

MONDAY, MARCH 7, 1983

1651

JOURNAL OF THE HOUSE

Forty-eighth Legislative Assembly

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FORTY-THIRD DAY

Bismarck, March 7, 1983

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

The prayer was offered by Rev. Don Bentz, Faith Lutheran Church, Bismarck.

ROLL CALL

The roll was called and all members were present, except Representatives Keller, Knudson, Kuchera, Sanstead, and Schoenwald.

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

On page 1626, in lines 2 and 3, delete the letter "H" before each bill number and insert in lieu thereof the letter "S"

REP. LAUGHLIN, Chairman

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

MESSAGES TO THE SENATE

HOUSE CHAMBER

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

SB 2188, SB 2247, SB 2275, SB 2279, SB 2320, SB 2323,  
SB 2360, SB 2391, SB 2399, SB 2400, SB 2403, SB 2405,  
SB 2461

Very respectfully,  
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

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

SB 2105, SB 2199, SB 2471

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 2334, SB 2392

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 the following and subsequently passed the same:

HB 1270, HB 1427, HB 1581, HB 1595

Very respectfully,  
CHARLES FLEMING, Chief Clerk

## SIGNING OF BILLS AND RESOLUTIONS

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following:

HB 1002, HB 1064, HB 1073, HB 1110, HB 1114, HB 1174,  
HB 1219, HB 1220, HB 1225, HB 1238, HB 1274, HB 1450,  
HB 1462, HB 1514, HB 1580, HB 1598, HB 1633, HB 1636,  
HB 1645, HB 1689, HCR 3006, HCR 3025

CHARLES FLEMING, Chief Clerk

MESSAGE TO THE SENATE  
HOUSE CHAMBER

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

HB 1002, HB 1064, HB 1073, HB 1110, HB 1114, HB 1174,  
HB 1219, HB 1220, HB 1225, HB 1238, HB 1274, HB 1450,  
HB 1462, HB 1514, HB 1580, HB 1598, HB 1633, HB 1636,  
HB 1645, HB 1689, HCR 3006, HCR 3025

Very respectfully,  
CHARLES FLEMING, Chief Clerk

MESSAGES FROM THE SENATE  
SENATE CHAMBER

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

HB 1059, HB 1065, HB 1121, HB 1127, HB 1129, HB 1142,  
HB 1166, HB 1188, HB 1218, HB 1223, HB 1226, HB 1232,  
HB 1271, HB 1287, HB 1303, HB 1325, HB 1332, HB 1344,  
HB 1391, HB 1392, HB 1411, HB 1412, HB 1434, HB 1438,  
HB 1453, HB 1465, HB 1469, HB 1484, HB 1497, HB 1561,  
HB 1624, HB 1631, HB 1634, HB 1660, HCR 3001, HCR 3003,  
HCR 3004, HCR 3008

Very respectfully,  
LEO LEIDHOLM, Secretary

SENATE CHAMBER

MADAM SPEAKER: I have the honor to inform you that the President has appointed as a conference committee to act with a like committee from the House on HB 1661:

Sens. Wright, Christensen, Miller Heinrich

Very respectfully,  
LEO LEIDHOLM, Secretary

SENATE CHAMBER

MADAM SPEAKER: I have the honor to inform you that the Senate has refused to concur in the House amendments to SB 2170, and the President has appointed as a conference committee to act with a like committee from the House on SB 2170:

Sens. Erickson, Kilander, Dotzenrod

Very respectfully,  
LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

SB 2042, SB 2048, SB 2100, SB 2107, SB 2117, SB 2119,  
SB 2129, SB 2209, SB 2221, SB 2237, SB 2253, SB 2330,  
SB 2349, SB 2420, SB 2463

Very respectfully,  
LEO LEIDHOLM, Secretary

SIXTH ORDER OF BUSINESS

REP. JACOBSON MOVED that the amendments to Engrossed SB 2088 as recommended by the Committee on Education as printed on pages 1640 and 1641 of the House Journal be adopted, which motion prevailed.

REP. L. HANSON MOVED that the amendments to SB 2164 as recommended by the Committee on State and Federal Government as printed on pages 1641 and 1642 of the House Journal be adopted, which motion prevailed.

REP. JACOBSON MOVED that the amendments to SB 2192 as recommended by the Committee on Education as printed on pages 1642 and 1643 of the House Journal be adopted, which motion prevailed.

REP. BROKAW MOVED that the amendments to SB 2217 as recommended by the Committee on Natural Resources as printed on pages 1643 and 1644 of the House Journal be adopted, which motion prevailed.

REP. DOTZENROD MOVED that the amendments to SB 2265 as recommended by the Committee on Political Subdivisions as printed on page 1644 of the House Journal be adopted and when so adopted, recommends that SB 2265 be rereferred to the Committee on Appropriations, which motion prevailed.

SPEAKER KELLY ANNOUNCED that SB 2265 was rereferred to the Committee on Appropriations.

REP. JACOBSON MOVED that the amendments to Engrossed SB 2274 as recommended by the Committee on Education as printed on page 1644 of the House Journal be adopted, which motion prevailed.

REP. DOTZENROD MOVED that the amendments to Engrossed SB 2282 as recommended by the Committee on Political Subdivisions as printed on page 1645 of the House Journal be adopted, which motion prevailed.

REP. E. POMEROY MOVED that the amendments to SB 2446 as recommended by the Committee on Judiciary as printed on page 1645 of the House Journal be adopted, which motion prevailed.

REP. DOTZENROD MOVED that the amendments to SB 2491 as recommended by the Committee on Political Subdivisions as printed on pages 1645 and 1646 of the House Journal be adopted, which motion prevailed.

REP. W. MEYER MOVED that the amendments to SCR 4032 as recommended by the Committee on Agriculture as printed on page 1647 of the House Journal be adopted, which motion prevailed.

#### REPORT OF PROCEDURAL COMMITTEE

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

HB 1072, HB 1086, HB 1209, HB 1422, HB 1427, HB 1494,  
HB 1509, HB 1524, HB 1552, HB 1581, HB 1591, HB 1595,  
HB 1604, HB 1615, HB 1672, HCR 3002

REP. G. MARTIN, Chairman

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

#### SECOND READING OF SENATE BILLS

SB 2201: A BILL for an Act to create and enact a new section to chapter 15-40 of the North Dakota Century Code, relating to school aid appropriation for alternative programs for dropout students age sixteen through eighteen.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill as amended, House Journal page 1589, the roll was called and there were 101 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING.

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

Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.;  
 Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus;  
 Hoffner, S. F.; Horgan; Hughes; Jacobson; 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; 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; Whalen; Williams, A.;  
 Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: Murphy; Thompson

ABSENT AND NOT VOTING: Keller; Knudson; Kuchera

SB 2201 passed and the title was agreed to.

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SB 2212: A BILL for an Act to amend and reenact sections 53-02-01 and 53-02-08 of the North Dakota Century Code, relating to definitions of dances, dancing places, and musical performances and requirements for an officer of law to be in attendance at a public dance; and to repeal sections 53-02-02, 53-02-03, 53-02-04, 53-02-05, 53-02-06, 53-02-07, and 53-02-09 of the North Dakota Century Code, relating to permits and restrictions on public dances.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 96 YEAS, 7 NAYS, 3 ABSENT AND NOT VOTING.

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

Schindler; Schneider; Schoenwald; 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: Backes; Gorder; Lautenschlager; Melby; Riehl; Rued;  
Shide

ABSENT AND NOT VOTING: Keller; Knudson; Kuchera

SB 2212 passed and the title was agreed to.

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SB 2234: A BILL for an Act to amend and reenact sections 61-02-01, 61-02-02, 61-02-04, 61-02-05, 61-02-07, 61-02-08, 61-02-13, 61-02-17, 61-02-24, 61-02-24.1, 61-02-25, 61-02-26, 61-02-27, 61-02-28, 61-02-29, 61-02-30, 61-02-33, 61-02-35, 61-02-37, 61-02-46, 61-02-47, 61-02-48, 61-02-51, 61-02-53, 61-02-54, 61-02-55, 61-02-56, 61-02-57, 61-02-58, 61-02-61, 61-02-62, 61-02-63, 61-02-64, 61-02-66, 61-02-67, 61-02-68, and 61-02-72 of the North Dakota Century Code, relating to the authorities of the water conservation commission; and to repeal sections 61-02-31 and 61-02-50 of the North Dakota Century Code, relating to the date of the priority of a water right and negotiability of bonds.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 78 YEAS, 22 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Black; Brokaw; Conmy;  
DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gates; Gerl;  
Goetz; Gullickson; Gunsch; Halmrast; Hamerlik;  
Hanson, L.; Hanson, C.; Haugland; Hausauer; Hill;  
Hjelle; Hoffner, Serenus; Hoffner, S. F.; Hughes;  
Jacobson; Kent; Kloubec; Koehn; Koski; Kretschmar;  
Lang; Lardy; Larson, B.; Larson, R.; Lautenschlager;  
Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.;  
Martinson; Meier, A.; Meyer, R.; Meyer, W.; Moore;  
Nalewaja; Nicholas; Nowatzki; O'Connell; Opedahl;  
O'Shea; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.;  
Rayl; Rice; Riehl; Schindler; Schneider; Schoenwald;  
Shockman; Sinner; Stofferahn; Swiontek; Thompson; Timm;  
Unhjem; Vander Vorst; Vig; Wentz; Whalen; Williams, A.;  
Williams, W.; Wold; Speaker Kelly

NAYS: Aubol; Backes; Boyle; Gorder; Horgan; Kingsbury;  
Laughlin; Meiers, R.; Melby; Mertens; Murphy; Mushik;  
Olafson; Olsen, D.; Olson, A.; Retzer; Riley; Rued;  
Sanstead; Shide; Solberg; Strinden

ABSENT AND NOT VOTING: Keller; Knudson; Kuchera;  
Richard; Watne; Williams, C.

SB 2234 passed and the title was agreed to.

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MESSAGES FROM THE SENATE  
SENATE CHAMBER

MADAM SPEAKER: I have the honor to return herewith HB 1151, HB 1203, HB 1530, and HB 1583 which the Senate has amended as follows:

SENATE AMENDMENTS TO HB 1151

On page 1 of the engrossed bill, 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 subdivision to subsection 1 of section 19-03.1-36 and a new subsection to section 19-03.1-36 of the North Dakota Century Code, relating to property traceable to controlled substances which is subject to forfeiture and to the presumption that property in close proximity to controlled substances are forfeitable.

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

SECTION 1. A new subdivision to subsection 1 of section 19-03.1-36 of the North Dakota Century Code is hereby created and enacted to read as follows:

Everything of value furnished, or intended to be furnished, in exchange for a controlled substance in violation of this chapter, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used, or intended to be used, to facilitate any violation of this chapter; except that no property shall be forfeited under this subdivision, to the extent of the interest of an owner, by reason of any act or omission established by him to have been committed or omitted without his knowledge or consent. The property described in this section shall be seized in the same manner and procedure as conveyances.

SECTION 2. A new subsection to section 19-03.1-36 of the North Dakota Century Code is hereby created and enacted to read as follows:

All moneys, coin and currency found in close proximity to forfeitable controlled substances, to forfeitable drug manufacturing or distributing paraphernalia, or to forfeitable records of the importation, manufacture or distribution of controlled substances, are presumed to be forfeitable under this subsection. The burden of proof is upon claimants of the property to rebut this presumption."

And renumber the lines and pages accordingly

SENATE AMENDMENTS TO HB 1203

On page 2, line 4, delete the words "the owner" and insert in lieu thereof the words "any unleased mineral interest pooled by virtue of this section shall be entitled to a cost free royalty interest equal to the average royalty interest of the leased tracts within the spacing unit, but in no event shall the royalty interest of an unleased tract be less than a one-eighth interest. The remainder of the unleased interest shall be treated as a lessee or cost bearing interest."

On page 2, delete lines 5 through 9

And renumber the lines accordingly

SENATE AMENDMENTS TO HB 1530

On page 1 of the engrossed bill, line 12, delete the word "purchasing" and insert in lieu thereof the word "land"

On page 1 of the engrossed bill, line 13, after the word "research" insert a period and delete the words "purposes the northeast quarter and the north half of the"

On page 1 of the engrossed bill, delete lines 14 and 15

And renumber the lines accordingly

SENATE AMENDMENTS TO HB 1583

On page 7 of the engrossed bill, line 4, delete the word "thirty-one" and insert in lieu thereof the word "fifteen"



And renumber the lines accordingly

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 1128, HB 1153, HB 1200, HB 1222, HB 1282, HB 1350,  
HB 1383, HB 1419, HB 1722, HCR 3009, HCR 3023, HCR 3042

Very respectfully,  
LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1293, HB 1424, HB 1531, HB 1553

Very respectfully,  
LEO LEIDHOLM, Secretary

MOTION

REP. UNHJEM MOVED that the House reconsider its action whereby SB 2174 failed to pass.

REQUEST

REP. STRINDEN REQUESTED a recorded roll call vote on the motion to reconsider SB 2174, which request was granted.

ROLL CALL

The question being on the motion to reconsider SB 2174, the roll was called and there were 53 YEAS, 49 NAYS, 4 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Keller; Knudson; Koski; Kuchera

So the motion to reconsider SB 2174 failed for lack of a Constitutional majority.

#### SECOND READING OF SENATE BILLS

SB 2241: A BILL for an Act to create and enact section 4-33-12 of the North Dakota Century Code, relating to plant and product inspection; and to amend and reenact subsection 1 of section 4-33-01 and sections 4-33-02, 4-33-08, 4-33-10, and 4-33-11 of the North Dakota Century Code, relating to plant pests; and to provide a penalty.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 50 YEAS, 53 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Backes; DeMers; Dotzenrodt; DuBord; Eagles; Gates; Goetz; Gullickson; Hamerlik; Hanson, O.; Haugland; Hoffner, Serenus; Hoffner, S. F.; Hughes; Kent; Kingsbury; Koehn; Koski; Kretschmar; Lardy; Larson, B.; Larson, R.; Laughlin; Linderman; Martin, C.; Meier, A.; Melby; Mertens; Meyer, R.; Meyer, W.; Murphy; Nicholas; Nowatzki; Pomeroy, G.; Rayl; Rice; Richard; Riehl; Shide; Sinner; Stofferahn; Vander Vorst; Vig; Watne; Williams, A.; Williams, C.; Williams, W.; Wold

NAYS: Aubol; Black; Boyle; Brokaw; Conmy; Erdman; Gerl; Gorder; Gunsch; Halmrast; Hanson, L.; Hausauer; Hill; Hjelle; Horgan; Jacobson; Kloubec; Lang; Lautenschlager; Lipsiea; Lloyd; Martin, G.; Martinson; Meiers, R.; Moore; Mushik; Nalewaja; O'Connell; Olafson; Olsen, D.; Olson, A.; Opedahl; O'Shea; Peltier; Peterson; Pomeroy, E.; Retzer; Riley; Rued; Sanstead; Schindler; Schneider; Schoenwald; Shockman; Solberg; Strinden; Swiontek; Thompson; Timm; Unhjem; Wentz; Whalen; Speaker Kelly

ABSENT AND NOT VOTING: Keller; Knudson; Kuchera

SB 2241 was declared lost.

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

Which has been read.

MOTION

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

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 91 YEAS, 12 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; 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; Hughes; Jacobson; Kent; Kingsbury; Kloubec; Koehn; 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; Olafson; Olsen, D.; Olson, A.; Opedahl; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Rice; Riley; Rued; Sanstead; Schindler; Schneider; Schoenwald; Shide; Sinner; Stofferahn; Strinden; Swiontek; Thompson; Timm; Unhjem; Vander Vorst; Vig; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Wold; Speaker Kelly

NAYS: Brokaw; DuBord; Hoffner, S. F.; Horgan; Koski; O'Connell; O'Shea; Richard; Riehl; Shockman; Solberg; Williams, W.

ABSENT AND NOT VOTING: Keller; Knudson; Kuchera

SB 2243 passed and the title was agreed to.

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SB 2280: A BILL for an Act to amend and reenact section 26-08-10 of the North Dakota Century Code, or in the alternative to amend and reenact section 26.1-05-18 of the North Dakota Century Code as created by House Bill No. 1054, as approved by the forty-eighth legislative assembly, relating to directors authorizing the investment of funds and prohibited investment practices by domestic insurance companies.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 91 YEAS, 10 NAYS, 5 ABSENT AND NOT VOTING.

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

Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Kingsbury; Kloubec; Koehn; Kretschmar; Lang; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Melby; Meyer, R.; Meyer, W.; Moore; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Olafson; Olsen, D.; Olson, A.; Opedahl; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Rice; Richard; Riehl; Riley; Rued; Sanstead; Schindler; 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; Conmy; Gerl; Koski; Lardy; Meiers, R.; Murphy; O'Shea; Schneider; Schoenwald

ABSENT AND NOT VOTING: Keller; Kent; Knudson; Kuchera; Mertens

SB 2280 passed and the title was agreed to.

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SB 2285: A BILL for an Act to create and enact two new sections to chapter 24-02 of the North Dakota Century Code, relating to the method of filing claims under a highway contract performance bond; and to amend and reenact section 48-02-17 of the North Dakota Century Code, relating to when claims are barred against contractor and surety including public buildings.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 100 YEAS, 0 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Anderson, R.; Aubol; Backes; Black; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gates; Gerl; Goetz; Gorder; Gullickson; Gunsch; Halmarast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; 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; 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: None

ABSENT AND NOT VOTING: Anderson, C.; Keller; Knudson;  
Kuchera; Retzer; Strinden

SB 2285 passed and the title was agreed to.

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SB 2305: A BILL for an Act to control the manufacture,  
distribution, possession, and advertising of imitation  
controlled substances; to amend and reenact subsection 1 of  
section 19-03.1-36 of the North Dakota Century Code,  
relating to forfeiture; to provide a penalty; and to  
declare an emergency.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was  
called and there were 100 YEAS, 0 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Black;  
Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord;  
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; 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; 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: None

ABSENT AND NOT VOTING: Eagles; Keller; Knudson; Kuchera;  
Retzer; Strinden

SB 2305 passed, the title was agreed to, and the emergency clause  
carried.

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SB 2311: A BILL for an Act to amend and reenact sections 24-01-05 and 24-05-16 of the North Dakota Century Code, relating to the designation of a county highway system.

Which has been read.

#### ROLL CALL

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

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

SB 2311 passed and the title was agreed to.

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SB 2353: A BILL for an Act to create and enact a new section to chapter 60-02 of the North Dakota Century Code, relating to provisions governing the storage of grain in facilities owned by persons other than the licensee.

Which has been read.

#### ROLL CALL

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

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

NAYS: Vig

ABSENT AND NOT VOTING: Keller; Knudson; Koski; Kuchera

SB 2353 passed and the title was agreed to.

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SB 2363: A BILL for an Act to create and enact a new section to chapter 49-18 of the North Dakota Century Code, relating to motor vehicle leasing for common and contract motor carriers.

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, 5 NAYS, 3 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; Kent; Kingsbury; Kloubec; Koehn; Koski; Kretschmar; 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; 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

NAYS: Aubol; Meiers, R.; Schneider; Timm; Speaker Kelly

ABSENT AND NOT VOTING: Keller; Knudson; Kuchera

SB 2363 passed and the title was agreed to.

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SB 2369: A BILL for an Act to amend and reenact section 39-08-08 of the North Dakota Century Code, relating to the duty to report motor vehicle damage to someone else's property.

Which has been read.

#### MOTION

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

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 44 YEAS, 57 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Boyle; Conmy; Gates; Gullickson; Halmrast; Hanson, L.; Horgan; Hughes; Jacobson; Kent; Koehn; Kretschmar; Larson, R.; Laughlin; Linderman; Lipsiea; Lloyd; Martin, C.; Martinson; Meier, A.; Melby; Mertens; Moore; Mushik; Nalewaja; Nowatzki; Opedahl; Pomeroy, E.; Pomeroy, G.; Rayl; Rice; Riley; Shockman; Solberg; Stofferahn; Swiontek; Unhjem; Vander Vorst; Vig; Wentz; Williams, A.; Speaker Kelly

NAYS: Aubol; Backes; Black; Brokaw; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gerl; Goetz; Gorder; Gunsch; Hamerlik; Hanson, O.; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Kingsbury; Kloubec; Koski; Lang; Lardy; Larson, B.; Lautenschlager; Martin, G.; Meiers, R.; Meyer, R.; Meyer, W.; Murphy; Nicholas; O'Connell; Olafson; Olsen, D.; Olson, A.; O'Shea; Peltier; Peterson; Riehl; Rued; Sanstead; Schindler; Schneider; Schoenwald; Shide; Sinner; Strinden; Thompson; Timm; Watne; Whalen; Williams, C.; Williams, W.; Wold

ABSENT AND NOT VOTING: Keller; Knudson; Kuchera; Retzer; Richard

SB 2369 was declared lost.

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MONDAY, MARCH 7, 1983

1667

REPORTS OF PROCEDURAL COMMITTEE

MADAM SPEAKER: Your Committee on Enrollment and Engrossment respectfully report that the following bills were delivered to the Governor for his approval at the hour of 2:11 p.m., March 7, 1983:

HB 1059, HB 1065, HB 1121, HB 1127, HB 1129, HB 1142,  
HB 1166, HB 1188, HB 1218, HB 1223, HB 1225, HB 1232,  
HB 1271, HB 1287, HB 1303, HB 1325, HB 1332, HB 1344,  
HB 1391, HB 1392, HB 1411, HB 1412, HB 1434, HB 1438,  
HB 1453, HB 1465, HB 1469, HB 1484, HB 1497, HB 1561,  
HB 1624, HB 1631, HB 1634, HB 1660

REP. G. MARTIN, Chairman

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

MADAM SPEAKER: Your Committee on Enrollment and Engrossment respectfully report that the following bills were delivered to the Secretary of State at the hour of 2:14 p.m., March 7, 1983:

HCR 3001, HCR 3003, HCR 3004, HCR 3008

REP. G. MARTIN, Chairman

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

PRESENTATION OF PETITIONS AND COMMUNICATIONS

STATE OF NORTH DAKOTA  
EXECUTIVE OFFICE  
BISMARCK

March 7, 1983

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

Dear Madam Speaker:

This is to inform you that on March 4, 1983, I signed the following:

HB 1026, HB 1239, HB 1265, HB 1291, HB 1294, HB 1304,  
HB 1307, HB 1310, HB 1321, HB 1320, HB 1340, HB 1361,  
HB 1377, HB 1364, HB 1382, HB 1690, HB 1097, HB 1125,  
HB 1216, HB 1227, HB 1231, HB 1288, HB 1313, HB 1381,  
HB 1393, HB 1403, HB 1409, HB 1418, HB 1444, HB 1446,

HB 1452, HB 1456, HB 1464, HB 1470, HB 1515, HB 1542,  
HB 1700, HB 1719, HB 1048, HB 1071, HB 1190, HB 1215.

Sincerely,

ALLEN I. OLSON  
Governor

#### PRESENTATION OF PETITIONS AND COMMUNICATIONS

Allen I. Olson  
Governor

March 7, 1983

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

Dear Madam Speaker:

This is to inform you that on March 7, 1983, I signed the following:

HB 1301, HB 1309, HB 1314, HB 1322, HB 1363.

Sincerely,

ALLEN I. OLSON  
Governor

#### SECOND READING OF SENATE BILLS

SB 2387: A BILL for an Act to amend and reenact section 57-15-28 of the North Dakota Century Code, or in the alternative to amend and reenact subsection 22 of section 55 of Senate Bill No. 2065, as approved by the forty-eighth legislative assembly, relating to the county emergency fund mill levy.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 92 YEAS, 9 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; Gullickson; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Jacobson; Kent; 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; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell;  
 Olson, A.; Opedahl; O'Shea; Peltier; Pomeroy, E.;  
 Pomeroy, G.; Rayl; Rice; Richard; Riehl; Rued;  
 Sanstead; Schindler; Schneider; Schoenwald; 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: Gorder; Gunsch; Hughes; Kingsbury; Murphy; Olafson;  
 Olsen, D.; Retzer; Shide

ABSENT AND NOT VOTING: Keller; Knudson; Kuchera;  
 Peterson; Riley

SB 2387 passed and the title was agreed to.

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SB 2454: A BILL for an Act to amend and reenact section 39-01-02  
 of the North Dakota Century Code, relating to the  
 identification of motor vehicles owned by the state.

Which has been read.

#### ROLL CALL

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

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; 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; 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;  
 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

ABSENT AND NOT VOTING: Keller; Knudson; Kuchera;  
Peterson

SB 2454 passed and the title was agreed to.

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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.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 66 YEAS, 35 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; Eagles; Erdman; Gates; Gerl; Goetz; Gorder; Gullickson; Halmrast; Hanson, O.; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Hughes; Jacobson; Kent; Kingsbury; Kloubec; Koehn; Koski; Lang; Lardy; Larson, B.; Larson, R.; Laughlin; Linderman; Martin, G.; Meier, A.; Meiers, R.; Meyer, W.; Moore; Murphy; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Olafson; Olson, A.; Opedahl; O'Shea; Pomeroy, E.; Riehl; Schindler; Schoenwald; Shockman; Sinner; Solberg; Stofferahn; Swiontek; Vander Vorst; Vig; Watne; Wentz; Williams, A.; Speaker Kelly

NAYS: Black; DuBord; Gunsch; Hamerlik; Hanson, L.; Haugland; Horgan; Kretschmar; Lautenschlager; Lipsiea; Lloyd; Martin, C.; Martinson; Melby; Mertens; Meyer, R.; Olsen, D.; Peltier; Pomeroy, G.; Retzer; Rice; Richard; Riley; Rued; Sanstead; Schneider; Shide; Strinden; Thompson; Timm; Unhjem; Whalen; Williams, C.; Williams, W.; Wold

ABSENT AND NOT VOTING: Keller; Knudson; Kuchera;  
Peterson; Rayl

SB 2476 passed and the title was agreed to.

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#### SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4017: A concurrent resolution urging the United States Congress and the United States Army Corps of Engineers, to complete a program of bank protection, stabilization, and maintenance along the Missouri River in North Dakota.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4017 was declared adopted on a voice vote.

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# MOTION

REP. KLOUBEC MOVED that the House reconsider its action whereby SB 2476 was passed, which motion prevailed on a verification vote.

# SECOND READING OF SENATE BILL

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.

Which has been read.

# ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 42 YEAS, 61 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Boyle; Brokaw; Conmy; DeMers; Erdman; Gates; Gerl; Gorder; Halmrast; Hanson, O.; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Hughes; Koehn; Koski; Lardy; Larson, B.; Larson, R.; Laughlin; Linderman; Martin, G.; Meier, A.; Meiers, R.; Murphy; Mushik; Nicholas; Nowatzki; O'Connell; O'Shea; Shockman; Stofferahn; Vig; Watne; Wentz; Williams, A.; Speaker Kelly

NAYS: Black; Dotzenrod; DuBord; Eagles; Goetz; Gullickson; Gunsch; Hamerlik; Hanson, L.; Haugland; Hausauer; Horgan; Jacobson; Kent; Kingsbury; Kloubec; Kretschmar; Lang; Lautenschlager; Lipsiea; Lloyd; Martin, C.; Martinson; Melby; Mertens; Meyer, R.; Meyer, W.; Moore; Nalewaja; Olafson; Olsen, D.; Olson, A.; Opedahl; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Rice; Richard; Riehl; Riley; Rued; Sanstead; Schindler; Schneider; Schoenwald; Shide; Sinner; Solberg; Strinden; Swiontek; Thompson; Timm; Unhjem; Vander Vorst; Whalen; Williams, C.; Williams, W.; Wold

ABSENT AND NOT VOTING: Keller; Knudson; Kuchera

SB 2476 was declared lost.

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## SECOND READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4041: A concurrent resolution directing the Legislative Council to conduct a study of incentives to encourage railroads to maintain existing railway branch lines and the cost-effectiveness of local ownership of abandoned railway branch lines.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4041 was declared adopted on a voice vote.

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SCR 4045: A concurrent resolution directing the Legislative Council to study whether wheel flaps should be required on certain vehicles.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4045 was declared lost on a voice vote.

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## MOTION

REP. BACKES MOVED that the House stand in recess until 3:15 p.m., which motion prevailed.

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

## SECOND READING OF SENATE BILL

SB 2133: A BILL for an Act to amend and reenact section 61-28.1-04 of the North Dakota Century Code, relating to approval of water systems.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 87 YEAS, 12 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Aubol; Black; Boyle; Brokaw; DeMers; Dotzenrodt; 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; Kloubec; Koehn; Koski; Kretschmar; 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; Nalewaja; Nicholas; Nowatzki; O'Connell;  
 Olafson; Olsen, D.; Opedahl; O'Shea; Peltier;  
 Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Rice; Richard;  
 Riehl; Riley; Rued; Sanstead; Schindler; Schneider;  
 Schoenwald; Shide; Sinner; Solberg; Stofferahn;  
 Strinden; Swiontek; Thompson; Vander Vorst; Vig; Watne;  
 Wentz; Whalen; Williams, A.; Williams, C.;  
 Williams, W.; Wold; Speaker Kelly

NAYS: Anderson, R.; Conmy; Gorder; Hughes; Kingsbury;  
 Lang; Lipsiea; Melby; Murphy; Olson, A.; Shockman; Timm

ABSENT AND NOT VOTING: Backes; Keller; Kent; Knudson;  
 Kuchera; Peterson; Unhjem

SB 2133 passed and the title was agreed to.

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#### REQUEST

REP. SANSTEAD REQUESTED that members of the Committee on Constitutional Revision be excused to attend a meeting of the Joint Committee on Constitutional Revision, which request was granted.

#### SECOND READING OF SENATE BILL

SB 2140: A BILL for an Act to amend and reenact section 12-62-04 of the North Dakota Century Code, relating to the certification of qualified officers.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 12 YEAS, 82 NAYS, 12 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Eagles; Hughes; Lardy; Mertens;  
 Murphy; Peltier; Pomeroy, E.; Retzer; Stofferahn; Wold;  
 Speaker Kelly

NAYS: Anderson, R.; Aubol; Black; Boyle; Brokaw; Conmy;  
 DeMers; Dotzenrodt; DuBord; Erdman; Gates; Gerl; Goetz;  
 Gorder; Gullickson; Gunsch; Halmrast; Hamerlik;  
 Hanson, L.; Hanson, O.; Haugland; Hausauer; Hill;  
 Hjelle; Hoffner; Serenus; Hoffner, S. F.; Horgan;  
 Jacobson; Kingsbury; Kloubec; Koehn; Koski; Lang;  
 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; Rayl; Rice; Richard; Riehl; Riley; Rued;  
 Schindler; Schoenwald; Shide; Shockman; Sinner;  
 Solberg; Strinden; Thompson; Timm; Vander Vorst; Vig;

Watne; Wentz; Whalen; Williams, A.; Williams, C.;  
Williams, W.

**ABSENT AND NOT VOTING:** Backes; Keller; Kent; Knudson;  
Kretschmar; Kuchera; Peterson; Pomeroy, G.; Sanstead;  
Schneider; Swiontek; Unhjem

SB 2140 was declared lost.

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#### MOTIONS

**REP. MERTENS MOVED** that SB 2436 be returned to the House from the Committee on Appropriations, which motion prevailed.

**REP. MERTENS MOVED** that SB 2436 be laid over one legislative day, which motion prevailed.

#### SECOND READING OF SENATE BILLS

**SB 2152:** A BILL for an Act to amend and reenact subsection 1 of section 38-14.1-19 of the North Dakota Century Code, relating to informal conference procedures.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 93 YEAS, 0 NAYS, 13 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; Kingsbury; Kloubec; Koehn; Koski; Lang; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; 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.; Rayl; Retzer; Rice; Richard; Riehl; Riley; Rued; Schindler; Schoenwald; Shide; Shockman; Sinner; Solberg; Stofferahn; Strinden; Thompson; Timm; Vander Vorst; Vig; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

**NAYS:** None

**ABSENT AND NOT VOTING:** Keller; Kent; Knudson;  
Kretschmar; Kuchera; Martin, C.; Peterson; Pomeroy, G.;  
Sanstead; Schneider; Swiontek; Unhjem; Whalen



SB 2152 passed and the title was agreed to.

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SB 2154: A BILL for an Act to amend and reenact subsection 1 of section 38-14.1-13 of the North Dakota Century Code, relating to permit applications for surface coal mining and reclamation operations.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 92 YEAS, 1 NAY, 13 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; Kloubec; Koehn; Koski; Lang; Lardy; Larson, E.; 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.; Rayl; Retzer; Rice; Richard; Riehl; Riley; Rued; Schindler; Schoenwald; Shide; Shockman; Sinner; Solberg; Stofferahn; Thompson; Timm; Vander Vorst; Vig; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: Kingsbury

ABSENT AND NOT VOTING: Keller; Kent; Knudson; Kretschmar; Kuchera; Peterson; Pomeroy, G.; Sanstead; Schneider; Strinden; Swiontek; Unhjem; Whalen

SB 2154 passed and the title was agreed to.

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SB 2181: A BILL for an Act to create and enact a new subdivision to subsection 1 of section 38-08-04 and a new subdivision to subsection 2 of section 38-08-04 of the North Dakota Century Code, relating to the filing of samples and cores with the state geologist and the underground storage of oil and gas; and to amend and reenact subdivisions b and i of subsection 1 of section 38-08-04 and section 38-08-05 of the North Dakota Century Code, relating to the filing of logs and reports with the industrial commission and the permitting of oil and gas wells.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 92 YEAS, 0 NAYS, 14 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; Kingsbury; Kloubec; 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; Pomeroy, E.; Rayl; Retzer; Rice; Richard; Riehl; Riley; Rued; Schindler; Schoenwald; Shide; Shockman; Sinner; Solberg; Stofferahn; Thompson; Vander Vorst; Vig; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

**NAYS:** None

**ABSENT AND NOT VOTING:** Keller; Kent; Knudson; Kretschmar; Kuchera; Peterson; Pomeroy, G.; Sanstead; Schneider; Strinden; Swiontek; Timm; Unhjem; Whalen

SB 2181 passed and the title was agreed to.

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**SB 2198:** A BILL for an Act to amend and reenact sections 57-47-01, 57-47-02, 57-47-03, and 57-47-04 of the North Dakota Century Code, relating to the powers of a county to borrow money to meet deficiencies and to levy a general tax for the repayment of such a loan.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 76 YEAS, 17 NAYS, 13 ABSENT AND NOT VOTING.

**YEAS:** Anderson, C.; Anderson, R.; Aubol; Backes; Black; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gates; Gerl; Goetz; Gullickson; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer; Hjelle; Hoffner; Serenus; Hoffner, S. F.; Horgan; Jacobson; Kloubec; Koski; Lang; Lardy; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd;

Martin, C.; Martin, G.; Martinson; Meier, A.;  
 Meiers, R.; Melby; Mertens; Meyer, R.; Meyer, W.;  
 Moore; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell;  
 Olson, A.; Opedahl; Peltier; Pomeroy, E.; Rayl; Retzer;  
 Rice; Riehl; Rued; Schoenwald; Shide; Shockman; Sinner;  
 Thompson; Timm; Vander Vorst; Vig; Watne; Wentz;  
 Williams, A.; Williams, C.; Williams, W.; Wold;  
 Speaker Kelly

NAYS: Gorder; Gunsch; Hill; Hughes; Kent; Kingsbury;  
 Larson, R.; Murphy; Olafson; Olsen, D.; O'Shea;  
 Richard; Riley; Schindler; Solberg; Stofferahn;  
 Strinden

ABSENT AND NOT VOTING: Keller; Knudson; Koehn;  
 Kretschmar; Kuchera; Larson, B.; Peterson; Pomeroy, G.;  
 Sanstead; Schneider; Swiontek; Unhjem; Whalen

SB 2198 passed and the title was agreed to.

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SB 2215: A BILL for an Act to create and enact a new subsection  
 to section 38-08-04 of the North Dakota Century Code,  
 relating to confidentiality of well data reported to 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 79 YEAS, 16 NAYS, 11 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Boyle;  
 Brokaw; Conmy; Dotzenrod; Eagles; Erdman; Gates; Goetz;  
 Gorder; Gullickson; Gunsch; Halmrast; Hamerlik;  
 Hanson, L.; Hanson, O.; Haugland; Hausauer; Hjelle;  
 Horgan; Hughes; Jacobson; Kent; Kloubec; Koehn; Lang;  
 Lardy; Larson, B.; Larson, R.; Laughlin;  
 Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.;  
 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; Peltier; Pomeroy, E.; Rayl; Retzer;  
 Rice; Riehl; Riley; Rued; Schindler; Shide; Sinner;  
 Stofferahn; Strinden; Thompson; Timm; Vander Vorst;  
 Wentz; Whalen; Williams, A.; Williams, C.;  
 Williams, W.; Wold; Speaker Kelly

NAYS: Black; DeMers; DuBord; Gerl; Hill;  
 Hoffner, Serenus; Hoffner, S. F.; Koski; Martin, G.;  
 Meiers, R.; Richard; Schoenwald; Shockman; Solberg;  
 Vig; Watne

ABSENT AND NOT VOTING: Keller; Kingsbury; Knudson;  
Kretschmar; Kuchera; Peterson; Pomeroy, G.; Sanstead;  
Schneider; Swiontek; Unhjem

SB 2215 passed and the title was agreed to.

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#### MOTION

REP. O'SHEA MOVED that SB 2216 be laid over one legislative day,  
which motion prevailed.

#### SECOND READING OF SENATE BILLS

SB 2310: A BILL for an Act to repeal chapter 39-22.2 of the  
North Dakota Century Code, relating to wholesale motor  
vehicle dealers.

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, 15 NAYS, 11 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Black;  
Boyle; Conmy; DeMers; Dotzenrod; DuBord; Eagles;  
Erdman; Gates; Goetz; Gorder; Gullickson; Gunsch;  
Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hill;  
Hjelle; Hoffner, Serenus; Hoffner, S. F.; Jacobson;  
Kent; Kloubec; Koehn; Koski; Lang; Lardy; Larson, B.;  
Larson, R.; Lautenschlager; Linderman; Lipsiea;  
Martin, C.; Martin, G.; Martinson; Meier, A.;  
Meiers, R.; Melby; Mertens; Meyer, R.; Meyer, W.;  
Moore; Murphy; Mushik; Nalewaja; Nicholas; Nowatzki;  
O'Connell; O'Shea; Peltier; Pomeroy, E.; Rayl; Rice;  
Richard; Riehl; Riley; Rued; Schindler; Schoenwald;  
Shide; Shockman; Sinner; Solberg; Stofferahn; Strinden;  
Timm; Vander Vorst; Vig; Wentz; Whalen; Williams, A.;  
Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: Brokaw; Gerl; Halmrast; Horgan; Hughes; Kingsbury;  
Laughlin; Lloyd; Olafson; Olsen, D.; Olson, A.;  
Opedahl; Retzer; Thompson; Watne

ABSENT AND NOT VOTING: Hausauer; Keller; Knudson;  
Kretschmar; Kuchera; Peterson; Pomeroy, G.; Sanstead;  
Schneider; Swiontek; Unhjem

SB 2310 passed and the title was agreed to.

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SB 2333: A BILL for an Act to amend and reenact section 4-34-08  
of the North Dakota Century Code, relating to the  
assessment of cattle for the beef commission.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 81 YEAS, 12 NAYS, 13 ABSENT AND NOT VOTING.

**YEAS:** Anderson, C.; Anderson, R.; Backes; Black; Boyle; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gates; Gerl; Goetz; Gorder; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hjelle; Hoffner, S. F.; Horgan; Hughes; Jacobson; Kent; Kingsbury; Kloubec; Koehn; Lang; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Melby; Meyer, R.; Meyer, W.; Moore; Murphy; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Olafson; Olsen, D.; Olson, A.; Opedahl; Peltier; Rayl; Retzer; Rice; Richard; Riehl; Rued; Schoenwald; Shide; Shockman; Sinner; Stofferahn; Thompson; Timm; Unhjem; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

**NAYS:** Aubol; Hill; Hoffner, Serenus; Koski; Linderman; Mertens; O'Shea; Pomeroy, E.; Schindler; Solberg; Vander Vorst; Vig

**ABSENT AND NOT VOTING:** Brokaw; Hausauer; Keller; Knudson; Kretschmar; Kuchera; Peterson; Pomeroy, G.; Riley; Sanstead; Schneider; Strinden; Swiontek

SB 2333 passed and the title was agreed to.

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

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill as amended, House Journal pages 1619 and 1620, the roll was called and there were 89 YEAS, 5 NAYS, 12 ABSENT AND NOT VOTING.

**YEAS:** Anderson, C.; Anderson, R.; Backes; Black; Boyle; DeMers; Dotzenrod; Eagles; Erdman; Gates; Gerl; Goetz; Gorder; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Kent; Kingsbury; Kloubec; 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; Mushik; Nalewaja; Nicholas; Nowatzki; Olafson; Olsen, D.; Olson, A.; Opedahl; O'Shea; Peltier; Pomeroy, E.; Rayl; Retzer; Rice; Richard; Riehl; Riley; Rued; Schindler; Schoenwald; Shide; Shockman; Sinner; Solberg; Stofferahn; Thompson; Timm; Unhjem; Vander Vorst; Vig; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: Aubol; Conmy; DuBord; Murphy; O'Connell

ABSENT AND NOT VOTING: Brokaw; Hausauer; Keller; Knudson; Kretschmar; Kuchera; Peterson; Pomeroy, G.; Sanstead; Schneider; Strinden; Swiontek

SB 2382 passed and the title was agreed to.

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SB 2426: A BILL for an Act to amend and reenact section 40-16-04 of the North Dakota Century Code, relating to reports prepared by city auditors.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 92 YEAS, 0 NAYS, 14 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; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Kent; Kingsbury; Kloubec; Koehn; Koski; Lang; Lardy; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Melby; Meyer, R.; Meyer, W.; Moore; Murphy; Mushik; Nalewaja; Nowatzki; O'Connell; Olafson; Olsen, D.; Olson, A.; Opedahl; O'Shea; Peltier; Pomeroy, E.; Rayl; Retzer; Rice; Richard; Riehl; Riley; Rued; Schindler; Schoenwald; Shide; Shockman; Sinner; Solberg; Stofferahn; Thompson; Timm; Unhjem; Vander Vorst; Vig; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: None

ABSENT AND NOT VOTING: Hausauer; Keller; Knudson; Kretschmar; Kuchera; Larson, B.; Mertens; Nicholas; Peterson; Pomeroy, G.; Sanstead; Schneider; Strinden; Swiontek

SB 2426 passed and the title was agreed to.

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SB 2489: A BILL for an Act to amend and reenact section 39-06-33 of the North Dakota Century Code, relating to suspension of driver's license for incompetence to drive and rehearings on the issue of competence.

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, 11 NAYS, 11 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Black; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; Eagles; Gates; Gerl; Goetz; Gorder; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Kent; Kingsbury; Kloubec; Koehn; Koski; Lang; Lardy; Larson, R.; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Melby; Mertens; Meyer, R.; Meyer, W.; Moore; Mushik; Nalewaja; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Opedahl; O'Shea; Pomeroy, E.; Rayl; Retzer; Rice; Richard; Riehl; Riley; Rued; Schindler; Schoenwald; Shide; Sinner; Solberg; Stofferahn; Thompson; Timm; Unhjem; Vander Vorst; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold

NAYS: DuBord; Erdman; Larson, B.; Laughlin; Murphy; O'Connell; Olafson; Peltier; Shockman; Vig; Speaker Kelly

ABSENT AND NOT VOTING: Hausauer; Keller; Knudson; Kretschmar; Kuchera; Peterson; Pomeroy, G.; Sanstead; Schneider; Strinden; Swiontek

SB 2489 passed and the title was agreed to.

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#### MOTIONS

REP. DOTZENROD MOVED that SCR 4046 be returned to the House from the Committee on Political Subdivisions and be rereferred to the Committee on Finance and Taxation, which motion prevailed.

SPEAKER KELLY ANNOUNCED that SCR 4046 was rereferred to the Committee on Finance and Taxation.

REP. BACKES MOVED that SB 2438 and SB 2464 be laid over one legislative day, which motion prevailed.

## SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4025: A concurrent resolution requesting the Congress of the United States to propose an amendment to the Constitution of the United States providing protection for all human life, and expressing support for other legislation to protect life.

Which has been read.

## POINT OF PERSONAL PRIVILEGE

REP. D. OLSEN: 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 this Assembly: Senate Concurrent Resolution No. 4025 is a resolution that speaks to the need of protection for all life, born and unborn, from conception to natural death.

SCR 4025 is a resolution concerned primarily with abortion, infanticide, and euthanasia--and especially as those practices relate to destroying life in this country.

Although the resolution does not specifically mention abortion, that's what the debate was all about in both the Senate and the House committee public hearings, and in the Senate when it passed SCR 4025 to the House.

Since the infamous Roe vs. Wade decision of ten years ago--on January 22, 1973, the North Dakota legislature has biennially sent a message urging Congress to approve a human life amendment to the United States Constitution.

Several amendments have been proposed and sponsored by members of Congress. This resolution does not relate to, nor endorses, any specific amendment. That is up to Congress to decide.

The main thrust behind SCR 4025 is to have Congress act on a human life amendment--and to act soon to stop what is going on in this country--abortion on demand and abortion for convenience.

A proposed constitutional amendment must first pass both houses of Congress. This amendment then is sent to the fifty states where it is voted upon by the respective state legislatures. Two-thirds of the states must adopt before it becomes a part of the United States Constitution.

We will have a chance to vote on specific language when Congress sends a Constitutional amendment to the states.

Yes, last Friday an amendment was placed on SCR 4025. There are those who feel that this amendment violates



Article IV, Section 32 and Article IV, Section 33, of the Constitution of the State of North Dakota.

Although the wording has been modified, the intent of this resolution is the same--to protect life from conception to natural end.

The abortion mentality of the 60's and 70's has led to the frightening specter of the infanticide and euthanasia during the 1980's.

The people of North Dakota want this pro-life resolution.

Your House Social Services Committee recommends a DO PASS on SCR 4025 and respectfully requests this body to do the same.

Madam Speaker, when the vote is taken, we request a recorded roll call vote.

Thank you.

#### POINT OF PERSONAL PRIVILEGE

REP. HALMRAST: 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: I do not rise to ask the members of this Assembly to vote either for or against the resolution before us. But, since I offered the amendment which has become an important part of this resolution, I'd like to explain my reasons.

Some testimony in committee indicated that even though the language of the resolution was very broad and spoke in very general terms, everyone should know its real meaning and its intent.

Discussion on the floor by some representatives reiterated this. If that's true, why didn't the resolution simply state its intent in specific terms? I believe we should call a spade a spade, and if it was to have been strictly an anti-abortion resolution, it should have stated exactly that and should have specified the kind of amendment it would direct Congress to propose.

It appeared that the drafters of the original resolution wanted the best of both worlds. A statement so general it wouldn't incur much opposition here in the legislature, but once it got to Congress, it could be claimed its intent was to achieve a specific result. Some committee members were concerned that they might be voting to send a message to Congress that they hadn't intended.

I think the amendment makes it a more honest resolution.

Instead of a general statement to achieve a specific result, we have a general statement to achieve a general result.

I have no illusions that Congress can ever devise a Constitutional amendment that will of itself abolish the threat of nuclear war, any more than it can solve the problem of abortions with a Constitutional amendment.

But, who among us can be insensitive to the millions of abortions every year and the sheer volume of human misery and anguish these statistics we've heard represent?

And can there be any among us who are indifferent to the threat of a nuclear war that could obliterate all life, born and unborn, for milleniums in the future?

To be consistent, I couldn't vote for one concern without the other, so I'm going to vote for the amended resolution to send to Congress a message expressing my concern over the moral issue of preserving and protecting all life.

#### ROLL CALL

The question being on the final adoption of the resolution as amended, the roll was called and there were 72 YEAS, 27 NAYS, 7 ABSENT AND NOT VOTING.

**YEAS:** Anderson, C.; Anderson, R.; Backes; Boyle; Brokaw; Conmy; Dotzenrood; DuBord; Erdman; Gerl; Goetz; Gorder; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, O.; Haugland; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Kent; Kingsbury; Koehn; Kretschmar; Lardy; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Melby; Mertens; Meyer, R.; Meyer, W.; Murphy; Mushik; Nicholas; Nowatzki; O'Connell; Olafson; Olsen, D.; Olson, A.; O'Shea; Rayl; Retzer; Rice; Riehl; Riley; Rued; Schindler; Shide; Shockman; Sinner; Solberg; Stofferahn; Thompson; Timm; Vander Vorst; Vig; Watne; Whalen; Williams, A.; Williams, C.; Wold

**NAYS:** Aubol; Black; DeMers; Eagles; Gates; Hanson, L.; Jacobson; Kloubec; Koski; Lang; Larson, B.; Larson, R.; Meiers, R.; Moore; Nalewaja; Opedahl; Peltier; Pomeroy, E.; Pomeroy, G.; Sanstead; Schneider; Schoenwald; Swiontek; Unhjem; Wentz; Williams, W.; Speaker Kelly

**ABSENT AND NOT VOTING:** Hausauer; Keller; Knudson; Kuchera; Peterson; Richard; Strinden

SCR 4025 was declared adopted.

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REQUEST

REP. SANSTEAD REQUESTED that members of the Committee on Constitutional Revision be excused to return to the meeting of the Joint Committee on Constitutional Revision, which request was granted.

CONSIDERATION OF MESSAGE FROM SENATE

REP. S. F. HOFFNER MOVED that the House do not concur in the Senate amendments to HB 1044 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 1044:

Reps. Schoenwald, Lloyd, R. Larson

CONSIDERATION OF MESSAGES FROM SENATE

REP. E. POMEROY MOVED that the House do concur in the Senate amendments to HB 1056, which motion prevailed.

REP. L. HANSON MOVED that the House do concur in the Senate amendments to HB 1300, which motion prevailed.

REP. E. POMEROY MOVED that the House do concur in the Senate amendments to HB 1378, which motion prevailed.

REP. W. MEYER MOVED that the House do concur in the Senate amendments to HB 1522, which motion prevailed.

REP. R. MEIERS MOVED that the House do concur in the Senate amendments to HB 1535, which motion prevailed.

REP. E. POMEROY MOVED that the House do concur in the Senate amendments to HB 1560, which motion prevailed.

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 stand adjourned until 1:00 p.m., Tuesday, March 8, 1983, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MADAM SPEAKER: Your Committee on Education to which was referred Engrossed SB 2073 has had the same under consideration and recommends by a vote of 9 YEAS, 8 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

- On page 1 of the engrossed bill, line 1, after the word "enact" insert the words "two new sections to title 15 and"
- On page 1 of the engrossed bill, line 3, after the word "education" insert the words ", or in the alternative the board of postsecondary education,"
- On page 2 of the engrossed bill, after line 9, insert the following new section:

"SECTION 2. If Senate Concurrent Resolution No. 4002 is approved by the electors of this state at the primary election in 1984, a new section to title 15 of the North Dakota Century Code is hereby created and enacted to read as follows:

State board of postsecondary education - Administration and control over junior colleges and off-campus educational center. The state board of postsecondary education shall have the control and administration over the following junior colleges and off-campus educational center: Bismarck junior college, Lake Region community college, and the university of North Dakota-Williston center."

- On page 2 of the engrossed bill, after line 27, insert the following new section:

"SECTION 4. If Senate Concurrent Resolution No. 4002 is approved by the electors of this state at the primary election in 1984, a new section to title 15 of the North Dakota Century Code is hereby created and enacted to read as follows:

Board of postsecondary education to assume jurisdiction over junior colleges and off-campus educational centers. The state board of postsecondary education shall assume jurisdiction over each junior college that was established under chapter 15-18 and in existence on January 1, 1983, and over each off-campus educational center that was established under section 15-18-04.1 and in existence on January 1, 1983. Prior to assuming jurisdiction over junior colleges and educational centers, however, the board shall conduct negotiations with the governing bodies of these institutions to arrive at terms for the transfer of the institutions' real property and other assets to the state. The board shall not assume any operational debts of an institution described in this section until there has been a transfer to the state of the institution's real property and other assets."

- On page 3 of the engrossed bill, line 13, delete the words "December 31" and insert in lieu thereof the words "June 30"
- On page 4 of the engrossed bill, line 19, delete the words "December 31" and insert in lieu thereof the words "June 30"
- On page 5 of the engrossed bill, line 23, delete the words "December 31" and insert in lieu thereof the words "June 30"
- On page 6 of the engrossed bill, line 28, delete the words "December 31" and insert in lieu thereof the words "June 30"
- On page 9 of the engrossed bill, line 8, delete the words "December 31" and insert in lieu thereof the words "June 30"
- On page 9 of the engrossed bill, line 26, delete the words "December 31" and insert in lieu thereof the words "June 30"
- On page 10 of the engrossed bill, line 19, delete the words "December 31" and insert in lieu thereof the words "June 30"
- On page 10 of the engrossed bill, line 22, delete the words "December 31" and insert in lieu thereof the words "June 30"
- On page 10 of the engrossed bill, after line 22, insert the following new section:

"SECTION 14. If Senate Concurrent Resolution No. 4002 is not approved by the electors of this state at the primary election in 1984, the following section is hereby created and enacted to read as follows:

LEGISLATIVE INTENT. It is the intent of the legislative assembly that the state board for vocational education continue to provide state supervision for vocational and technical course offerings approved and funded by the board for vocational education and offered at junior colleges and off-campus educational centers."

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

Engrossed SB 2073 was placed on the Sixth 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 2295 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 of the engrossed bill, line 1, delete the word "a" and insert in lieu thereof the word "two", and delete the word "subsection" and insert in lieu thereof the word "subsections"

On page 1 of the engrossed bill, line 2, delete the words "an exemption" and insert in lieu thereof the word "exemptions"

On page 1 of the engrossed bill, line 3, after the second word "property" insert the words "and condominiums and townhouses"

On page 1 of the engrossed bill, line 4, delete the word "meets" and insert in lieu thereof the word "meet"

On page 1 of the engrossed bill, line 23, after the word "property" insert the words ", provided that person resides in the property"

On page 1 of the engrossed bill, after line 23, insert the following:

"For purposes of this subsection "single family residential property" does not include condominium or townhouse property.

SECTION 2. A new subsection to section 57-02-08 of the 1981 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

All new condominium and townhouse residential property, exclusive of the land on which it is situated, shall be exempt from taxation for the two taxable years subsequent to the taxable year in which construction is begun if all of the following conditions are met:

- a. The governing body of the city, for property within city limits, or the governing body of the county, for property outside city limits has approved the exemption of the property by resolution.

- b. Special assessments on the property upon which the condominium or townhouse is situated are not delinquent.
- c. The first owner, after the builder, who resides in the condominium or townhouse unit still owns the property."

And renumber the lines, sections, and pages accordingly

REP. SINNER, Chairman

Engrossed SB 2295 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Agriculture to which was referred SB 2316 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, line 14, after the word "interest" insert the words "or if he makes false statements at the time of sale as to the existence of security interests or as to the ownership or location of such property in the certificate provided for under section 41-09-28"

And renumber the lines accordingly

REP. W. MEYER, Chairman

SB 2316 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 Engrossed SB 2350 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 3, after the word "benefits" and before the period insert the words "; and to declare an emergency"

On page 1 of the engrossed bill, line 12, delete the word "thirty" and insert in lieu thereof the word "fifty"

On page 1 of the engrossed bill, line 17, delete the word "thirty" and insert in lieu thereof the word "fifty"

On page 1 of the engrossed bill, after line 21, 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 accordingly

REP. S. F. HOFFNER, Chairman

Engrossed SB 2350 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 SB 2131 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 PASS.

REP. E. POMEROY, Chairman

SB 2131 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 2297 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. E. POMEROY, Chairman

SB 2297 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 2308 has had the same under consideration and recommends by a vote of 13 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. E. POMEROY, Chairman

Engrossed SB 2308 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 2359 has had the same under consideration and recommends by a vote of 11 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

REP. S. F. HOFFNER, Chairman

Engrossed SB 2359 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 2418 has had the same under consideration and recommends by a vote of 12 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. S. F. HOFFNER, Chairman

Engrossed SB 2418 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 2419 has had the same under consideration



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and recommends by a vote of 11 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING that the same DO PASS.

REP. GERL, Vice Chairman

SB 2419 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 2424 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. S. F. HOFFNER, Chairman

SB 2424 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 2492 has had the same under consideration and recommends by a vote of 12 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING that the same DO PASS.

REP. S. F. HOFFNER, Chairman

Engrossed SB 2492 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 Reengrossed SB 2250 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS and be rereferred to the Committee on Appropriations.

REP. JACOBSON, Chairman

Reengrossed SB 2250 was rereferred to the Committee on Appropriations.

MADAM SPEAKER: Your Committee on Education to which was referred SB 2453 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 and be rereferred to the Committee on Appropriations.

REP. JACOBSON, Chairman

SB 2453 was rereferred to the Committee on Appropriations.

The House stood adjourned pursuant to Representative Backes' motion.

CHARLES FLEMING, Chief Clerk