

JOURNAL OF THE HOUSE

Forty-eighth Legislative Assembly

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THIRTY-EIGHTH DAY

Bismarck, February 28, 1983

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

The prayer was offered by Rev. Marv Mutzenberger, Campus Pastor, Bismarck Junior College.

ROLL CALL

The roll was called and all members were present, except Representatives Kretschmar and Strinden.

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

On page 1492, line 22, delete the word "Eleventh" and insert in lieu thereof the word "Sixth"

REP. LAUGHLIN, Chairman

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

SIGNING OF BILLS AND RESOLUTIONS

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following:

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

CHARLES FLEMING, Chief Clerk

MESSAGES TO THE SENATE
HOUSE CHAMBER

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

HB 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,
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:

HCR 3067, HCR 3072

Very respectfully,
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

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

SB 2160

Very respectfully,
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

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

SB 2050, SB 2053, SB 2057, SB 2060, SB 2061, SB 2078,
SB 2097, SB 2111, SB 2116, SB 2135, SB 2136, SB 2138,
SB 2183, SB 2190, SB 2202, SB 2231, SB 2236, SB 2252,
SB 2253, SB 2263, SB 2292, SCR 4016

Very respectfully,
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House has concurred in the Senate amendments to HB 1071 and subsequently passed the same.

Very respectfully,
CHARLES FLEMING, Chief Clerk

SIXTH ORDER OF BUSINESS

REP. R. MEIERS MOVED that the amendments to HCR 3046 as recommended by the Committee on Social Services and Veterans Affairs as printed on page 1482 of the House Journal be adopted, which motion prevailed.

REP. L. HANSON MOVED that the amendments to HCR 3057 as recommended by the Committee on State and Federal Government as printed on page 1483 of the House Journal be adopted, which motion prevailed.

REP. W. MEYER MOVED that the amendments to HCR 3060 as recommended by the Committee on Agriculture as printed on page 1483 of the House Journal be adopted, which motion prevailed.

REP. SINNER MOVED that the amendments to HCR 3069 as recommended by the Committee on Finance and Taxation as printed on page 1484 of the House Journal be adopted, which motion prevailed.

REP. SINNER MOVED that the amendments to HCR 3073 as recommended by the **Committee on Finance and Taxation** as printed on page 1484 of the House Journal be adopted, which motion prevailed.

REP. R. MEIERS MOVED that the amendments to HCR 3075 as recommended by the **Committee on Social Services and Veterans Affairs** as printed on page 1485 of the House Journal be adopted, which motion prevailed.

REP. JACOBSON MOVED that the amendments to HCR 3077 as recommended by the **Committee on Education** as printed on page 1485 of the House Journal be adopted, which motion prevailed.

REP. HJELLE MOVED that the amendments to HCR 3080 as recommended by the **Committee on Transportation** as printed on page 1486 of the House Journal be adopted, which motion prevailed.

REP. R. MEIERS MOVED that the amendments to HCR 3083 as recommended by the **Committee on Social Services and Veterans Affairs** as printed on pages 1486-1488 of the House Journal be adopted, which motion prevailed.

REP. S. F. HOFFNER MOVED that the amendments to HCR 3084 as recommended by the **Committee on Industry, Business, and Labor** as printed on page 1492 of the House Journal be adopted, which motion prevailed.

REP. MERTENS MOVED that the amendments to SB 2029 as recommended by the **Committee on Appropriations** as printed on pages 1488 and 1489 of the House Journal be adopted, which motion prevailed.

REP. DOTZENROD MOVED that the amendments to SB 2210 as recommended by the **Committee on Political Subdivisions** as printed on pages 1489 and 1490 of the House Journal be adopted, which motion prevailed.

REP. HJELLE MOVED that the amendments to SB 2230 as recommended by the **Committee on Transportation** as printed on page 1490 of the House Journal be adopted, which motion prevailed.

MOTION

REP. BACKES MOVED that the rules be suspended and that HCR 3046, HCR 3057, HCR 3060, HCR 3069, HCR 3073, HCR 3075, HCR 3077, HCR 3080, HCR 3083, and HCR 3084 be placed on the Eleventh order of business as amended for second reading and final passage, following the conclusion of the Fourteenth order of business, which motion prevailed.

MESSAGES FROM THE SENATE
SENATE CHAMBER

MADAM SPEAKER: I have the honor to return herewith the following which the Senate has failed to pass:

HB 1283, HB 1292, HB 1380, HB 1388

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 1216, HB 1223, HB 1227, HB 1231, HB 1232, HB 1239,
HB 1265, HB 1288, HB 1291, HB 1294, HB 1301, HB 1304,
HB 1307, HB 1309, HB 1310, HB 1313, HB 1314, HB 1320,
HB 1321, HB 1322, HB 1340, HB 1361, HB 1363, HB 1364,
HB 1377, HB 1381, HB 1382, HB 1515, HB 1690

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 4040, SCR 4042, SCR 4043, SCR 4046, SCR 4047, SCR 4049,
SCR 4050

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

MADAM SPEAKER: I have the honor to return herewith HB 1064, HB 1065, HB 1110, HB 1130, HB1219, HB 1220, HB 1225, HB 1271, HB 1274, HB 1287, and HB 1303 which the Senate has amended as follows:

SENATE AMENDMENTS TO HOUSE BILL NO. 1064

On page 1, line 3, after the word "law" insert the words
"; and to declare an emergency"

On page 1, immediately after line 14, insert the following
new section:

"SECTION 2. EMERGENCY. This Act is hereby
declared to be an emergency measure and is in effect
from and after its passage and approval."

And renumber the lines, sections, and pages accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1065

On page 3 of the engrossed bill, line 1, delete the word
"information" and insert in lieu thereof the word
"forms"

On page 3 of the engrossed bill, line 2, delete the word "information" and insert in lieu thereof the word "forms"

On page 3 of the engrossed bill, line 5, delete the word "information" and insert in lieu thereof the word "forms"

On page 3 of the engrossed bill, line 9, delete the words "information and"

On page 3 of the engrossed bill, line 12, delete the word "information" and insert in lieu thereof the word "forms" and delete the word "and"

On page 3 of the engrossed bill, line 13, delete the first word "forms"

On page 3 of the engrossed bill, line 28, delete the word "information" and insert in lieu thereof the word "forms"

On page 3 of the engrossed bill, line 31, delete the word "information" and insert in lieu thereof the word "forms"

On page 4 of the engrossed bill, line 10, delete the words "information and"

And renumber the lines and pages accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1110

On page 1, line 5, after the word "Code" insert the words "; and to declare an emergency"

On page 1, after line 14, insert the following new section:

"SECTION 2. EMERGENCY. This Act is hereby declared to be an emergency measure and is in effect from and after its passage and approval."

And renumber the lines and sections accordingly

SENATE AMENDMENT TO ENGROSSED HOUSE BILL NO. 1130

On page 1 of the engrossed bill, line 22, delete the words "against a professional"

On page 2 of the engrossed bill, line 1, after the word "knowledge" insert the words ", unless solely based upon information obtained as a result of committee hearings"

And renumber the lines accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1219

- On page 1 of the engrossed bill, line 27, after the word "collections" insert the following: "Unless other conditions are specified in a deed of gift, a reasonable attempt shall be made to return articles to the original donor prior to disposal by any other means"
- On page 2 of the engrossed bill, line 10, after the first comma insert immediately thereafter the word "or" and overstrike the words "or by the exercise of eminent domain"
- On page 3 of the engrossed bill, line 7, after the word "purchased" insert immediately thereafter the words "by the state"
- And renumber the lines accordingly

SENATE AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1220

- On page 2 of the reengrossed bill, line 33, delete the word "Nonprofit" and insert in lieu thereof the sentence: "A permittee submitting a report on behalf of a nonprofit corporation formed under chapters 10-24 through 10-28 does not have to pay the fee for filing the report."
- On page 2 of the reengrossed bill, delete lines 34 and 35
- And renumber the lines and pages accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1225

- On page 1, line 7, after the word "entity" insert the words "other than an insurance company duly licensed in this or another state,"
- And renumber the lines and pages accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1271

- On page 1, line 24, delete the words "not less than" and insert in lieu thereof the words "seven or"
- And renumber the lines accordingly

SENATE AMENDMENT TO ENGROSSED HOUSE BILL NO. 1274

- On page 1 of the engrossed bill, line 3, after the word "minors" insert the words "; and to declare an emergency"
- On page 2 of the engrossed bill, immediately after line 2, insert the following new section:

"SECTION 2. EMERGENCY. This Act is hereby declared to be an emergency measure and is in effect from and after its passage and approval."

And renumber the lines, sections, and pages accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1287

On page 1, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to create and enact a new section to chapter 54-52 of the North Dakota Century Code, relating to the purchase of service under the public employees retirement system."

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

SECTION 1. A new section to chapter 54-52 of the North Dakota Century Code is hereby created and enacted to read as follows:

Purchase of service. An individual who terminated participation in the plan under the special withdrawal provisions granted in section 13 of chapter 499 of the 1977 Session Laws, but who remained employed in a position otherwise eligible under the system, may purchase on an actuarial equivalent basis for credit all years of service performed in accordance with the rules established by the board. An individual who elects to purchase for credit this service must do so by entering into an agreement with the board prior to July 1, 1984."

And renumber the lines and pages accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1303

On page 1, line 4, delete the word "two" and insert in lieu thereof the word "five"

On page 1, line 24, delete the word "two" and insert in lieu thereof the word "five"

And renumber the lines accordingly

Very respectfully,
LEO LEIDHOLM, Secretary

REQUEST

REP. STRINDEN REQUESTED that the record show that Rep. Kretschmar is absent today, and will be on Tuesday and Wednesday, because of the death of his father, which request was granted.

REPORTS 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 enrolled:

HB 1026, HB 1040, HB 1043, HB 1046, HB 1050, HB 1066,
 HB 1069, HB 1074, HB 1076, HB 1107, HB 1108, HB 1111,
 HB 1112, HB 1113, HB 1115, HB 1122, HB 1123, HB 1131,
 HB 1136, HB 1140, HB 1145, HB 1154, HB 1155, HB 1156,
 HB 1160, HB 1164, HB 1175, HB 1179, HB 1180, HB 1181,
 HB 1183, HB 1185, HB 1186, HB 1192, HB 1193, HB 1194,
 HB 1195, HB 1204, HB 1205, HB 1207, HB 1213, HB 1214

REP. G. MARTIN, Chairman

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

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

HCR 3076, HCR 3078

REP. G. MARTIN, Chairman

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

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

HCR 3046, HCR 3057, HCR 3060, HCR 3069, HCR 3073, HCR 3075,
 HCR 3077, HCR 3080, HCR 3083, HCR 3084

REP. G. MARTIN, Chairman

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

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS
 ON CONSENT CALENDAR

HCR 3059: A concurrent resolution directing the Legislative Council to study agriculture education in school curriculums and to study programs which will promote awareness of the importance of agriculture in the education system of North Dakota.

HCR 3064: A concurrent resolution directing the Legislative Council to study effects on political subdivision tax bases of purchases of privately owned land by the state and methods to alleviate any negative impact of such purchases on tax revenues of political subdivisions.

HCR 3081: A concurrent resolution directing the Legislative Council to study the criteria used for issuance of water

permits for irrigation, the effect of irrigation on ground water supplies, the effect of irrigation on the soil quality of the land to be irrigated, and the effect of irrigation on neighboring landowners.

Which have been read.

ROLL CALL

The question being on the final adoption of the resolutions, the roll was called and there were 102 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Aubol; Backes; Black; Boyle; Brokaw; Conny; 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; Kloubec; Knudson; Koehn; Koski; 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; 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; Speaker Kelly

NAYS: Kingsbury; Rued

ABSENT AND NOT VOTING: Anderson, R.; Kretschmar

So the resolutions were adopted.

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3047: A concurrent resolution to direct the Legislative Council to study state water development alternatives to the Garrison Diversion Project, including municipal, industrial, and rural water supplies, irrigation near the source of water, and barge transportation on the Missouri River.

Which has been read.

REQUEST

REP. W. WILLIAMS REQUESTED a recorded roll call vote, which request was granted.

ROLL CALL

The question being on the final adoption of the resolution, the roll was called and there were 25 YEAS, 79 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Aubol; Backes; Brokaw; Erdman; Gorder; Halmrast; Hanson, L.; Hanson, O.; Hoffner, Serenus; Horgan; Knudson; Koski; Martin, C.; Meiers, R.; Melby; Mushik; O'Connell; O'Shea; Pomeroy, E.; Pomeroy, G.; Retzer; Shockman; Watne; Williams, W.

NAYS: Anderson, R.; Black; Boyle; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Gates; Gerl; Goetz; Gullickson; Gunsch; Hamerlik; Haugland; Hausauer; Hill; Hjelle; Hoffner, S. F.; Hughes; Jacobson; Keller; Kent; Kingsbury; Kloubec; Koehn; Kuchera; Lang; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, G.; Martinson; Meier, A.; Mertens; Meyer, R.; Meyer, W.; Moore; Murphy; Nalewaja; Nicholas; Nowatzki; Olafson; Olsen, D.; Olson, A.; Opedahl; Peltier; Peterson; Rayl; Rice; Riehl; Riley; Rued; Sanstead; Schindler; Schneider; Schoenwald; Shide; Sinner; Solberg; Stofferahn; Strinden; Swiontek; Thompson; Timm; Unhjem; Vander Vorst; Vig; Wentz; Whalen; Williams, A.; Williams, C.; Wold; Speaker Kelly

ABSENT AND NOT VOTING: Kretschmar; Richard

HCR 3047 was declared lost.

HCR 3076: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of using the existing facilities of public television to make available specialized instruction in elementary and secondary schools of the state.

Which has been read.

The question being on the final adoption of the resolution as amended.

HCR 3076 was declared adopted on a voice vote.

HCR 3078: A concurrent resolution directing a Legislative Council study of usury limits and other regulation of loan transactions.

Which has been read.

REQUEST

REP. BROKAW REQUESTED a division, which request was granted.

The question being on the final adoption of the resolution as amended.

HCR 3078 was declared lost on a division vote.

SECOND READING OF SENATE BILLS

SB 2058: A BILL for an Act to amend and reenact section 16.1-01-09 of the North Dakota Century Code, relating to initiative, referendum, and recall petitions.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended on page 1449 of the House Journal, the roll was called and there were 104 YEAS, 1 NAY, 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; Kuchera; Lang; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson; Meiers, R.; Melby; Mertens; Meyer, R.; Meyer, W.; Moore; Murphy; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Olafson; Olsen, D.; Olson, A.; Opedahl; O'Shea; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Rice; Richard; Riehl; Riley; Rued; Sanstead; Schindler; 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; Speaker Kelly

NAYS: Meier, A.

ABSENT AND NOT VOTING: Kretschmar

SB 2058 passed and the title was agreed to.

SB 2100: A BILL for an Act to amend and reenact sections 20.1-09-02 and 20.1-09-03 of the North Dakota Century Code, relating to permits to propagate, domesticate, or possess birds or animals and contents of the permit application.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 94 YEAS, 10 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Boyle; Brokaw; Conmy; DeMers; DuBord; Eagles; Erdman; Gates; Gerl; Goetz; Gordier; Gullickson; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Kent; Kloubec; Knudson; Koehn; Koski; Kuchera; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Melby; Meyer, R.; Meyer, W.; Moore; 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; Timm; Unhjem; Vander Vorst; Vig; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: Black; Dotzenrod; Gunsch; Hanson, O.; Kingsbury; Lang; Mertens; Murphy; Thompson; Whalen

ABSENT AND NOT VOTING: Keller; Kretschmar

SB 2100 passed and the title was agreed to.

MOTIONS

REP. KLOUBEC MOVED that SB 2101 be rereferred to the Committee on Natural Resources, which motion prevailed.

SPEAKER KELLY ANNOUNCED that SB 2101 was rereferred to the Committee on Natural Resources.

REP. JACOBSON MOVED that SB 2355 be returned to the House from the Committee on Education and be rereferred to the Committee on Appropriations, which motion prevailed.

SPEAKER KELLY ANNOUNCED that SB 2355 was rereferred to the Committee on Appropriations.

SECOND READING OF SENATE BILLS

SB 2102: A BILL for an Act to amend and reenact subsection 2 of section 45-10-02, subsections 3, 4, and 5 of section 45-10-25, and sections 45-11-01, 45-11-02, 45-11-05, 45-11-06, and 45-11-07 of the North Dakota Century Code, relating to the place of filing a partnership, amendments

and cancellations of certificates of partnership, and the use of a fictitious partnership name; and to repeal subsection 20 of section 11-17-04 of the North Dakota Century Code, relating to fees charged by the clerk of district court for filing a partnership.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended on page 1450 of the House Journal, the roll was called and there were 88 YEAS, 9 NAYS, 9 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Boyle; 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.; Hughes; Jacobson; Keller; Kent; Kingsbury; Kloubec; Knudson; Koehn; Koski; Lang; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Melby; Mertens; Meyer, R.; Meyer, W.; Moore; Murphy; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Olsen, D.; Opedahl; O'Shea; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Rice; Richard; Riehl; Riley; Rued; Sanstead; Schindler; Schoenwald; Shide; Sinner; Solberg; Stofferahn; Swiontek; Thompson; Timm; Vander Vorst; Vig; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: Aubol; Black; Brokaw; Kuchera; Meiers, R.; Olafson; Olson, A.; Schneider; Shockman

ABSENT AND NOT VOTING: Anderson, R.; Backes; Gerl; Horgan; Kretschmar; Lipsiea; Strinden; Unhjem; Whalen

SB 2102 passed and the title was agreed to.

SB 2120: A BILL for an Act to amend and reenact section 44-05-03 of the North Dakota Century Code, relating to fees authorized officers may charge for taking acknowledgments and administering oaths.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 45 YEAS, 54 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Anderson, R.; Black; Conmy; Dotzenrod; Eagles; Gates; Goetz; Gunsch; Hamerlik; Hanson, O.; Haugland;

Hausauer; Hughes; Kent; Kloubec; Knudson; Koehn; Koski; Kuchera; Lang; Larson, R.; Laughlin; Martinson; Melby; Mertens; Meyer, R.; Moore; Murphy; Nicholas; Nowatzki; Olsen, D.; Peltier; Peterson; Retzer; Rued; Sanstead; Schindler; Schoenwald; Shide; Sinner; Swiontek; Thompson; Vander Vorst; Wentz; Wold

NAYS: Anderson, C.; Aubol; Backes; Boyle; Brokaw; DeMers; DuBord; Erdman; Gerl; Gorder; Halmrast; Hanson, L.; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Jacobson; Keller; Kingsbury; Lardy; Larson, B.; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Meier, A.; Meiers, R.; Meyer, W.; Mushik; Nalewaja; O'Connell; Olafson; Olson, A.; Opedahl; O'Shea; Pomeroy, E.; Pomeroy, G.; Rayl; Rice; Richard; Riehl; Schneider; Shockman; Solberg; Stofferahn; Timm; Vig; Watne; Williams, A.; Williams, C.; Williams, W.; Speaker Kelly

ABSENT AND NOT VOTING: Gullickson; Horgan; Kretschmar; Riley; Strinden; Unhjem; Whalen

SB 2120 was declared lost.

SB 2129: A BILL for an Act to amend and reenact section 23-02.1-29 of the North Dakota Century Code, relating to fees for certification and correction of birth and death certificates.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 85 YEAS, 19 NAYS, 2 ABSENT AND NOT VOTING.

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

NAYS: Anderson, C.; Black; Brokaw; Gorder; Gunsch; Hanson, O.; Kingsbury; Lardy; Laughlin; Melby; Murphy; Mushik; Olafson; Olson, A.; Rued; Schneider; Shockman; Timm; Whalen

ABSENT AND NOT VOTING: Kretschmar; Larson, B.

SB 2129 passed and the title was agreed to.

SB 2148: A BILL for an Act to create and enact a new subsection to section 32-12.1-03 of the North Dakota Century Code, relating to the time to commence an action against a political subdivision and its employees and officials.

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, 99 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Murphy; Williams, W.

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

ABSENT AND NOT VOTING: Hanson, O.; Kingsbury; Kretschmar; Larson, B.; Rued

SB 2148 was declared lost.

SB 2209: A BILL for an Act to amend and reenact sections 21-05-01, 21-05-02, 21-05-07, 21-05-08, and 40-49-14 of the North Dakota Century Code, relating to claims against

townships, counties, or park districts; and to repeal section 21-05-05 of the North Dakota Century Code, relating to the provision that all blank forms for bills, claims, accounts, or demands against a county or township shall have printed thereon the provisions of section 12.1-11-02.

Which has been read.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Conmy; Kretschmar; Retzer

SB 2209 passed and the title was agreed to.

SB 2218: A BILL for an Act to amend and reenact section 6-09.4-05 and subsection 2 of section 6-09.4-10 of the North Dakota Century Code, relating to participation by a political subdivision in the North Dakota municipal bond bank and the reserve fund required to be maintained by the bond bank.

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; 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; 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; Speaker Kelly

NAYS: None

ABSENT AND NOT VOTING: Conmy; Kretschmar; Kuchera; Retzer

SB 2218 passed and the title was agreed to.

SB 2221: A BILL for an Act to amend and reenact section 39-04-13, subsection 5 of section 39-05-05, sections 39-05-09.1, 39-05-16.1, 39-05-17, 39-05-19, 39-05-20.2 of the North Dakota Century Code, relating to the costs and the fees for motor vehicle department services and documents.

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, 2 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Boyle; Brokaw; 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; 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; Timm; Unhjem; Vander Vorst; Vig;
Watne; Wentz; Whalen; Williams, A.; Williams, C.;
Williams, W.; Wold; Speaker Kelly

NAYS: Black; Olafson

ABSENT AND NOT VOTING: Conmy; Kretschmar; Kuchera

SB 2221 passed and the title was agreed to.

SB 2237: A BILL for an Act to amend and reenact sections 14-03-17 and 14-03-20 of the North Dakota Century Code, relating to the requirement of a premarital serological test for syphilis; and to repeal sections 14-03-12, 14-03-13, 14-03-14, 14-03-15, and 14-03-16, relating to the requirement of a premarital serological test for syphilis.

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, 21 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Black; Boyle; Brokaw; Conmy; DeMers; DuBord; Eagles; Erdman; Gates; Goetz; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kent; Kloubec; Knudson; Koehn; Koski; Lang; Lardy; Larson, B.; Larson, R.; Laughlin; 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.; Opedahl; O'Shea; Peltier; Pomeroy, E.; Pomeroy, G.; Rayl; Rice; Richard; Riehl; Sanstead; Schindler; Schneider; Schoenwald; Sinner; Solberg; Stofferahn; Strinden; Swiontek; Unhjem; Vander Vorst; Vig; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: Dotzenrod; Gerl; Gorder; Gullickson; Hanson, O.; Haugland; Kingsbury; Lautenschlager; Melby; Murphy; Olafson; Olson, A.; Peterson; Retzer; Riley; Rued; Shide; Shockman; Thompson; Timm; Whalen

ABSENT AND NOT VOTING: Kretschmar; Kuchera

SB 2237 passed and the title was agreed to.

SB 2256: A BILL for an Act to amend and reenact subsection 1 of section 21-03-06 of the North Dakota Century Code, relating to bond issues by counties for construction or maintenance of highways; 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 74 YEAS, 31 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Black; Boyle; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gates; Gullickson; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Jacobson; Kent; Kloubec; Koehn; Koski; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Mertens; Meyer, R.; Meyer, W.; Moore; Mushik; Malewaja; Nicholas; Nowatzki; O'Connell; O'Shea; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Rice; Riehl; Riley; Sanstead; Schneider; Schoenwald; Sinner; Stofferahn; Strinden; Swiontek; Unhjem; Vig; Wentz; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: Brokaw; Gerl; Goetz; Corder; Gunsch; Hanson, O.; Hughes; Keller; Kingsbury; Knudson; Kuchera; Lang; Meiers, R.; Melby; Murphy; Olafson; Olsen, D.; Olson, A.; Opedahl; Retzer; Richard; Rued; Schindler; Shide; Shockman; Solberg; Thompson; Timm; Vander Vorst; Watne; Whalen

ABSENT AND NOT VOTING: Kretschmar

SB 2256 passed, the title was agreed to, and the emergency clause carried.

SB 2257: A BILL for an Act to amend and reenact section 61-21-46 of the North Dakota Century Code, relating to the maximum levies allowed for cleaning and repairing drains.

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, 20 NAYS, 2 ABSENT AND NOT VOTING.

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

NAYS: Anderson, C.; Aubol; Black; Conmy; DuBord; Gunsch; Halmrast; Kingsbury; Meier, A.; Melby; Murphy; Olafson; O'Shea; Peltier; Retzer; Rued; Stofferahn; Thompson; Timm; Williams, W.

ABSENT AND NOT VOTING: Kretschmar; Peterson

SB 2257 passed and the title was agreed to.

SB 2330: A BILL for an Act to amend and reenact section 40-24-10 of the North Dakota Century Code, relating to the payment by general taxation of an improvement financed by special assessment.

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, 5 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Black; Boyle; Conmy; DeMers; Dotzenrod; 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; 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.; Opedahl; O'Shea; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; 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; Speaker Kelly

NAYS: Aubol; Brokaw; DuBord; Olafson; Olson, A.

ABSENT AND NOT VOTING: Backes; Kretschmar; Kuchera;
Peltier; Peterson

SB 2330 passed and the title was agreed to.

SB 2349: A BILL for an Act to create a new section to chapter 36-15 of the North Dakota Century Code, relating to the administrative enforcement of the provisions of that chapter; and to amend and reenact section 36-15-21 of the North Dakota Century Code, relating to calfhood vaccinations against brucellosis; and to provide a penalty; 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 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; Gerl; Goetz; Gorder; Gullickson; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugland; Hausauer; Hill; Hjelle; Hoffner; Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kent; Kingsbury; Kloubec; Knudson; Koehn; Koski; 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; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; 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; Speaker Kelly

NAYS: Hamerlik

ABSENT AND NOT VOTING: Kretschmar; Peterson

SB 2349 passed, the title was agreed to, and the emergency clause carried.

RECOGNITION

SPEAKER KELLY ANNOUNCED that a former House employee was in the chambers, and requested that the House recognize former House employee Sam Labrenz, and Mr. Labrenz was thereupon introduced to the House.

MOTION

REP. BACKES MOVED that the House stand in recess until 3:20 p.m., which motion prevailed.

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

SECOND READING OF SENATE BILLS

SB 2377: A BILL for an Act to amend and reenact subsection 1 of section 39-06-03.1 of the North Dakota Century Code, relating to issuance of nondriver photo identification cards.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 7 YEAS, 90 NAYS, 9 ABSENT AND NOT VOTING.

YEAS: Eagles; Kingsbury; Kuchera; Moore; Mushik; Olsen, D.; Swiontek

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

ABSENT AND NOT VOTING: Gorder; Hill; Kretschmar; Laughlin; Retzer; Richard; Schoenwald; Strinden; Unhjem

SB 2377 was declared lost.

SB 2389: A BILL for an Act to amend and reenact sections 61-04.1-06, 61-04.1-24, 61-04.1-26, 61-04.1-32, and 61-04.1-40 of the North Dakota Century Code, relating to mill levy for weather modification authorities.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 67 YEAS, 34 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Anderson, R.; Aubol; Backes; Black; Boyle; Conmy; Eagles; Gates; Gerl; Goetz; Gullickson; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Hughes; Jacobson; Keller; Kent; Knudson; Koehn; Koski; Kuchera; Larson, B.; Laughlin; Lautenschlager; Lloyd; Martin, C.; Martinson; Meiers, R.; Mertens; Meyer, W.; Moore; Nalewaja; Nicholas; Nowatzki; O'Connell; Opedahl; O'Shea; Peterson; Pomeroy, E.; Pomeroy, G.; Rice; Riehl; Riley; Rued; Sanstead; Schneider; Schoenwald; Shide; Strinden; Swiontek; Thompson; Timm; Unhjem; Vig; Watne; Wentz; Whalen; Williams, A.; Wold; Speaker Kelly

NAYS: Anderson, C.; Brokaw; DeMers; Dotzenrod; DuBord; Erdman; Gunsch; Horgan; Kingsbury; Kloubec; Lang; Lardy; Linderman; Lipsiea; Martin, G.; Meier, A.; Melby; Meyer, R.; Murphy; Mushik; Olafson; Olsen, D.; Olson, A.; Peltier; Rayl; Richard; Schindler; Shockman; Sinner; Solberg; Stofferahn; Vander Vorst; Williams, C.; Williams, W.

ABSENT AND NOT VOTING: Gorder; Hill; Kretschmar; Larson, R.; Retzer

SB 2389 passed and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3046: A concurrent resolution directing the Legislative Council to analyze the needs of this state for a safe disposal site for low-level radioactive waste generated in this state and to make a recommendation whether this state should become a member of an Interstate Low-Level Radioactive Waste Compact; and to study the handling, storage, use, transport, and processing of toxic or hazardous substances which may endanger the health, welfare, and safety of persons who live and work in this state.

Which has been read.

The question being on the final adoption of the resolution as amended.

HCR 3046 was declared adopted on a voice vote.

HCR 3057: A concurrent resolution directing the Legislative Council to conduct a study of the Highway Patrolmen's Retirement System.

Which has been read.

The question being on the final adoption of the resolution as amended.

HCR 3057 was declared adopted on a voice vote.

HCR 3060: A concurrent resolution directing the Legislative Council to study agricultural commodities export financing and marketing techniques; local processing of agricultural commodities; and innovative uses of the Bank of North Dakota, state mill and elevator, agricultural commodities groups, commissioner of agriculture, northern crops institute, and other state agencies in an effort toward discovering alternatives to promote the enhancement of agricultural commodities prices.

Which has been read.

The question being on the final adoption of the resolution as amended.

HCR 3060 was declared adopted on a voice vote.

HCR 3069: A concurrent resolution directing the Legislative Council to study the viability of a school district income tax as a means of either replacing or supplementing local property tax revenues.

Which has been read.

The question being on the final adoption of the resolution as amended.

HCR 3069 was declared adopted on a voice vote.

HCR 3073: A concurrent resolution directing the Legislative Council to study taxation of the energy industry and to obtain consulting services to aid in the study.

Which has been read.

The question being on the final adoption of the resolution as amended.

HCR 3073 was declared adopted on a voice vote.

HCR 3075: A concurrent resolution directing the Legislative Council to study the consolidation of services provided by the Department of Human Services to clarify the relationship between the Department of Human Services, the county social service boards, and mental health services; to review the services being provided by regional human service centers and to determine how responsive those centers are to referrals from the court system and other community agencies; and to examine alternatives for more efficient delivery of human services in North Dakota.

Which has been read.

REQUEST

REP. PELTIER REQUESTED a recorded roll call vote, which request was granted.

MOTION

REP. SERENUS HOFFNER MOVED the previous question, which motion prevailed.

ROLL CALL

The question being on the final adoption of the resolution as amended, the roll was called and there were 61 YEAS, 39 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Anderson, R.; Aubol; Backes; Black; Boyle; Brokaw; DeMers; DuBord; Eagles; Erdman; Gerl; Gullickson; Halmrast; Hamerlik; Hanson, L.; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Jacobson; Keller; Knudson; Koski; Lardy; Larson, B.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Meier, A.; Meiers, R.; Mertens; Meyer, R.; Meyer, W.; Mushik; Nicholas; Nowatzki; O'Connell; Opedahl; O'Shea; Pomeroy, E.; Pomeroy, G.; Rayl; Richard; Riehl; Sanstead; Schneider; Schoenwald; Shockman; Solberg; Stofferahn; Vig; Watne; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: Anderson, C.; Conmy; Dotzenrod; Gates; Goetz; Gunsch; Hanson, O.; Haugland; Hausauer; Hughes; Kent; Kingsbury; Kloubec; Koehn; Kuchera; Lang; Larson, R.; Martinson; Melby; Moore; Murphy; Nalewaja; Olafson; Olsen, D.; Olson, A.; Peltier; Rice; Riley; Rued; Schindler; Shide; Strinden; Swiontek; Thompson; Timm; Unhjem; Vander Vorst; Wentz; Whalen

ABSENT AND NOT VOTING: Gorder; Hill; Kretschmar; Peterson; Retzer; Sinner

HCR 3075 was declared adopted.

HCR 3077: A concurrent resolution directing the Legislative Council to study elementary and secondary school finance; the effects on students of nonacademic extracurricular activities and absenteeism; the position of county superintendent of schools; the reorganization, annexation, and dissolution of school districts; the minimum high school curriculum and the length of school terms; the duties and responsibilities of elementary and secondary school teachers; and the future provision of special education programs in this state.

Which has been read.

The question being on the final adoption of the resolution as amended.

HCR 3077 was declared adopted on a voice vote.

HCR 3080: A concurrent resolution directing the Legislative Council to conduct a study of the structure and administration of the Motor Vehicle Department, Highway Patrol, and Highway Department.

Which has been read.

The question being on the final adoption of the resolution as amended.

HCR 3080 was declared adopted on a voice vote.

HCR 3083: A concurrent resolution directing the Legislative Council to study the feasibility of requiring the residents, spouses, or families of individuals receiving services to make financial contributions toward the support of those persons who are placed in state and community

facilities; to study other sources of revenue and financing techniques which may be available for the financing of those facilities; to study the financial responsibilities of persons at all state facilities under the auspices of the Director of Institutions and the Jamestown State Hospital; and to determine what fees and costs are currently being charged by other similar institutions providing medical, educational, and other services.

Which has been read.

The question being on the final adoption of the resolution as amended.

HCR 3083 was declared adopted on a voice vote.

HCR 3084: A concurrent resolution directing the Legislative Council to study and review the jurisdiction of the Public Service Commission including the possibility of taking certain departments from the Public Service Commission as well as adding other departments or agencies to the jurisdiction of the Public Service Commission.

Which has been read.

The question being on the final adoption of the resolution as amended.

HCR 3084 was declared adopted on a voice vote.

CONSIDERATION OF MESSAGES FROM SENATE

REP. MERTENS MOVED that the House do concur in the Senate amendments to HB 1002, which motion prevailed.

REP. L. HANSON MOVED that the House do not concur in the Senate amendments to HB 1049, and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1049:

Reps. Brokaw, Melby, A. Meier

CONSIDERATION OF MESSAGES FROM SENATE

REP. E. POMEROY MOVED that the House do concur in the Senate amendments to HB 1058, which motion prevailed.

REP. R. MEIERS MOVED that the House do concur in the Senate amendments to HB 1114, which motion prevailed.

REP. L. HANSON MOVED that the House do concur in the Senate amendments to HB 1121, which motion prevailed.

REP. R. MEIERS MOVED that the House do concur in the Senate amendments to HB 1129, which motion prevailed.

REP. S. F. HOFFNER MOVED that the House do concur in the Senate amendments to HB 1142, which motion prevailed.

REP. E. POMEROY MOVED that the House do concur in the Senate amendments to HB 1188, which motion prevailed.

MOTION

REP. BACKES MOVED that all House Concurrent Resolutions which were adopted on the Thirty-seventh and Thirty-eighth legislative days be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

MESSAGE TO THE SENATE HOUSE CHAMBER

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

HCR 3035, HCR 3036, HCR 3038, HCR 3043, HCR 3044, HCR 3045,
HCR 3046, HCR 3049, HCR 3051, HCR 3052, HCR 3053, HCR 3054,
HCR 3055, HCR 3056, HCR 3057, HCR 3058, HCR 3059, HCR 3060,
HCR 3061, HCR 3062, HCR 3063, HCR 3064, HCR 3065, HCR 3068,
HCR 3069, HCR 3070, HCR 3071, HCR 3073, HCR 3074, HCR 3075,
HCR 3076, HCR 3077, HCR 3079, HCR 3080, HCR 3081, HCR 3082,
HCR 3083, HCR 3084, HCR 3085

Very respectfully,
CHARLES FLEMING, Chief Clerk

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 1:00 p.m., Tuesday, March 1, 1983, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MADAM SPEAKER: Your Committee on Natural Resources to which was referred Engrossed SB 2104 has had the same under consideration and recommends by a vote of 13 YEAS, 0 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 of the engrossed bill, line 1, delete the words "amend and reenact" and insert in lieu thereof the word "repeal"

On page 1 of the engrossed bill, delete lines 6 through 27

On page 2 of the engrossed bill, delete lines 1 and 2 and insert in lieu thereof the following:

"SECTION 1. REPEAL. Section 20.1-01-27 of the 1981 Supplement to the North Dakota Century Code is hereby repealed."

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

Engrossed SB 2104 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 Engrossed SB 2106 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 19, after the word "exceed" insert the words "fifty percent of"

On page 1 of the engrossed bill, line 22, delete the words "total number of licenses prescribed"

On page 1 of the engrossed bill, delete line 23 and insert in lieu thereof the words "fifty percent level"

On page 1 of the engrossed bill, line 25, delete the words "The licenses issued by"

On page 1 of the engrossed bill, delete lines 26 through 28

And renumber the lines accordingly
REP. BROKAW, Chairman

Engrossed SB 2106 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Political Subdivisions to which was referred Engrossed SB 2432 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 16, delete the word "twenty-five" and insert in lieu thereof the word "fifty"

And renumber the lines accordingly
REP. DOTZENROD, Chairman

Engrossed SB 2432 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Political Subdivisions to which was referred Engrossed SB 2450 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 23, delete the words
"at least"

And renumber the lines accordingly

REP. DOTZENROD, Chairman

Engrossed SB 2450 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Education to which was referred SB 2048 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. JACOBSON, Chairman

SB 2048 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Finance and Taxation to which was referred SB 2071 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING that the same DO PASS.

REP. SINNER, Chairman

SB 2071 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on State and Federal Government to which was referred SB 2091 has had the same under consideration and recommends by a vote of 13 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. L. HANSON, Chairman

SB 2091 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Judiciary to which was referred SB 2107 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. E. POMEROY, Chairman

SB 2107 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Judiciary to which was referred Engrossed SB 2117 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. E. POMEROY, Chairman

Engrossed SB 2117 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Education to which was referred SB 2119 has had the same under consideration and recommends by a vote of 12 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING that the same DO PASS.

REP. JACOBSON, Chairman

SB 2119 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Industry, Business, and Labor to which was referred SB 2185 has had the same under consideration and recommends by a vote of 12 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

REP. S. F. HOFFNER, Chairman

SB 2185 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Industry, Business, and Labor to which was referred SB 2222 has had the same under consideration and recommends by a vote of 10 YEAS, 0 NAYS, 6 ABSENT AND NOT VOTING that the same DO PASS.

REP. S. F. HOFFNER, Chairman

SB 2222 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Industry, Business, and Labor to which was referred SB 2240 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

REP. S. F. HOFFNER, Chairman

SB 2240 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Industry, Business, and Labor to which was referred Engrossed SB 2384 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. S. F. HOFFNER, Chairman

Engrossed SB 2384 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Finance and Taxation to which was referred Engrossed SB 2420 has had the same under consideration and recommends by a vote of 13 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

REP. SINNER, Chairman

Engrossed SB 2420 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Judiciary to which was referred Engrossed SB 2445 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. E. POMEROY, Chairman

Engrossed SB 2445 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Judiciary to which was referred SB 2463 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. E. POMEROY, Chairman

SB 2463 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Finance and Taxation to which was referred SB 2482 has had the same under consideration and recommends by a vote of 14 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. SINNER, Chairman

SB 2482 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4040: A concurrent resolution directing the Legislative Council to study preference laws for North Dakota contractors in regard to bids and sales for public contracts.

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

SCR 4042: A concurrent resolution directing the Legislative Council to study financial incentives provided by the state for development of the agriculturally derived fuel industry.

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

SCR 4043: A concurrent resolution directing a Legislative Council study of the financial management and administrative services of state government including the

functions and services of the State Treasurer, Office of Management and Budget, State Tax Commissioner, Bank of North Dakota, State Auditor, and Director of Institutions. Was read the first time and referred to the Committee on State and Federal Government.

SCR 4046: A concurrent resolution directing the Legislative Council to study assessment and taxation of property and levy limitations imposed on political subdivisions. Was read the first time and referred to the Committee on Political Subdivisions.

SCR 4047: A concurrent resolution directing the Legislative Council to study the legislative process with emphasis on the use of time during legislative sessions and during the interim between sessions. Was read the first time and referred to the Committee on State and Federal Government.

SCR 4049: A concurrent resolution directing the Legislative Council to study the feasibility of replacing the current system of distributing state aid to school districts under the foundation program with a classroom unit system. Was read the first time and referred to the Committee on Education.

SCR 4050: A concurrent resolution directing the Legislative Council to study the investment, lending, and bonding programs of the Industrial Commission of North Dakota, Bank of North Dakota, State Department of Agriculture, Economic Development Commission, Board of University and School Lands, State Investment Board, and other appropriate agencies. Was read the first time and referred to the Committee on Industry, Business, and Labor.

MESSAGE FROM THE SENATE
SENATE CHAMBER

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

SCR 4041, SCR 4045, SCR 4048

Very respectfully,
LEO LEIDHOLM, Secretary

The House stood adjourned pursuant to Representative Backes' motion.

CHARLES FLEMING, Chief Clerk