

JOURNAL OF THE HOUSE

Forty-eighth Legislative Assembly

* * * * *

TWENTIETH DAY

Bismarck, January 31, 1983

The House convened at 3:00 p.m., with Speaker Kelly presiding.

The prayer was offered by Rev. DeVern Schwenn, First United Methodist Church, Bismarck.

ROLL CALL

The roll was called and all members were present, except Representative Retzer.

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 Nineteenth day and recommends that the same be corrected as follows and when so corrected, recommends that the same be approved:

On page 580, delete lines 2 through 8, and renumber the lines accordingly

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

On page 424, line 43, after the name "Gerl" delete "and Sen. Waldera"

REP. LAUGHLIN, Chairman

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

MESSAGES TO THE SENATE
HOUSE CHAMBER

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

SB 2127

Very respectfully,
CHARLES FLEMING, 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 1052, HB 1129, HB 1131, HB 1183, HB 1184, HB 1196,
 HB 1213, HB 1215, HB 1216, HB 1219, HB 1228, HB 1269,
 HB 1298, HB 1322, HB 1350, HB 1353, HB 1372, HB 1378,
 HB 1386, HB 1388, HB 1419, HB 1542

Very respectfully,
 CHARLES FLEMING, Chief Clerk

PRESENTATION OF PETITIONS AND COMMUNICATIONS

Allen I. Olson
 Governor

January 31, 1983

The Honorable Tish Kelly
 Speaker of the House
 House Chambers
 State Capitol
 Bismarck, North Dakota 58505

Dear Madam Speaker:

This is to inform you that on January 31, 1983, I signed House Bills 1012 and 1212.

Sincerely,

ALLEN I. OLSON
 Governor

MESSAGES 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 2042, SB 2128, SB 2259, SB 2260, SB 2305, SB 2327,
 SB 2334, SB 2382

Very respectfully,
 LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1099

Very respectfully,
 LEO LEIDHOLM, Secretary

SENATE CHAMBER

MADAM SPEAKER: I have the honor to return herewith the following which the President has signed:

HB 1197

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

SB 2089, SB 2090

Very respectfully,
LEO LEIDHOLM, Secretary

POINT OF PERSONAL PRIVILEGE

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

Today there was a memorial service held in Grand Forks for five members of the United States Air Force who lost their lives in a tragic fire at the Grand Forks Air Force Base.

AIRMAN ROBIN RISE, 20 years old, from Fremont, Nebraska, looked forward to the day she would be a special education teacher.

AIRMAN SCOTT WICIK, 24 years old, from Tony, Wisconsin, leaves his wife, Tammy, and their seven-month-old son.

AIRMAN MICHAEL McDONALD, 23 years old, from Bloomington, Indiana, was an avid hunter and was to receive his college degree this year.

AIRMAN ANTHONY SALVA, 21 years old, from Chicago, was just engaged to be married and had a desire to be an astronaut.

AIRMAN ROBERT GRAY, 23 years old, from Sterling, Virginia, had been a volunteer fireman before joining the air force and leaves his wife, Denise, and their one and one-half year old daughter, Melissa Lynn.

These young people gave their lives in service to us and our nation. I ask you to observe a moment of silence with me in their honor and memory.

THE HOUSE STOOD in a moment of silence to honor the deceased airmen.

SIXTH ORDER OF BUSINESS

REP. MERTENS MOVED that the amendments to HB 1026 as recommended by the Committee on Appropriations as printed on page 570 of the House Journal be adopted, which motion prevailed.

REP. L. HANSON MOVED that the amendments to HB 1065 as recommended by the Committee on State and Federal Government as printed on pages 571-574 of the House Journal be adopted, which motion prevailed.

REP. JACOBSON MOVED that the amendments to HB 1117 as recommended by the Committee on Education as printed on page 574 of the House Journal be adopted, which motion prevailed.

REP. S. F. HOFFNER MOVED that the amendments to HB 1218 as recommended by the Committee on Industry, Business, and Labor as printed on page 575 of the House Journal be adopted, which motion prevailed.

REP. DOTZENROD MOVED that the amendments to HB 1261 as recommended by the Committee on Political Subdivisions as printed on page 575 of the House Journal be adopted, which motion prevailed.

REP. JACOBSON MOVED that the amendments to HB 1277 as recommended by the Committee on Education as printed on pages 575 and 576 of the House Journal be adopted, which motion prevailed.

REP. S. F. HOFFNER MOVED that the amendments to HB 1327 as recommended by the Committee on Industry, Business, and Labor as printed on page 576 of the House Journal be adopted, which motion prevailed.

REP. W. MEYER MOVED that the amendments to HB 1377 as recommended by the Committee on Agriculture as printed on page 576 of the House Journal be adopted, which motion prevailed.

REP. BROKAW MOVED that the amendments to HB 1428 as recommended by the Committee on Natural Resources as printed on page 577 of the House Journal be adopted, which motion prevailed.

REP. BROKAW MOVED that the amendments to HB 1472 as recommended by the Committee on Natural Resources as printed on page 577 of the House Journal be adopted, which motion prevailed.

REP. JACOBSON MOVED that the amendments to HCR 3004 as recommended by the Committee on Education as printed on pages 577 and 578 of the House Journal be adopted, which motion prevailed.

REP. L. HANSON MOVED that the amendments to SB 2193 as recommended by the Committee on State and Federal Government as printed on page 578 of the House Journal be adopted, which motion prevailed.

RECOGNITION

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

REPORT OF PROCEDURAL COMMITTEE

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

HB 1089, HB 1282, HB 1295

REP. G. MARTIN, Chairman

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

MOTION

REP. SINNER MOVED that HB 1089 be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1159: A BILL for an Act to amend and reenact section 49-09-04.3 of the North Dakota Century Code, relating to the restoration of abandoned railroad right of way.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 60 YEAS, 44 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Black; Boyle; Brokaw; Dotzenrod; DuBord; Erdman; Gates; Gerl; Gullickson; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Jacobson; Keller; Kent; Kingsbury; Knudson; Koski; Kretschmar; Kuchera; Lardy; Larson, B.; Laughlin; Linderman; Lloyd; Martin, C.; Martin, G.; Meier, A.; Meiers, R.; Melby; Mertens; Meyer, R.; Meyer, W.; Mushik; Nicholas; Nowatzki; O'Connell; Opedahl; O'Shea; Riehl; Sanstead; Schindler; Schneider; Schoenwald; Shockman; Sinner; Solberg; Stofferahn; Swiontek; Vander Vorst; Vig; Watne; Williams, A.; Williams, C.; Williams, W.

NAYS: Conmy; DeMers; Eagles; Goetz; Gorder; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer; Horgan; Hughes; Kloubec; Koehn; Lang; Larson, R.; Lautenschlager; Lipsiea; Martinson; Moore; Murphy; Nalewaja; Olafson; Olsen, D.; Olson, A.; Seltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Rice; Riley; Rued; Shide; Strinden; Thompson; Timm; Unhjem; Wentz; Whalen; Wold; Madam Speaker

ABSENT AND NOT VOTING: Retzer; Richard

HB 1159 passed and the title was agreed to.

RECOGNITION

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

SECOND READING OF HOUSE BILLS

HB 1171: A BILL for an Act to amend and reenact sections 12-47-03, 12-48.1-02, 12-54.1-03, 39-01-02, and 54-21-25 of the North Dakota Century Code, relating to the service of process in the penitentiary by law enforcement officers or the warden's designee, short leaves for state farm inmates, good time for penitentiary inmates as a control and security measure, penitentiary vehicles and cars, contracts for services with private or other correctional facilities, and the exchange and transfer of prisoners.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 101 YEAS, 1 NAY, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Black; Boyle; Brokaw; Conny; 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; Kingsbury; 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; Riehl; Riley; Rued; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Solberg; Stofferahn; Swiontek; Thompson; Timm; Unhjem; Vander Vorst; Vig; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Wold

NAYS: Whalen

ABSENT AND NOT VOTING: Retzer; Richard; Strinden;
Madam Speaker

HB 1171 passed and the title was agreed to.

HB 1178: A BILL for an Act to adopt the Uniform Determination of Death Act, relating to the legal requirements for determination of death.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 48 YEAS, 56 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Black; Conmy; DeMers; Eagles; Gates; Gerl; Halmrast; Hamerlik; Hanson, L.; Hill; Hjelle; Hughes; Jacobson; Kent; Kingsbury; Kloubec; Larson, R.; Laughlin; Lipsiea; Lloyd; Martin, G.; Meier, A.; Meiers, R.; Mertens; Meyer, R.; Moore; Murphy; Mushik; Opedahl; Peltier; Pomeroy, E.; Pomeroy, G.; Sanstead; Schindler; Schneider; Schoenwald; Sinner; Solberg; Stofferahn; Swiontek; Unhjem; Wentz; Williams, W.; Madam Speaker

NAYS: Boyle; Brokaw; Dotzenrod; DuBord; Erdman; Goetz; Gorder; Gullickson; Gunsch; Hanson, O.; Haugland; Hausauer; Hoffner, Serenus; Hoffner, S. F.; Horgan; Keller; Knudson; Koehn; Koski; Kretschmar; Kuchera; Lang; Lardy; Larson, B.; Lautenschlager; Linderman; Martin, C.; Martinson; Melby; Meyer, W.; Nalewaja; Nicholas; Nowatzki; O'Connell; Olafson; Olsen, D.; Olson, A.; O'Shea; Peterson; Rayl; Rice; Richard; Riehl; Riley; Rued; Shide; Shockman; Thompson; Timm; Vander Vorst; Vig; Watne; Whalen; Williams, A.; Williams, C.; Wold

ABSENT AND NOT VOTING: Retzer; Strinden

HB 1178 was declared lost.

HB 1198: A BILL for an Act 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; to amend and reenact subdivision a of subsection 2 of section 38-08-04 of the North Dakota Century Code, relating to the power of the industrial commission to require the restoration of drilling and

production sites; to provide an appropriation; and to declare an emergency.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended on pages 454-456 of the House Journal, the roll was called and there were 101 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Aubol; Backes; Black; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gates; Gerl; Goetz; Gordor; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kent; Kingsbury; Kloubec; Knudson; Koehn; Koski; Kretschmar; Lang; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; 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; Swiontek; Thompson; Timm; Unhjem; Vander Vorst; Vig; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold; Madam Speaker

NAYS: None

ABSENT AND NOT VOTING: Anderson, R.; Kuchera; Martin, G.; Retzer; Strinden

HB 1198 passed, the title was agreed to, and the emergency clause carried.

MOTION

REP. HILL MOVED that HB 1577 be returned to the House floor from the Committee on Social Services and Veterans Affairs, which motion prevailed.

REQUEST

REP. HILL REQUESTED the unanimous consent of the House to withdraw HB 1577. There being no objection, it was so ordered by the Speaker.

MOTION

REP. DEMERS MOVED that HB 1600 be returned to the House floor from the Committee on State and Federal Government, which motion prevailed.

REQUEST

REP. DEMERS REQUESTED the unanimous consent of the House to withdraw HB 1600. There being no objection, it was so ordered by the Speaker.

SECOND READING OF HOUSE BILLS

HB 1229: A BILL for an Act to create and enact a new section to chapter 43-15 of the North Dakota Century Code, relating to licensing drug manufacturers or wholesalers.

Which has been read.

ROLL CALL

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

YEAS: Horgan; Lardy

NAYS: Anderson, C.; Anderson, R.; Aubol; Elack; 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; 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; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Rice; Richard; Riehl; Riley; Rued; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Solberg; Stofferahn; Swiontek; Thompson; Timm; Unhjem; Vander Vorst; Vig; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold; Madam Speaker

ABSENT AND NOT VOTING: Backes; Retzer; Strinden

HB 1229 was declared lost.

HB 1281: A BILL for an Act to amend and reenact section 43-03-18 and 43-03-19 of the North Dakota Century Code, relating to registration and renewal fees paid by an architect.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 96 YEAS, 7 NAYS, 3 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.; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Horgan; Hughes; Jacobson; Keller; Kent; Kingsbury; 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; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Olsen, D.; Olson, A.; Opedahl; O'Shea; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Rice; Richard; Riehl; Riley; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Solberg; Stofferahn; Swiontek; Thompson; Unhjem; Vander Vorst; Vig; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Wold; Madam Speaker

NAYS: Hanson, O.; Hoffner, S. F.; Murphy; Olafson; Rued; Timm; Whalen

ABSENT AND NOT VOTING: Backes; Retzer; Strinden

HB 1281 passed and the title was agreed to.

HB 1282: A BILL for an Act to amend and reenact section 57-52-04 of the North Dakota Century Code, or in the alternative if House Bill No. 1072 is approved by the forty-eighth legislative assembly, section 57-43.2-02 of the North Dakota Century Code, to provide a four cent per gallon tax reduction on diesel fuel blended with recovered oil for the 1983-85 biennium.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended on page 540 of the House Journal, the roll was called and there were 102 YEAS, 2 NAYS, 2 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; Kingsbury; 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; Mushik; Nalewaja;
 Nicholas; Nowatzki; O'Connell; Olafson; Olsen, D.;
 Olson, A.; Opedahl; Peltier; Peterson; Pomeroy, E.;
 Pomeroy, G.; Rayl; Rice; Richard; Riehl; Riley; Rued;
 Sanstead; Schindler; Schneider; Schoenwald; Shide;
 Shockman; Sinner; Solberg; Stofferahn; Swiontek;
 Thompson; Timm; Unhjem; Vander Vorst; Vig; Watne;
 Wentz; Whalen; Williams, A.; Williams, C.;
 Williams, W.; Wold; Madam Speaker

NAYS: Murphy; O'Shea

ABSENT AND NOT VOTING: Retzer; Strinden

HB 1282 passed and the title was agreed to.

HB 1295: A BILL for an Act to amend and reenact subsection 8 of section 57-02-08 of the North Dakota Century Code, to provide a property tax exemption to include the construction phase of qualified charitable property; and to provide an effective date.

Which has been read.

POINT OF PERSONAL PRIVILEGE

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

TESTIMONY ON HOUSE BILL 1295

The sponsors of this bill requested that the law be expanded to allow property tax exemptions for group homes for the developmentally disabled. The request was precipitated by a vague attorney general's opinion of November 5, 1982, basically refusing the answer based on the information they had.

It was the overwhelming feeling of the committee that the additional language exempting group homes was unnecessary as they were already specifically included as being exempt by the clear language of 57-02-08 NDCC.

A subcommittee investigated this issue and ascertained that the control problem related to the construction phase of charitable properties. Based on the conversation with Richard Gross (who drafted the Attorney General's opinion) and the review of previous Attorney General's opinions and case law, it was demonstrated that until the charitable structure is actually built that it is impossible to ascertain its "use."

Consequently, the language has been amended to include the construction phase of qualified charitable properties.

The present law provides that a charity is exempt from property taxes if they are a public charity that owns property and has received federal tax exemption pursuant to 501 (c) (3) of the United States Internal Revenue Code.

The Committee on Finance and Taxation clearly expressed the group homes for the developmentally disabled are already included within the present law and clearly intend that this exemption encircles "A community based residential home licensed by the appropriated North Dakota State Licensing Authority that provides room and board, personal care, habitation services, and supervision in a family environment."

Thus, special language was not needed for this exemption but because of previous Attorney General's opinions, specific language is needed for the construction phase.

Your Committee on Finance and Taxation recommends a DO PASS.

ROLL CALL

The question being on the final passage of the bill as amended on page 540 of the House Journal, the roll was called and there were 91 YEAS, 13 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Black; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gerl; Goetz; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer; Hill; Hjelle; Hoffner; Serenus; Hoffner, S. F.; Horgan; Jacobson; Keller; Kent; Kloubec; Knudson; Koski; Kretschmar; Kuchera; 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; Olsen, D.; Olson, A.; Opedahl; O'Shea; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Riehl; Riley; Rued; Sanstead; Schneider; Schoenwald; Shide; Shockman; Sinner; Stofferahn; Strinden; Swiontek; Timm; Unhjem; Vander Vorst; Vig; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Wold; Madam Speaker

NAYS: Gates; Gorder; Hughes; Kingsbury; Koehn; Melby; Murphy; Olafson; Rice; Richard; Schindler; Solberg; Thompson

ABSENT AND NOT VOTING: Retzer; Whalen

HB 1295 passed and the title was agreed to.

SECOND READING OF HOUSE BILLS

HB 1363: A BILL for an Act to create and enact a new section to chapter 39-19 of the North Dakota Century Code, relating to the highway commissioner's authority to enter into agreements with adjacent states for the occupation and operation of ports of entry, the collection of fees, taxes, and the enforcement of vehicle size and weight limits.

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, 1 NAY, 2 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Black; Boyle; Brokaw; Conmy; DeMers; 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; Kingsbury; 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; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Rice; Richard; Riehl; Riley; Rued; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Solberg; Stofferahn; Strinden; Swiontek; Thompson; Timm; Unhjem; Vander Vorst; Vig; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold; Madam Speaker

NAYS: Gerl

ABSENT AND NOT VOTING: Peltier; Retzer

HB 1363 passed and the title was agreed to.

HB 1375: A BILL for an Act to amend and reenact section 38-11.1-05 of the North Dakota Century Code, relating to notice of oil and gas drilling operations.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 105 YEAS, 0 NAYS, 1 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; Kingsbury; 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; Timm; Unhjem; Vander Vorst; Vig; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold; Madam Speaker

NAYS: None

ABSENT AND NOT VOTING: Retzer

HB 1375 passed and the title was agreed to.

HB 1398: A BILL for an Act to amend and reenact section 10-15-02 of the North Dakota Century Code, relating to the purposes of cooperatives and removing the prohibition against building and operating public railroads; and to declare an emergency.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 84 YEAS, 19 NAYS, 3 ABSENT AND NOT VOTING.

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

Schneider; Shide; Shockman; Sinner; Solberg;
Stofferahn; Swiontek; Thompson; Unhjem; Vander Vorst;
Vig; Watne; Whalen; Williams, A.; Williams, C.;
Williams, W.; Wold

NAYS: Gates; Gerl; Goetz; Gorder; Kloubec; Koehn;
Kuchera; Larson, R.; Lautenschlager; Moore; Olafson;
Rayl; Rice; Rued; Sanstead; Schoenwald; Timm; Wentz;
Madam Speaker

ABSENT AND NOT VOTING: Backes; Retzer; Strinden

HB 1398 passed, the title was agreed to, and the emergency clause carried.

RECOGNITION

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

SECOND READING OF HOUSE BILLS

HB 1403: A BILL for an Act to amend and reenact subsection 4 of section 40-38-02 of the North Dakota Century Code, relating to powers of municipalities to increase tax levies for public library service; and to provide an emergency.

Which has been read.

ROLL CALL

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

YEAS: Anderson, C.; Anderson, R.; Aubol; Black; Boyle;
Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Eagles;
Erdman; Gates; Gerl; Goetz; Gullickson; Gunsch;
Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland;
Hausauer; Hill; Hjelle; Hoffner, Serenus;
Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller;
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; Mushik; Nalewaja;
Nicholas; Nowatzki; O'Connell; Olsen, D.; Olson, A.;
Opedahl; O'Shea; Peltier; Peterson; Pomeroy, E.;
Pomeroy, G.; Rayl; Rice; Richard; Riehl; Riley;
Sanstead; Schindler; Schneider; Schoenwald; Shide;
Shockman; Sinner; Solberg; Stofferahn; Swiontek;
Thompson; Timm; Unhjem; Vander Vorst; Vig; Watne;
Wentz; Whalen; Williams, A.; Williams, C.;
Williams, W.; Wold; Madam Speaker

NAYS: Gorder; Kingsbury; Murphy; Olafson; Rued

ABSENT AND NOT VOTING: Backes; Kent; Retzer; Strinden

HB 1403 passed, the title was agreed to, and the emergency clause carried.

HB 1497: A BILL for an Act to create and enact a new subsection to section 39-10-46 of the North Dakota Century Code, relating to activation of amber caution lights on schoolbuses.

Which has been read.

ROLL CALL

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

YEAS: 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; Kingsbury; 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; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Olafson; Olsen, D.; Olson, A.; Opedahl; O'Shea; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Rice; Riehl; Riley; Rued; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Solberg; Stofferahn; Strinden; Swiontek; Thompson; Timm; Unhjem; Vander Vorst; Vig; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold; Madam Speaker

NAYS: None

ABSENT AND NOT VOTING: Kent; Murphy; Retzer; Richard

HB 1497 passed and the title was agreed to.

HB 1521: A BILL for an Act to amend and reenact sections 39-12-05 and 39-12-05.2 of the North Dakota Century Code, relating to vehicle weight limits on certain highways; and to repeal section 39-12-05.1 of the North Dakota Century Code, relating to gross weights of vehicles on designated highways.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 100 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Black; Boyle; Brokaw; Conny; 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; Kingsbury; 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; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Rice; Richard; Riehl; Riley; Rued; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Solberg; Stofferahn; Swiontek; Thompson; Timm; Unhjem; Vig; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Wold

NAYS: Lardy; Strinden; Vander Vorst; Williams, W.;
Madam Speaker

ABSENT AND NOT VOTING: Retzer

HB 1521 passed and the title was agreed to.

HB 1548: A BILL for an Act to amend and reenact sections 4-10.1-12, 4-10.2-09, 4-10.3-09, 4-13.1-07, subsection 3 of section 4-27-06, 4-28-07, and 4-34-11 of the North Dakota Century Code, relating to the refund of taxes, levies, or assessments made by agricultural products promotion groups, councils, or commissions.

Which has been read.

MOTION

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

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 33 YEAS, 71 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aubol; Boyle; Brokaw; DeMers; Halmrast; Hanson, L.; Hjelle; Hoffner, Serenus; Horgan; Koski; Lardy;

Larson, B.; Laughlin; Linderman; Lipsiea; Meier, A.;
 Meiers, R.; Mushik; O'Shea; Pomeroy, E.; Pomeroy, G.;
 Richard; Riehl; Schneider; Schoenwald; Shockman;
 Solberg; Stofferahn; Vig; Williams, A.; Williams, C.;
 Williams, W.; Madam Speaker

NAYS: Anderson, C.; Anderson, R.; Backes; Black; Conny;
 Dotzenrod; DuBord; Eagles; Erdman; Gates; Goetz;
 Gorder; Gullickson; Gunsch; Hamerlik; Hanson, O.;
 Haugland; Hausauer; Hill; Hoffner, S. F.; Hughes;
 Jacobson; Keller; Kent; Kingsbury; Kloubec; Knudson;
 Koehn; Kretschmar; Kuchera; Lang; Larson, R.;
 Lautenschlager; Lloyd; Martin, C.; Martin, G.;
 Martinson; Melby; Mertens; Meyer, R.; Meyer, W.; Moore;
 Murphy; Nalewaja; Nicholas; Nowatzki; O'Connell;
 Olafson; Olsen, D.; Olson, A.; Opedahl; Peltier;
 Peterson; Rayl; Rice; Riley; Rued; Sanstead; Schindler;
 Shide; Sinner; Strinden; Swiontek; Thompson; Timm;
 Unhjem; Vander Vorst; Watne; Wentz; Whalen; Wold

ABSENT AND NOT VOTING: Gerl; Retzer

HB 1548 was declared lost.

MOTION

REP. RICE MOVED that HB 1503 be returned to the House floor from the Committee on Finance and Taxation, which motion prevailed.

REQUEST

REP. RICE REQUESTED the unanimous consent of the House to withdraw HB 1503. There being no objection, it was so ordered by the Speaker.

MOTION

REP. GUNSCH MOVED that HB 1659 be returned to the House floor from the Committee on Finance and Taxation, which motion prevailed.

REQUEST

REP. GUNSCH REQUESTED the unanimous consent of the House to withdraw HB 1659. There being no objection, it was so ordered by the Speaker.

MOTION

REP. GERL MOVED that HB 1628 be returned to the House floor from the Committee on Industry, Business, and Labor, which motion prevailed.

REQUEST

REP. GERL REQUESTED the unanimous consent of the House to withdraw HB 1628. There being no objection, it was so ordered by the Speaker.

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3014: A concurrent resolution urging the United States Congress to investigate the extent and value of railroad land grant assets, and the utilization of income therefrom; and urging Congress to establish policies with respect to use of land grant assets and the income therefrom.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3014 was declared adopted on a voice vote.

HCR 3015: A concurrent resolution urging Congress to direct the United States Attorney General to bring legal action against the Burlington Northern Railroad in order to prohibit that railroad from separating land grant assets from the remainder of the railroad's capital.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3015 was declared adopted on a voice vote.

HCR 3016: A concurrent resolution urging Congress to require any railroad abandoning a portion of its line and ceasing service along that portion to forfeit all or a portion of the land and minerals granted to the railroad.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3016 was declared adopted on a voice vote.

SECOND READING OF SENATE BILL

SB 2063: A BILL for an Act to amend and reenact section 54-35-02.4 of the North Dakota Century Code, relating to the powers and duties of the committee on public employees retirement programs.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended on page 541 of the House Journal, the roll was called and there were 4 YEAS, 94 NAYS, 8 ABSENT AND NOT VOTING.

YEAS: Halmrast; Kretschmar; Lardy; Meier, A.

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

ABSENT AND NOT VOTING: Hausauer; Laughlin; Martin, C.; Mertens; Nicholas; Peterson; Retzer; Rued

SB 2063 was declared lost.

REPORT OF PROCEDURAL COMMITTEE

MADAM SPEAKER: Your Committee on Enrollment and Engrossment respectfully reports that the following bill was delivered to the Governor at the hour of 4:12 p.m., January 31, 1983:

HB 1197

REP. G. MARTIN, Chairman

MOTIONS

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

REP. BACKES MOVED that the House be on the Fifth order of business, and at the conclusion of the Fifth order, the House be on the Ninth order of business, and at the conclusion of the Ninth order, the House be on the Thirteenth order of business, and at the conclusion of the Thirteenth order, the House stand adjourned until 3:00 p.m., Tuesday, February 1, 1983, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MADAM SPEAKER: Your Committee on Industry, Business, and Labor to which was referred HB 1054 has had the same under consideration and recommends by a vote of 14 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 192, line 32, delete the word "doctors,"

On page 193, line 18, delete the words "doctors of medicine" and insert in lieu thereof the word "physicians"

On page 194, line 27, delete the words "doctors of medicine" and insert in lieu thereof the word "physicians"

On page 194, line 29, delete the words "doctor of medicine" and insert in lieu thereof the word "physician"

On page 196, after line 20, insert the following new section:

"26.1-17-05.1. Authority of corporation writing medical service contracts. A health service corporation writing medical service contracts may:

1. Enter into contracts with subscribers whereby each subscriber, subscriber member, officer, or employee is entitled to certain specified health services as provided in the subscriber's contract.
2. Enter into contracts with similar corporations within or without the state for the interchange of services to those included in subscription or other similar contracts, and may provide subscription contracts for the substitution of such services in lieu of those therein recited.
3. Enter into contracts with physicians for the rendering of medical service to subscribers in accordance with the terms of the subscriber contract.
4. Enter into contracts with laboratories and vendors of health appliances and prostheses to provide material and services pursuant to contracts with subscribers."

On page 196, line 24, delete the word "the"

On page 196, delete lines 25 through 28 and insert in lieu thereof the words "each subscriber, subscriber member, officer, or employee is entitled to certain specified health services as provided in the subscriber's contract."

On page 197, line 8, after the first word "service" insert the words ", medical service,"

On page 197, line 10, delete the word "the"

On page 197, delete lines 11 through 14 and insert in lieu thereof the words "each subscriber, subscriber member, officer, or employee is entitled to certain specified health services as provided in the subscriber's contract."

On page 198, line 23, delete the words "doctor of medicine" and insert in lieu thereof the word "physician"

On page 198, line 32, delete the words "doctor of medicine" and insert in lieu thereof the word "physician"

On page 198, line 33, delete the words "with whom the corporation has a contract"

On page 200, line 5, delete the words "doctors of medicine" and insert in lieu thereof the word "physicians"

On page 200, line 7, delete the words "doctors of medicine" and insert in lieu thereof the word "physicians"

On page 200, line 8, delete the word "medicine"

On page 200, line 18, delete the words "doctor of medicine to a nonparticipating doctor of medicine" and insert in lieu thereof the words "physician to a nonparticipating physician"

On page 200, line 22, delete the words "doctor of" and insert in lieu thereof the word "physician"

On page 200, line 23, delete the word "medicine"

On page 200, line 25, delete the words "doctor of medicine" and insert in lieu thereof the word "physician"

On page 201, line 7, delete the words "doctor of medicine, or" and insert in lieu thereof the word "physician,"

On page 201, delete line 8

On page 201, line 9, delete the word "participating" and insert in lieu thereof the words "surgeon, dentist," and insert a comma after the word "practitioner"

On page 201, line 13, delete the word "doctor" and insert in lieu thereof the word "physician"

And renumber the lines, sections, and pages accordingly
REP. S. F. HOFFNER, Chairman

HB 1054 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 1078 has had the same under consideration and recommends by a vote of 9 YEAS, 4 NAYS, 3 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 numeral "49-09-04.1,"
- On page 1, line 2, delete the first comma following the numeral "49-09-04.2"
- On page 1, delete lines 8 through 28
- On page 2, delete lines 1 through 6
- On page 3, line 31, overstrike the word "Unless" and insert immediately thereafter the following:

"1. Except as otherwise provided in this section or unless"

- On page 4 after line 13, insert the following subsection:

"2. On approval of the water resource district having jurisdiction over the territory of a railway line right of way, the railroad corporation may leave the railbed in place in accordance with the requirements of the water resource district."

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

HB 1078 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Judiciary to which was rereferred HB 1153 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 2, line 3, delete the words "The county judge candidate who receives a majority of the"
- On page 2, delete lines 4 and 5
- On page 2, line 6, delete the word "counties" and insert in lieu thereof the following language:

"The candidates nominated or candidates elected as county judge shall be determined in both the primary and general elections by using the total combined

votes in those counties which have entered into a multicounty agreement for judicial services"

On page 2, line 6, delete the words "Before the" and insert in lieu thereof the word "The"

On page 2, line 8, delete the words "takes office, he or she must satisfy" and insert in lieu thereof the words "is exempt from"

On page 2, line 9, delete the words "in one of the counties to the agreement" and insert in lieu thereof the words ", but must be a resident of this state at the time of nomination"

And renumber the lines and pages accordingly

REP. E. POMEROY, Chairman

HB 1153 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 1238 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 24, delete the word "either"

On page 1, line 27, delete the words ", or the refusal of"

On page 2, delete lines 1 and 2

On page 2, line 3, delete the words "received from an applicant"

On page 6, line 35, delete the words ", agent, or broker"

On page 7, line 6, delete the words ", agent, or broker"

On page 7, line 11, delete the words "agent or broker, or an"

On page 7, line 15, delete the words "agent, broker, or"

On page 7, after line 16, insert the following new subsection:

"3. No agent or broker, for any reason set out in section 26-02-38.2, may refuse to provide an insurance application form or other means of making a written request for insurance to a prospective applicant who

requests insurance coverage from the agent, broker, or insurer."

On page 8, line 27, after the word "sections" insert the words "or cancel, revoke, or refuse to renew a company's certificate of authority to do business in this state"

On page 9, line 25, delete the word "either"

On page 9, line 28, delete the words ", or the refusal of"

On page 9, delete lines 29 and 30

On page 9, line 31, delete the words "received from an applicant"

On page 11, line 3, delete the words ", agent, or broker"

On page 11, line 13, delete the words "agent, broker, or"

On page 11, line 17, delete the words "agent, broker, or"

On page 11, after line 18, insert the following new subsection:

"3. No agent or broker, for any reason set out in section 26-02-55, may refuse to provide an insurance application form or other means of making a written request for insurance to a prospective applicant who requests insurance coverage from the agent, broker, or insurer."

And renumber the lines and pages accordingly

REP. S. F. HOFFNER, Chairman

HB 1238 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Judiciary to which was referred HB 1278 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 13, overstrike the word "he" and insert immediately thereafter the words "the actor"

On page 2, line 1, delete the overstrike over the words "An adult" and delete the words "A person"

On page 2, line 2, delete the first word "a"

And renumber the lines accordingly

REP. E. POMEROY, Chairman

HB 1278 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 referred HB 1288 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 1, line 25, delete the words "Dairy cooperatives"

On page 1, delete lines 26 through 28

On page 2, delete lines 1 and 2

On page 2, line 3, delete the words "cast by any dairy cooperative."

And renumber the lines and pages accordingly

REP. W. MEYER, Chairman

HB 1288 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 1307 has had the same under consideration and recommends by a vote of 14 YEAS, 2 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 2, delete the comma and insert in lieu thereof the word "or"

On page 1, line 3, delete the words ", coal, or uranium"

On page 1, line 8, delete the words "Royalty owner statements of amounts and deductions" and insert in lieu thereof the words "Information statement to accompany payment to royalty owner"

On page 1, line 10, delete the first comma and insert in lieu thereof the word "or" and delete the word ", coal,"

On page 1, line 11, delete the words "or uranium"

On page 1, line 12, after the word "owner" insert the word "an", and delete the words "sufficient to enable" and insert in lieu thereof the words "statement that will allow"

On page 1, line 13, delete the words "or readily calculate", and after the word "amount" insert the words "of oil or gas sold and the amount"

On page 1, line 14, delete the word "to"

On page 1, line 15, delete the words "determine the amount of payment actually made", and after the period insert the words "The statement must be on forms approved by the industrial commission and contain the information that the commission prescribes by rule."

And renumber the lines and pages accordingly

REP. BROKAW, Chairman

HB 1307 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 1325 has had the same under consideration and recommends by a vote of 14 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 3, line 7, after the period insert the following new sentence: "Where a credit manager is provided in lieu of a credit committee, the credit manager may appoint one or more loan officers with the power to approve or disapprove loans, subject to such limitations or conditions as the credit manager prescribes."

And renumber the lines and pages accordingly

REP. S. F. HOFFNER, Chairman

HB 1325 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Judiciary to which was referred HB 1344 has had the same under consideration and recommends by a vote of 14 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 2, delete the words "treble damages and"

On page 1, line 15, delete the word "three"

On page 1, line 16, delete the first word "times" and the words "three times"

And renumber the lines accordingly

REP. E. POMEROY, Chairman

HB 1344 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Judiciary to which was referred HB 1356 has had the same under consideration and recommends by a vote of 7 YEAS, 5 NAYS, 4 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 21, delete the words "The disclaimer must also disclose the city of the"

On page 1, delete lines 22 through 26

On page 1, line 27, delete the words "word in the disclaimer."

On page 2, line 3, immediately after the word "broadcast" insert the words "in a legible and intelligible manner"

On page 2, line 5, delete the word "The"

On page 2, delete lines 6 through 8

On page 2, line 9, delete the words "or partnerships paying for the radio or television broadcast."

And renumber the lines and pages accordingly
REP. E. POMEROY, Chairman

HB 1356 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 referred HB 1546 has had the same under consideration and recommends by a vote of 14 YEAS, 3 NAYS, 0 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 13, overstrike the words "cent upon each pound of butterfat" and insert immediately thereafter the words "of one percent of the gross receipts of all milk or some product therefrom"

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

HB 1546 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 1166 has had the same under consideration

and recommends by a vote of 13 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING that the same DO PASS.

REP. S. F. HOFFNER, Chairman

HB 1166 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Social Services and Veterans Affairs to which was rereferred Engrossed 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 DO PASS.

REP. R. MEIERS, Chairman

Engrossed HB 1174 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 rereferred HB 1293 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. S. F. HOFFNER, Chairman

HB 1293 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 1409 has had the same under consideration and recommends by a vote of 12 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. S. F. HOFFNER, Chairman

HB 1409 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Natural Resources to which was referred HB 1432 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

REP. BROKAW, Chairman

HB 1432 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 1451 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. S. F. HOFFNER, Chairman

HB 1451 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 1464 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 1464 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Education to which was referred HB 1508 has had the same under consideration and recommends by a vote of 9 YEAS, 7 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. JACOBSON, Chairman

HB 1508 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 1581 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

HB 1581 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 1699 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 NOT PASS.

REP. L. HANSON, Chairman

HB 1699 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 2081 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

SB 2081 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Appropriations to which was rereferred SB 2361 has had the same under consideration and recommends by a vote of 17 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. MERTENS, Chairman

SB 2361 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

Rep. Strinden introduced:

HCR 3036: A concurrent resolution directing the Legislative Council to conduct a study of the allocation of proceeds from the privilege tax on coal gasification plants.

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

Rep. Vander Vorst and Sen. Leibhan introduced:

HCR 3037: A concurrent resolution directing the Legislative Council to study the feasibility of appropriating to the various agricultural commodities promotion agencies all or a portion of the interest earned on the commodity assessments collected by those agencies and to identify other state agencies which perform services for the agricultural commodities agencies, the nature of those services, and to fix a reasonable charge for those services.

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

Reps. R. Anderson, Kloubec, Hjelle, Rice introduced:

HCR 3038: A concurrent resolution directing the Legislative Council to study the problems associated with litter.

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

FIRST READING OF SENATE BILLS

SB 2042: A BILL for an Act to create and enact chapter 4-12.2 of the North Dakota Century Code, relating to the keeping of bees; to amend and reenact section 4-12.1-02 of the North Dakota Century Code, relating to honey assessment fees; and to repeal chapter 4-12 of the North Dakota Century Code, relating to the keeping of bees; and to provide a penalty.

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

SB 2128: A BILL for an Act to amend and reenact section 31-03-29 of the North Dakota Century Code, relating to mileage and fees of witnesses from another state.

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

SB 2259: A BILL for an Act to amend and reenact section 32-09.1-02 of the North Dakota Century Code, relating to who may be garnishees.

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

SB 2260: A BILL for an Act to amend and reenact section 63-05-03 of the North Dakota Century Code, relating to penalties for failure to cut weeds and grasses.

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

SB 2305: A BILL for an Act to control the manufacture, distribution, possession, and advertising of imitation controlled substances; to amend and reenact subsection 1 of

section 19-03.1-36 of the North Dakota Century Code, relating to forfeiture; to provide a penalty; and to declare an emergency.

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

SB 2327: A BILL for an Act to amend and reenact section 57-38-42 of the North Dakota Century Code, relating to information at source returns for income tax purposes and to provide for a penalty for failure to file such returns.

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

SB 2334: A BILL for an Act to amend and reenact sections 44-06-01 and 44-06-03 of the North Dakota Century Code, relating to the term of office and bonding requirements of notaries public.

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

SB 2382: A BILL for an Act to amend and reenact sections 43-07-04 and 43-07-10 of the North Dakota Century Code, relating to contractor's licenses and renewals.

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

The House stood adjourned pursuant to Representative Backes' motion.

CHARLES FLEMING, Chief Clerk