman

SB 2130 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

#### MOTIONS

REP. S. F. HOFFNER MOVED that HB 1491, HB 1473, HB 1512, HB 1360, HB 1525, HB 1365, HB 1481, HB 1501, HB 1502, and HB 1513 be returned to the House from the Committee on Industry, Business, and Labor, which motion prevailed.

REP. S. F. HOFFNER MOVED that HB 1491, HB 1473, and HB 1512 be rereferred to the Committee on Agriculture, that HB 1360, HB 1525, HB 1365, HB 1481, HB 1501, HB 1502, and HB 1513 be rereferred to the Committee on State and Federal Government, which motion prevailed.

SPEAKER KELLY ANNOUNCED that HB 1491, HB 1473, HB 1512, HB 1360, HB 1525, HB 1365, HB 1481, HB 1501, HB 1502, and HB 1513 were rereferred pursuant to Rep. S. F. Hoffner's motion.

#### MOTIONS

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

REP. BACKES MOVED that the House be on the Thirteenth order of business, and at the conclusion of the Thirteenth order, the House stand adjourned until 1:00 p.m., Wednesday, January 26, 1983, which motion prevailed.

#### FIRST READING OF SENATE BILLS

**SB 2004:** A BILL for an Act making an appropriation for the homestead tax credit.

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

**SB 2066:** A BILL for an Act to create and enact a new section to chapter 12-44.1 of the North Dakota Century Code, relating to jail standards; and to amend and reenact section

12-44.1-06 of the North Dakota Century Code to allow inmates to be confined for not more than ninety days in a grade two jail and for not more than ninety-six hours in a grade three jail.

Was read the first time and referred to the Committee on Political Subdivisions.

SB 2106: A BILL for an Act to create and enact a new subsection to section 20.1-03-11 of the North Dakota Century Code, relating to licenses to hunt antelope on one's land; and to amend and reenact subsection 3 of section 20.1-03-11 of the North Dakota Century Code, relating to licenses to hunt deer on one's land.

Was read the first time and referred to the Committee on Natural Resources.

SB 2108: A BILL for an Act to amend and reenact section 20.1-01-03 of the North Dakota Century Code, relating to ownership in the state over game and fish.

Was read the first time and referred to the Committee on Natural Resources.

SB 2138: A BILL for an Act to amend and reenact subsection 2 of section 12.1-16-02 of the North Dakota Century Code, relating to extreme emotional disturbance involving murder.

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

SB 2139: A BILL for an Act to create and enact a new section to chapter 44-08 of the North Dakota Century Code providing for additional powers for peace officers when acting outside the jurisdiction of the law enforcement agency by which they are employed.

Was read the first time and referred to the Committee on Political Subdivisions.

SB 2161: A BILL for an Act to create and enact section 23-20.3-05.1 of the North Dakota Century Code, relating to hazardous waste management facilities' permit or registration certificate fees.

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

SB 2171: A BILL for an Act to create and enact section 23-29-07.1 of the North Dakota Century Code, relating to solid waste management facilities' permit or registration certificate fees.

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

SB 2208: A BILL for an Act to repeal chapter 39-23 of the North Dakota Century Code, relating to the vehicle equipment safety compact.

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

SB 2243: A BILL for an Act to amend and reenact section 4-28-07 of the 1981 Supplement to the North Dakota Century Code, relating to the wheat tax levy.

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

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

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

FIRST READING OF A SENATE CONCURRENT RESOLUTION

SCR 4006: A concurrent resolution directing the Legislative Council to study and determine the powers and rights to be granted to political subdivisions under article VII of the Constitution of the State of North Dakota.

Was read the first time and referred to the Committee on Political Subdivisions.

The House stood adjourned pursuant to Representative Backes' motion.

CHARLES FLEMING, Chief Clerk