

## JOURNAL OF THE HOUSE

## Forty-eighth Legislative Assembly

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## THIRTY-SIXTH DAY

Bismarck, February 24, 1983

The House convened at 1:30 p.m., with Speaker Kelly presiding.

The prayer was offered by Rev. Ed Wolt, Evangelical Free Church, Wilton.

## ROLL CALL

The roll was called and all members were present, except Representatives Horgan and E. Pomeroy.

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 Thirty-fifth day and finds the same to be correct.

REP. LAUGHLIN, Chairman

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

## MESSAGES FROM THE SENATE

## SENATE CHAMBER

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

HB 1045, HB 1090, HB 1137, HB 1139, HB 1141, HB 1196,  
HB 1261, HB 1268, HB 1273, HB 1281, HB 1298, HB 1375,  
HB 1472, HB 1578

Very respectfully,  
LEO LEIDHOLM, Secretary

## 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:

SCR 4037, SCR 4038, SCR 4039

Very respectfully,  
LEO LEIDHOLM, Secretary

## MOTION

REP. BACKES MOVED that the rules be suspended and that the following House Concurrent Resolutions be placed on tomorrow's calendar on the Tenth order of business, which motion prevailed:

HCR 3036, HCR 3052, HCR 3053, HCR 3054, HCR 3055, HCR 3056,  
HCR 3063, HCR 3065, HCR 3068, HCR 3070, HCR 3071, HCR 3082

#### POINT OF PERSONAL PRIVILEGE

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

Madam Speaker, and members of the assembly: This morning it seems the air coming from the northwest was different!

Maybe this is because the First Lutheran Church at Williston is having its fiftieth annual lutefisk dinner. I would like our Speaker of the House to have a souvenir button of this special event. More than three thousand people enjoy lutefisk and meatballs at this dinner. The church prepares three thousand pounds of lutefisk, two thousand one hundred pounds of potatoes of which seven hundred pounds goes into the making of lefse, and six hundred pounds of ground beef for the meatballs. I believe this is the largest dinner of this type in the state and possibly in the midwest.

Yes, today at First Lutheran in Williston it is lutefisk, lutefisk, lutefisk and lutefisk, for the fiftieth consecutive year!

#### SECOND READING OF HOUSE BILL

HB 1071: A BILL for an Act to amend and reenact subsection 8 of section 57-37.1-01 of the North Dakota Century Code, relating to coordinating state and federal estate tax provisions; providing an effective date; and declaring an emergency.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill as amended on page 1026 of the House Journal, the roll was called and there were 101 YEAS, 1 NAY, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; 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; Koehn; Koski; Kretschmar; Kuchera; Lang; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Meier, A.; Meiers, R.; Melby; Mertens; Meyer, R.; Meyer, W.; Moore; Murphy; Mushnik; Nalewaja; Nicholas; Nowatzki; O'Connell; Olafson; Olsen, D.; Olson, A.; Opedahl; O'Shea; Peltier; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; 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; Speaker Kelly

NAYS: Aubol

ABSENT AND NOT VOTING: Knudson; Martinson; Peterson;  
Strinden

HB 1071 passed, the title was agreed to, and the emergency clause carried.

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SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3066: A concurrent resolution directing the Legislative Council to study post-retirement employment of persons receiving retirement benefits from the state.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3066 was declared lost on a voice vote.

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HCR 3067: A concurrent resolution directing the Legislative Council to study the possible uses of existing state facilities and the needs of the state in order to establish the highest and best use of state facilities.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3067 was declared adopted on a voice vote.

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HCR 3072: A concurrent resolution directing the Legislative Council to study the functions and purposes of revolving funds.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3072 was declared adopted on a voice vote.

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## SECOND READING OF SENATE BILLS

SB 2050: A BILL for an Act to amend and reenact subsection 1 of section 6-01-03 of the North Dakota Century Code, relating to membership of the state banking board.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 99 YEAS, 2 NAYS, 5 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; Koehn; 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; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Rice; Richard; Riehl; Riley; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Solberg; Stofferahn; Swiontek; Thompson; Unhjem; Vander Vorst; Vig; Watne; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: Koski; Rued

ABSENT AND NOT VOTING: Knudson; O'Shea; Strinden; Timm; Wentz

SB 2050 passed and the title was agreed to.

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SB 2053: A BILL for an Act to amend and reenact section 51-13-02 of the North Dakota Century Code, relating to retail installment contract requirements; and declaring 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 101 YEAS, 0 NAYS, 5 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; 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, C.; Rayl; Retzer; Rice; 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; Speaker Kelly

NAYS: None

ABSENT AND NOT VOTING: Knudson; Lardy; Richard; Strinden; Timm

SB 2053 passed, the title was agreed to, and the emergency clause carried.

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SB 2057: A BILL for an Act to amend and reenact sections 15-21-17, 54-54-02, 55-01-01, and 57-59-03 of the North Dakota Century Code, relating to senate confirmation of appointees to the board of public school education, council on the arts, state historical board, and the multistate tax commission; and if House Bill No. 1074 is not approved by the forty-eighth legislative assembly, to amend and reenact section 15-20.3-01 of the North Dakota Century Code, relating to senate confirmation of appointees to the postsecondary education commission.

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, 2 NAYS, 6 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; Koehn; 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; 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; Rued; Sanstead; Schindler; Schneider; Schoenwald; Shide; Sinner; Solberg; Stofferahn; Swiontek; Thompson; Unhjem; Vander Vorst; Vig; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: Melby; Shockman

ABSENT AND NOT VOTING: Kingsbury; Knudson; Richard; Riley; Strinden; Timm

SB 2057 passed and the title was agreed to.

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SB 2060: A BILL for an Act to amend and reenact section 12.1-17-04 of the North Dakota Century Code, relating to the crime of terrorizing.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 101 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Black; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gates; Gerl; Goetz; Gorder; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, O.; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kent; Kingsbury; Kloubec; Knudson; Koehn; 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; Retzer; Rice; 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; Speaker Kelly

NAYS: None

ABSENT AND NOT VOTING: Hanson, L.; Koski; Richard; Strinden; Timm

SB 2060 passed and the title was agreed to.

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SB 2061: A BILL for an Act to amend and reenact section 12.1-32-02.1 of the North Dakota Century Code, relating to minimum prison terms for armed offenders.

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, 19 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Aubol; Backes; Black; Boyle; Dotzenrod; DuBord; Eagles; Erdman; Gates; Goetz; Gorder; Gullickson; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Jacobson; Keller; Kent; Kloubec; Knudson; Koehn; Kretschmar; Kuchera; Lang; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipslea; Lloyd; Martin, C.; Martin, G.; Martinson; Meiers, R.; Melby; Mertens; Meyer, R.; Meyer, W.; Moore; Nalewaja; Nicholas; Nowatzki; O'Connell; Olsen, D.; Olson, A.; Opedahl; O'Shea; Pomeroy, G.; Rayl; Retzer; Rice; Riehl; Riley; Rued; Schindler; Schneider; Shide; Shockman; Solberg; Stofferahn; Strinden; Swiontek; Thompson; Unhjem; Vander Vorst; Vig; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: Anderson, R.; Brokaw; Conmy; DeMers; Gerl; Gunsch; Hausauer; Hughes; Kingsbury; Lardy; Meier, A.; Murphy; Mushik; Olafson; Peltier; Peterson; Pomeroy, E.; Sanstead; Schoenwald

ABSENT AND NOT VOTING: Koski; Richard; Sinner; Timm

SB 2061 passed and the title was agreed to.

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SB 2078: A BILL for an Act to create and enact a new section to chapter 15-34.2 of the North Dakota Century Code, relating to the authority of school boards to negotiate with nonprofit organizations to allow those groups to use district-owned schoolbuses for their activities.

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, 5 NAYS, 6 ABSENT AND NOT VOTING.

**YEAS:** Anderson, C.; Anderson, R.; Aubol; Black; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gates; Gerl; 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.; 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; Retzer; Rice; Riehl; Riley; Rued; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Solberg; Stofferahn; Strinden; Swiontek; Thompson; Unhjem; Vander Vorst; Vig; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

**NAYS:** Gorder; Hanson, O.; Kingsbury; Melby; Murphy

**ABSENT AND NOT VOTING:** Backes; Goetz; Olafson; Richard; Sinner; Timm

SB 2078 passed and the title was agreed to.

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**SB 2097:** A BILL for an Act to amend and reenact section 43-07-13 of the North Dakota Century Code, relating to contractor's license records and certified copies thereof.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 101 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING.

**YEAS:** 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; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kent; Kingsbury; Kloubec; Knudson; Koehn; 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; 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; Vander Vorst; Vig; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: None

ABSENT AND NOT VOTING: Backes; Koski; Olafson; Rued; Timm

SB 2097 passed and the title was agreed to.

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SB 2111: A BILL for an Act to amend and reenact subsection 3 of section 41-09-43, sections 41-09-44 and 41-09-45, and subsection 2 of section 41-09-46 of the North Dakota Century Code, relating to secretary of state fees for filing and recording Uniform Commercial Code instruments.

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; 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; 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; Speaker Kelly

NAYS: None

ABSENT AND NOT VOTING: Brokaw; Olafson; Timm

SB 2111 passed and the title was agreed to.

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SB 2116: A BILL for an Act to amend and reenact section 44-06-02 of the North Dakota Century Code, relating to notary commissions.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 90 YEAS, 12 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Black; Boyle; 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; Kingsbury; Kloubec; Knudson; Koehn; Koski; Kretschmar; Lang; Larson, B.; Larson, R.; Laughlin; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Melby; Mertens; Meyer, R.; Meyer, W.; Moore; Nalewaja; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Opedahl; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Rice; Richard; Riehl; Riley; Rued; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Solberg; Strinden; Swiontek; Thompson; Unhjem; Vander Vorst; Vig; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: Aubol; Hill; Kuchera; Lardy; Lautenschlager; Murphy; Mushik; O'Connell; O'Shea; Peltier; Stofferahn; Watne

ABSENT AND NOT VOTING: Backes; Brokaw; Olafson; Timm

SB 2116 passed and the title was agreed to.

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SB 2135: A BILL for an Act to amend and reenact subsection 1 of section 19-03.1-23 of the North Dakota Century Code, relating to a separate penalty for the delivery of one hundred pounds or more of marijuana.

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; 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; 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; Speaker Kelly

NAYS: Schneider

ABSENT AND NOT VOTING: Brokaw; Timm

SB 2135 passed and the title was agreed to.

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SB 2136: A BILL for an Act to amend and reenact section 54-17-03 of the North Dakota Century Code, relating to the secretary and other employees and agents of the industrial commission.

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; 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; 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; Speaker Kelly

NAYS: Kingsbury

ABSENT AND NOT VOTING: Brokaw; Timm

SB 2136 passed and the title was agreed to.

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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.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 104 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Black; Boyle; 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. E.; 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; 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; Speaker Kelly

NAYS: None

ABSENT AND NOT VOTING: Brokaw; Timm

SB 2138 passed and the title was agreed to.

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SB 2160: A BILL for an Act to amend and reenact section 49-02-03 of the North Dakota Century Code, relating to the power of the public service commission to supervise public utility rates.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 32 YEAS, 73 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Dotzenrod; Eagles; Gates; Gorder; Hanson, O.; Kent; Kloubec; Koehn; Kretschmar; Lang; Larson, R.; Lipsiea; Melby; Meyer, R.; Moore; Nalewaja; Nicholas; Nowatzki; Olsen, D.; O'Shea; Peltier; Retzer; Rice; Riley; Rued; Schindler; Shockman; Sinner; Strinden; Vander Vorst; Wold

NAYS: Anderson, R.; Aubol; Backes; Black; Boyle; Brokaw; Conmy; DeMers; DuBord; Erdman; Gerl; Goetz; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kingsbury; Knudson; Koski; Kuchera; Lardy; Larson, B.; Laughlin; Lautenschlager; Linderman; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Mertens; Meyer, W.; Murphy; Mushik; O'Connell; Olafson; Olson, A.; Opedahl; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Richard; Riehl; Sanstead; Schneider; Schoenwald; Shide; Solberg; Stofferahn; Swiontek; Thompson; Unhjem; Vig; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Speaker Kelly

ABSENT AND NOT VOTING: Timm

SB 2160 was declared lost.

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SB 2183: A BILL for an Act to amend and reenact section 26-34-01 of the North Dakota Century Code, relating to the establishment of primary and excess automobile liability coverages in certain instances.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 104 YEAS, 0 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; 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; 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; Speaker Kelly

NAYS: None

ABSENT AND NOT VOTING: Kent; Timm

SB 2183 passed and the title was agreed to.

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SB 2190: A BILL for an Act to create and enact a new subsection to section 43-09-15 of the North Dakota Century Code; and to amend and reenact sections 43-09-05, 43-09-14, and 43-09-20 of the North Dakota Century Code, relating to the value of electrical installations requiring inspection in municipalities, undertaking and liability insurance for electricians contracting for electrical installations, and reasons for nonrenewal of license.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 80 YEAS, 23 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; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Jacobson; Keller; Kloubec; Knudson; Koski; Kretschmar; Lang; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Mertens; Meyer, R.; Meyer, W.; Moore; Mushik; Nicholas; Nowatzki; O'Connell; Opedahl; O'Shea; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Rice; Riehl; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Swiontek; Thompson; Vig; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Speaker Kelly

NAYS: Gorder; Kent; Kingsbury; Koehn; Kuchera; Lipsiea; Murphy; Nalewaja; Olafson; Olsen, D.; Olson, A.; Peltier; Peterson; Richard; Riley; Rued; Solberg; Stofferahn; Strinden; Unhjem; Vander Vorst; Watne; Wold

ABSENT AND NOT VOTING: Hughes; Melby; Timm

SB 2190 passed and the title was agreed to.

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SB 2202: A BILL for an Act to amend and reenact section 15-45-02 of the North Dakota Century Code, relating to kindergarten curriculum, rules, and length of kindergarten term.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 99 YEAS, 6 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.; 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.; 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; Unhjem; Vander Vorst; Vig; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

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

ABSENT AND NOT VOTING: Timm

SB 2202 passed and the title was agreed to.

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SB 2231: A BILL for an Act to establish a state bonding fund; to repeal chapter 26-23 of the North Dakota Century Code, relating to the state bonding fund, or in the alternative, to repeal chapter 26.1-21 of the North Dakota Century Code, as created by House Bill No. 1054, as approved by the forty-eighth legislative assembly, relating to the state bonding fund.

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, 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; 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.; Wold; Speaker Kelly

NAYS: Kuchera; Williams, W.

ABSENT AND NOT VOTING: Knudson; Timm

SB 2231 passed and the title was agreed to.

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## RECOGNITION

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

## SECOND READING OF SENATE BILLS

SB 2236: A BILL for an Act to amend and reenact subsection 3 of section 12.1-06-01 and subsection 6 of section 12.1-06-04 of the North Dakota Century Code, relating to providing penalties for criminal attempt and conspiracy offenses.

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; 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; Speaker Kelly

NAYS: None

ABSENT AND NOT VOTING: Timm

SB 2236 passed and the title was agreed to.

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SB 2252: A BILL for an Act to create and enact sections 26-03.2-06.1, 26-03.2-06.2, and 26-03.2-07.1, relating to the nonforfeiture law for life insurance; and to amend and reenact sections 26-03.2-01, 26-03.2-02, 26-03.2-04, 26-03.2-05, 26-03.2-06, 26-03.2-07, and 26-03.2-08 of the North Dakota Century Code, relating to the nonforfeiture law for life insurance.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 104 YEAS, 0 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; 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; Stofferahn; Strinden; Swiontek; Thompson; Unhjem; Vander Vorst; Vig; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: None

ABSENT AND NOT VOTING: Solberg; Timm

SB 2252 passed and the title was agreed to.

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SB 2253: A BILL for an Act to create and enact sections 26-10.1-03.1 and 26-10.1-09 of the North Dakota Century Code; and to amend and reenact sections 26-10.1-02, 26-10.1-03, 26-10.1-04, 26-10.1-05, 26-10.1-06, 26-10.1-07, 26-10.1-08, and 26-10.1-10 of the North Dakota Century Code, relating to the standard valuation law for life insurance.

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, 3 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. E.; 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.; 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; 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.; Speaker Kelly

NAYS: Horgan; Meiers, R.; Peltier

ABSENT AND NOT VOTING: Timm; Wold

SB 2253 passed and the title was agreed to.

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SB 2263: A BILL for an Act to amend and reenact section 21-09-05 of the North Dakota Century Code, relating to the validation of bonds and other evidences of indebtedness issued by public bodies of the state prior to July 1, 1983.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 104 YEAS, 0 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; 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; Speaker Kelly

NAYS: None

ABSENT AND NOT VOTING: Kuchera; Timm

SB 2263 passed and the title was agreed to.

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SB 2292: A BILL for an Act to amend and reenact sections 43-10-03, 43-10-10, 43-10-16, and 43-10-19 of the North Dakota Century Code, relating to the state board of embalmers and licensing of embalmers.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 86 YEAS, 18 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Aubol; Backes; Black; Boyle; Conmy; Dotzenrod; DuBord; Eagles; Erdman; Gates; Gerl; Goetz;

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

NAYS: Anderson, R.; Brokaw; DeMers; Gorder; Gunsch; Hanson, O.; Keller; Kingsbury; Lardy; Laughlin; Melby; Mertens; Murphy; Olson, A.; Retzer; Schindler; Shockman; Solberg

ABSENT AND NOT VOTING: Kuchera; Timm

SB 2292 passed and the title was agreed to.

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#### SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4016: A concurrent resolution urging Congress to repeal the withholding at the source provision of the Tax Equity and Fiscal Responsibility Tax Act of 1982.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4016 was declared adopted on a voice vote.

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#### MOTION

REP. KOSKI MOVED that SB 2067 be returned to the House from the Committee on Political Subdivisions and be rereferred to the Committee on Judiciary, which motion prevailed.

SPEAKER KELLY ANNOUNCED that SB 2067 was rereferred to the Committee on Judiciary.

#### 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 Thirteenth order of business, and at the conclusion of the Thirteenth order, the House stand adjourned until 1:30 p.m., Friday, February 25, 1983, which motion prevailed.

#### REPORTS OF STANDING COMMITTEES

**MADAM SPEAKER:** Your Committee on Education to which was referred HCR 3076 has had the same under consideration and recommends by a vote of 14 YEAS, 1 NAY, 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 16, delete the words "such as kindergarten and computer science"

And renumber the lines accordingly

REP. JACOBSON, Chairman

HCR 3076 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 HCR 3078 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 PASS:

On page 1, line 25, after the word "laws" insert the words "and other laws relating to the delivery of the financial services to consumers"

And renumber the lines and pages accordingly

REP. S. F. HOFFNER, Chairman

HCR 3078 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 Engrossed SB 2058 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 of the engrossed bill, line 13, overstrike the word "he" and insert immediately thereafter the words "the person"

On page 1 of the engrossed bill, line 16, overstrike the word "his" and after the overstruck word "~~post-offiice~~" insert the words "the signer's"

And renumber the lines accordingly

REP. E. POMEROY, Chairman

Engrossed SB 2058 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 SB 2102 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 17, delete the words "one hundred" and insert in lieu thereof the word "seventy-five"

And renumber the lines accordingly

REP. S. F. HOFFNER, Chairman

SB 2102 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 HCR 3035 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. R. MEIERS, Chairman

HCR 3035 was placed on the Tenth 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 HCR 3038 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

HCR 3038 was placed on the Tenth 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 HCR 3043 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

REP. R. MEIERS, Chairman

HCR 3043 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

**MADAM SPEAKER:** Your Committee on Natural Resources to which was referred HCR 3044 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

REP. BROKAW, Chairman

HCR 3044 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Natural Resources to which was referred HCR 3045 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. BROKAW, Chairman

HCR 3045 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Natural Resources to which was referred HCR 3051 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

REP. BROKAW, Chairman

HCR 3051 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Natural Resources to which was referred HCR 3061 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

REP. BROKAW, Chairman

HCR 3061 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Political Subdivisions to which was referred HCR 3062 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. DOTZENROD, Chairman

HCR 3062 was placed on the Tenth 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 HCR 3074 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

HCR 3074 was placed on the Tenth 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 HCR 3085 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. R. MEIERS, Chairman

HCR 3085 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Natural Resources to which was referred HCR 3049 has had the same under consideration and recommends by a vote of 11 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

REP. BROKAW, Chairman

HCR 3049 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 HCR 3058 has had the same under consideration and recommends by a vote of 12 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. BROKAW, Chairman

HCR 3058 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Transportation to which was referred HCR 3079 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. HJELLE, Chairman

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

MADAM SPEAKER: Your Committee on Agriculture to which was referred Engrossed SB 2042 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. W. MEYER, Chairman

Engrossed SB 2042 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Transportation to which was referred SB 2153 has had the same under consideration and recommends by a vote of 10 YEAS, 3 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

REP. HJELLE, Chairman

SB 2153 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Transportation to which was referred Engrossed SB 2166 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. HJELLE, Chairman

Engrossed SB 2166 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Transportation to which was referred SB 2194 has had the same under consideration and recommends by a vote of 12 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING that the same DO PASS.

REP. HJELLE, Chairman

SB 2194 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Political Subdivisions to which was referred SB 2203 has had the same under consideration and recommends by a vote of 11 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. DOTZENROD, Chairman

SB 2203 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Transportation to which was referred SB 2208 has had the same under consideration and recommends by a vote of 10 YEAS, 3 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

REP. HJELLE, Chairman

SB 2208 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Political Subdivisions to which was referred Engrossed SB 2211 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. DOTZENROD, Chairman

Engrossed SB 2211 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Agriculture to which was referred SB 2220 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. W. MEYER, Chairman

SB 2220 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Political Subdivisions to which was referred SB 2254 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. DOTZENROD, Chairman

SB 2254 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

**MADAM SPEAKER:** Your Committee on Political Subdivisions to which was referred Engrossed SB 2282 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. DOTZENROD, Chairman

Engrossed SB 2282 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

**MADAM SPEAKER:** Your Committee on Agriculture to which was referred SB 2290 has had the same under consideration and recommends by a vote of 17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. W. MEYER, Chairman

SB 2290 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

**MADAM SPEAKER:** Your Committee on Agriculture to which was referred SB 2345 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. W. MEYER, Chairman

SB 2345 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

**MADAM SPEAKER:** Your Committee on Agriculture to which was referred SB 2347 has had the same under consideration and recommends by a vote of 15 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. W. MEYER, Chairman

SB 2347 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

#### FIRST READING OF SENATE BILLS

**SB 2005:** A BILL for an Act making an appropriation for the distribution of funds for the replacement of personal property taxes.  
Was read the first time and referred to the Committee on Appropriations.

**SB 2009:** A BILL for an Act making an appropriation for defraying the expenses of the Grafton state school, Grafton - deinstitutionalization, and San Haven of the state of North Dakota; and providing for a transfer of oil extraction tax funds; and declaring an emergency.  
Was read the first time and referred to the Committee on Appropriations.

**SB 2024:** A BILL for an Act making an appropriation for defraying the expenses of the division of disaster emergency services of the state of North Dakota.

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

SB 2026: A BILL for an Act making an appropriation for the payment of insurance premium taxes to fire departments; and to amend and reenact section 18-04-05 of the North Dakota Century Code, relating to the distribution of such premium taxes.

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

SB 2030: A BILL for an Act making an appropriation for defraying the expenses of the geological survey of the state of North Dakota.

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

SB 2047: A BILL for an Act to create and enact two new sections to chapter 57-15 of the North Dakota Century Code, relating to the consolidation of school district mill levies into a general fund and a special fund levy; to amend and reenact sections 15-34.2-06, 15-39.1-28, 15-40.2-12, 15-45-01, 15-59-08, 32-12.1-08, 32-12.1-11, 40-55-08, 40-55-09, 52-09-08, and 57-15-14 of the North Dakota Century Code, relating to boarding and lodging of high school students, a teachers' retirement fund, tuition for students in grades seven through twelve, kindergartens, special education, an insurance reserve fund, judgments against school districts, recreation centers, old-age survivors' fund, and tax levy limitations; and to repeal sections 15-20.1-08, 57-15-15, 57-15-18.1, 57-15-18.2, 57-15-49, 57-15-52, and 57-15-52.1 of the North Dakota Century Code, relating to school district mill levies for vocational education, rental expenses, unemployment compensation, libraries, and communication and schoolbus costs.

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

SB 2073: A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota Century Code, relating to jurisdiction of the board of higher education over junior colleges and off-campus educational centers; to amend and reenact sections 15-10-01, 15-18-03, 15-18-04.2, 15-18-05, 15-18-06, and 15-55-18 of the North Dakota Century Code, relating to the assumption by the state of jurisdiction by the board of higher education or in the alternative the board of postsecondary education over junior colleges and off-campus educational centers; to repeal sections 15-18-01, 15-18-02, 15-18-04, 15-18-04.1, 15-18-07, 15-18-08, 15-18-09, and 15-18-10 of the North Dakota Century Code, relating to the operation of junior colleges and off-campus educational centers; and to provide an effective date.

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

**SB 2144:** A BILL for an Act to amend and reenact section 39-04-14 of the North Dakota Century Code, relating to renewal of registration; to repeal section 39-04-15.1, subsection 2 of section 39-04-23, section 39-04-25, and chapter 39-04.1 of the North Dakota Century Code, relating to the installment registration of certain vehicles, seasonal registration of passenger buses, reduction of vehicle gross weight, and additional fees assessed on certain motor vehicles.

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

**SB 2173:** A BILL for an Act to amend and reenact sections 65-05-12, 65-05-13, 65-05-17, and 65-05-26 of the North Dakota Century Code, relating to permanent impairment benefits, death benefits, and burial expenses.

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

**SB 2178:** A BILL for an Act to amend and reenact section 15-40.1-02 of the North Dakota Century Code, relating to state school aid appropriation.

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

**SB 2179:** A BILL for an Act to create and enact a new subsection to section 57-02-01, three new sections to chapter 57-32, a new subsection to section 57-39.2-04, and a new subsection to section 57-40.2-04 of the North Dakota Century Code, relating to valuation, assessment, and taxation of air carrier transportation property and an exemption from aircraft registration fees and from sales and use taxes for aircraft assessed pursuant to the provisions of chapters 57-06 and 57-32; and to amend and reenact subsection 13 of section 57-02-01 and subsections 3 and 4 of section 57-02-27 of the North Dakota Century Code, relating to definition of air carrier transportation property and assessment and taxation of air carrier transportation property.

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

**SB 2197:** A BILL for an Act to amend and reenact subsections 2 and 5 of section 39-04-19 and section 39-04-24 of the North Dakota Century Code, relating to motor vehicle registration fees, and the registrar determining the weight of a motor vehicle.

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

**SB 2309:** A BILL for an Act to provide for a tax on motor vehicle fuel and special fuel used in motor vehicles to be allocated to townships for road and bridge funds.

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

SB 2313: A BILL for an Act to amend and reenact subsection 15 of section 57-02-08 of the North Dakota Century Code, relating to the definition of a farmer and the exemption of a farm residence from taxation.

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

SB 2321: A BILL for an Act to amend and reenact section 41-09-28 of the North Dakota Century Code, relating to protection and responsibility given buyers of goods and commission merchants selling livestock or agricultural products.

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

SB 2344: A BILL for an Act to amend and reenact section 61-16.1-52 of the North Dakota Century Code, relating to the closing of noncomplying drains.

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

SB 2346: A BILL for an Act to create and enact a new section to chapter 57-38 of the North Dakota Century Code, relating to tying the individual income tax to an inflation adjustment figure; and to provide an effective date.

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

SB 2373: A BILL for an Act to create and enact two new subsections to section 39-01-01, a new subsection to section 39-06-31, a new subsection to section 39-06.1-10, a new section to chapter 39-08, and two new sections to chapter 39-20 of the North Dakota Century Code, relating to penalty and punishment for operating a motor vehicle while under the influence of intoxicating liquor or controlled substances and to law enforcement procedures; to amend and reenact section 27-20-51, subsection 5 of section 27-20-54, subsection 5 of section 39-06-17, subsection 2 of section 39-06-23, section 39-06-33.1, subsections 1 and 2 of section 39-06-35, sections 39-06-36, 39-06-42, 39-06-43, subsection 1 of section 39-06.1-05, section 39-06.1-07, subdivision b of subsection 3 and subsection 4 of section 39-06.1-10, sections 39-06.1-11, 39-07-07, 39-07-10, 39-07-11, 39-08-01, 39-20-01, 39-20-04, 39-20-05, 39-20-06, 39-20-07, 39-20-09, 40-05-06, 40-18-12, and 40-18-13 of the North Dakota Century Code, relating to reporting juvenile offenses, penalty and punishment for operating a motor vehicle while under the influence or for driving in violation of license suspension, revocation, or restriction, testing for blood alcohol concentration, interpretation of tests, issuing of notification forms to arrested drivers, and law enforcement, judicial, and administrative procedures; and to repeal section 39-06-29.1 of the North Dakota Century Code, relating to the authority to suspend operator's licenses of juveniles.

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

**SB 2394:** A BILL for an Act to amend and reenact sections 15-47-26, 15-47-27, and subsection 5 of section 15-47-38 of the North Dakota Century Code, relating to school board procedures with respect to nonrenewal of teachers' contracts.

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

**SB 2418:** A BILL for an Act to amend and reenact sections 57-35-04, 57-35.1-02, and 57-35.2-02 of the North Dakota Century Code, relating to basis of tax on banks, trust companies and savings and loans.

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

**SB 2431:** A BILL for an Act to create and enact a new section to chapter 40-05.1 of the North Dakota Century Code, permitting home rule cities to levy sales, use, motor vehicle fuel, and special fuel taxes only upon approval of electors; and to amend and reenact section 57-01-02.1 of the North Dakota Century Code, relating to sales and use tax collection agreements with home rule cities.

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

**SB 2436:** A BILL for an Act to create and enact a new section to chapter 60-06 of the North Dakota Century Code, relating to arbitration by the public service commission of proceedings for renewing grain warehouse leases on railroad rights of way; and to amend and reenact section 32-29-01 of the North Dakota Century Code, relating to authorization of arbitration; and to provide an appropriation.

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

**SB 2473:** A BILL for an Act to create two new sections to chapter 47-16 of the North Dakota Century Code, relating to the disposal of property abandoned by a lessee and the termination of a lease agreement induced by fraudulent misrepresentations; to amend and reenact section 12.1-23-03, subsection 9 of section 12.1-23-10, and sections 32-03-28 and 47-16-13.4 of the North Dakota Century Code, relating to the criminal offense of theft of services, damages for a tenant's willful holding over, and damages for breach of a rental agreement; and to provide a penalty.

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

**SB 2476:** A BILL for an Act to amend and reenact subsection 1 of section 20.1-03-05 of the North Dakota Century Code, relating to the residency requirements for obtaining fishing licenses.

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

SB 2487: A BILL for an Act to create and enact a new chapter to title 39 of the North Dakota Century Code, relating to the registration and titling of motorboats; to amend and reenact section 20.1-13-04 and subsection 78 of section 39-01-01 relating to the definition of vehicle and the licensing of watercraft for hire; to repeal sections 20.1-13-02, 20.1-13-03, 20.1-13-06, and subsections 22 and 23 of section 20.1-03-12 of the North Dakota Century Code, relating to the operation of unlicensed motorcraft, the licensing of motorcraft, exemptions from licensing of motorcraft, and license fees for motorcrafts and motorcrafts for hire; to provide a penalty; and to provide an effective date.

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

#### FIRST READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4029: A concurrent resolution citing the existence of certain conditions of mutual concern confronting the reservation and nonreservation residents of North Dakota, and memorializing the Congress of the United States and the President of the United States to exercise responsibility and authority in resolving them.

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

SCR 4031: A concurrent resolution concerning the phased development of the Garrison Diversion Unit.

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

SCR 4037: A concurrent resolution directing the Legislative Council to study methods of requiring annual payments in certain eminent domain proceedings.

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

SCR 4038: A concurrent resolution directing a Legislative Council study of the office of state's attorney.

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

SCR 4039: A concurrent resolution directing the Legislative Council to study present land use planning and zoning laws.

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