

JOURNAL OF THE HOUSE

Forty-eighth Legislative Assembly

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FORTY-FOURTH DAY

Bismarck, March 8, 1983

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

The prayer was offered by Rev. Duane Wacker, Bismarck Hospital, Bismarck.

ROLL CALL

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

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-third day and finds the same to be correct.

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 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

CHARLES FLEMING, Chief Clerk

SIGNING OF BILLS AND RESOLUTIONS

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following:

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

CHARLES FLEMING, Chief Clerk

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2170:

Reps. C. Williams, Riehl, Goetz

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 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

Very respectfully,  
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House does not concur in the Senate amendments to HB 1044, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on HB 1044:

Reps. Schoenwald, Lloyd, R. Larson

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 1498.

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 3086

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 2076, SB 2174

Very respectfully,  
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the Speaker has appointed as a conference committee to act with a like committee from the Senate on SB 2170:

Reps. C. Williams, Riehl, Goetz

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 2094, SB 2115, SB 2161, SB 2171

Very respectfully,  
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith the following which the Speaker has signed:

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,  
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 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,  
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 2091, SB 2185, SB 2195, SB 2200, SB 2213, SB 2222,  
SB 2223, SB 2240, SB 2258, SB 2283, SB 2293, SB 2298,  
SB 2445, SB 2482

Very respectfully,  
LEO LEIDHOLM, Secretary

SIXTH ORDER OF BUSINESS

REP. JACOBSON MOVED that the amendments to Engrossed SB 2073 as recommended by the **Committee on Education** as printed on pages 1686 and 1687 of the House Journal be adopted, which motion prevailed.

REP. SINNER MOVED that the amendments to Engrossed SB 2295 as recommended by the **Committee on Finance and Taxation** as printed on pages 1688 and 1689 of the House Journal be adopted, which motion prevailed.

REP. W. MEYER MOVED that the amendments to SB 2316 as recommended by the **Committee on Agriculture** as printed on page 1689 of the House Journal be adopted, which motion prevailed.

REP. S. F. HOFFNER MOVED that the amendments to Engrossed SB 2350 as recommended by the Committee on Industry, Business, and Labor as printed on page 1689 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 1128, HB 1138, HB 1200, HB 1270, HB 1282, HB 1350,  
HB 1457, HB 1471, HB 1485, HB 1498, HB 1722

REP. G. MARTIN, Chairman

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

#### SECOND READING OF HOUSE BILLS

HB 1056: A BILL for an Act to amend and reenact sections 27-07.1-17, 30.1-02-02, 30.1-32-01, 30.1-32-03, 30.1-32-04, 30.1-33-01, 30.1-33-03, 30.1-33-04, 30.1-33-05, 30.1-33-06, 30.1-34-03, 30.1-34-04, 30.1-34-05, 32-03-28, 33-06-01, 33-06-02, 33-06-03, 33-06-04, 57-27-01, 59-01-11, 59-02-12, 59-02-20, 59-04-02, 59-04-03, 59-04-04, 59-04-08, 59-04-10, 59-04-15, 59-04-24, 59-04-25, 59-04-26, 59-04-27, 59-04-29, 59-04-31, 59-05-28, and 59-05-55, relating to county court jurisdiction over trusts, garnishment, attachment, claim and delivery of property, and forcible detainer cases.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill as amended, House Journal page 1596, the roll was called and there were 101 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING.

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

Vander Vorst; Vig; Wentz; Whalen; Williams, A.;  
Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: None

ABSENT AND NOT VOTING: Backes; Mertens; Retzer; Timm;  
Watne

HB 1056 passed and the title was agreed to.

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HB 1300: A BILL for an Act to amend section 37-01-25 of the  
North Dakota Century Code, relating to military leave.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended,  
House Journal page 1627, the roll was called and there were  
101 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Backes; Mertens; Retzer; Timm;  
Watne

HB 1300 passed and the title was agreed to.

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HB 1378: A BILL for an Act to amend and reenact section 32-23-06  
of the North Dakota Century Code, relating to the rendering  
of declaratory judgments.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill as amended, House Journal page 1597, the roll was called and there were 100 YEAS, 1 NAY, 5 ABSENT AND NOT VOTING.

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

**NAYS:** Rued

**ABSENT AND NOT VOTING:** Lipsiea; Mertens; Retzer; Timm; Watne

HB 1378 passed and the title was agreed to.

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HB 1522: A BILL for an Act to amend and reenact section 51-13-06.2 of the North Dakota Century Code, relating to applicability of a retail installment sale of personal property.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill as amended, House Journal page 1627, the roll was called and there were 101 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING.

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

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

NAYS: None

ABSENT AND NOT VOTING: Martinson; Mertens; Retzer; Timm; Watne

HB 1522 passed and the title was agreed to.

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HB 1535: A BILL for an Act to amend and reenact sections 43-25-02, 43-25-03, 43-25-04, 43-25-05, 43-25-06, 43-25-07, 43-25-08, 43-25-09, 43-25-10, 43-25-11, 43-25-12, and 43-26-12 of the North Dakota Century Code, relating to massage registration and defining "massage therapist", exemption from registration, nonapplication of physical therapist registration provisions, and replacing masseur and masseuse with massage therapist.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill as amended, House Journal page 1627, the roll was called and there were 85 YEAS, 17 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Aubol; 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; Jacobson; Keller; Kent; Kingsbury; Kloubec; Knudson; Koehn; Koski; Kretschmar; Lang; Lardy; Larson, B.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Meyer, R.; Meyer, W.; Moore; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Opedahl; O'Shea; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Richard; Riehl; Riley; Rued; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Stofferahn; Strinden; Swiontek; Thompson; Unhjem; Vander Vorst;

Vig; Wentz; Williams, A.; Williams, C.; Williams, W.;  
Speaker Kelly

NAYS: Anderson, R.; Backes; Black; Hanson, O.; Hughes;  
Kuchera; Larson, R.; Melby; Murphy; Olafson; Olsen, D.;  
Olson, A.; Peltier; Rice; Solberg; Whalen; Wold

ABSENT AND NOT VOTING: Mertens; Retzer; Timm; Watne

HB 1535 passed and the title was agreed to.

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HB 1560: A BILL for an Act to amend and reenact section  
32-08.1-08 of the North Dakota Century Code, relating to  
the service of writs of attachment and limitations on  
seizure.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill as amended,  
House Journal page 1597, the roll was called and there were  
99 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING.

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

NAYS: Horgan; Olafson; Olson, A.; Solberg; Vig

ABSENT AND NOT VOTING: Sanstead; Watne

HB 1560 passed and the title was agreed to.

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REPORT OF PROCEDURAL COMMITTEE

MADAM SPEAKER: Your procedural Committee on Delayed Bills by a vote of 5 to 0, concludes that the introduction of HCR 3088 should be allowed.

REP. BACKES, Chairman

FIRST READING OF HOUSE CONCURRENT RESOLUTION

Reps. Backes, Strinden, S. F. Hoffner and Sens. Nething, Redlin, Reiten introduced:

(Approved by Committee on Delayed Bills)

HCR 3088: A concurrent resolution offering panegyric platitudes on the press; declaring Wednesday, March 9, 1983, as North Dakota Editors Day at the Forty-eighth Legislative Assembly; and welcoming Mr. Neal R. Peirce, a distinguished journalist and syndicated columnist, Washington, D.C., to North Dakota.

MOTION

REP. BACKES MOVED that the rules be suspended, that HCR 3088 not be printed, be read in its entirety, not be referred to committee, be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

Reps. Backes, Strinden, S. F. Hoffner and Sens. Nething, Redlin, Reiten introduced:

HOUSE CONCURRENT RESOLUTION NO. 3088

A concurrent resolution offering panegyric platitudes on the press; declaring Wednesday, March 9, 1983, as North Dakota Editors Day at the Forty-eighth Legislative Assembly; and welcoming Mr. Neal R. Peirce, a distinguished journalist and syndicated columnist, Washington, D.C., to North Dakota.

WHEREAS, March is not only the month of the biennial Editors Day at the Legislative Assembly, but also, on March 16, National Freedom of Information Day and the birthday of James Madison, our fourth president and one of the drafters of the Bill of Rights, who stated, "To the press alone, checkered as it is with abuses, the world is indebted for all the triumphs which have been obtained by reason and humanity over error and oppression."; and

WHEREAS, such paeans of praise are appropriate for members of North Dakota's distinguished Fourth Estate, the editors and reporters of the state's 99 daily, semiweekly and weekly newspapers, who are dedicated to informing North Dakotans and thus serve a vital function in the democratic processes; and

WHEREAS, the North Dakota Legislative Assembly receives thorough and complete coverage by the news media which enables it to better fulfill its governmental duties for the citizens of North Dakota, and for which it is much appreciative; and

WHEREAS, the North Dakota Newspaper Association and the North Dakota chapter of the Society of Professional Journalists - Sigma Delta Chi are cosponsoring the biennial Editors Day at the Legislative Assembly March 9, 1983; and

WHEREAS, the Editors Day banquet, to which all members of the Forty-eighth Legislative Assembly will be invited by the press from their respective districts, will feature as a speaker, Mr. Neal R. Peirce, a veteran Washington journalist and nationally syndicated columnist who specializes in writing on state and local government affairs, and who in his books on state government has had high praise for the North Dakota Legislative Assembly;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Forty-eighth Legislative Assembly commends and congratulates North Dakota's unflinchingly vigilant press through this panegyric for its continuing service to all North Dakotans, and declares Wednesday, March 9, 1983, as Editors Day at the Forty-eighth Legislative Assembly; and

BE IT FURTHER RESOLVED, that the Forty-eighth Legislative Assembly extends a sincere and hardy North Dakota welcome to Mr. Neal R. Peirce, and hopes that his stay in the Peace Garden State is pleasant and enjoyable; and

BE IT FURTHER RESOLVED, that each legislator make every effort to attend the Editors Day banquet at the invitation of the press, or be prepared to put up with two years of being misquoted or having their names misspelled; and

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to Mr. Neil R. Peirce, to Dr. Vernon Keel and Professor Al Austin at the University of North Dakota Journalism Department, and to Mr. Gene Carr of the North Dakota Newspaper Association.

#### SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3088: A concurrent resolution offering panegyric platitudes on the press; declaring Wednesday, March 9, 1983, as North Dakota Editors Day at the Forty-eighth Legislative Assembly; and welcoming Mr. Neal R. Peirce, a distinguished journalist and syndicated columnist, Washington, D.C., to North Dakota.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3088 was declared adopted on a voice vote.

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## MOTION

REP. BACKES MOVED that the rules be suspended and that HCR 3088 be messaged to the Senate immediately, 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 3088

Very respectfully,  
CHARLES FLEMING, Chief Clerk

## SECOND READING OF SENATE BILLS

SB 2088: A BILL for an Act to amend and reenact subsections 4 and 6 of section 15-39.1-04, and sections 15-39.1-18, 15-39.1-19.1, 15-39.1-22, and 15-39.1-27 of the North Dakota Century Code, relating to the definitions of "interest" and "teacher", disability retirement, discontinuance of annuities on resumption of teaching, the annual report of the board of trustees, and computing service credit for members.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill as amended, House Journal pages 1640 and 1641, the roll was called and there were 103 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Aubol; Backes; Watne

SB 2088 passed and the title was agreed to.

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SB 2131: A BILL for an Act to amend and reenact section 44-08-13 of the North Dakota Century Code, relating to facsimile signatures.

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

NAYS: None

ABSENT AND NOT VOTING: Aubol; Backes; Watne

SB 2131 passed and the title was agreed to.

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SB 2164: A BILL for an Act to amend and reenact subsections 1, 2, and 3 of section 54-17-07.3 and section 54-17-07.7 of the North Dakota Century Code, relating to the power of the industrial commission, acting as the state housing finance agency, to enter into such agreements and establish such lending terms as are necessary to implement the agency's housing finance programs; and to declare an emergency.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill as amended, House Journal pages 1641 and 1642, the roll was called and there were 97 YEAS, 3 NAYS, 6 ABSENT AND NOT VOTING.

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

NAYS: Kingsbury; Kuchera; Olafson

ABSENT AND NOT VOTING: Aubol; Backes; Gorder; Hausauer; Rued; Watne

SB 2164 passed, the title was agreed to, and the emergency clause carried.

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SB 2192: A BILL for an Act to amend and reenact sections 15-22-02, 15-22-10, 15-22-11, 15-22-13, 15-22-16, 15-22-20, 15-22-23, 15-36-10, and 15-38-02 of the North Dakota Century Code, relating to changes in the powers and duties of the county superintendents.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill as amended, House Journal pages 1642 and 1643, the roll was called and there were 99 YEAS, 3 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Backes; Black; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gates; Gerl; Goetz; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland;

Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kent; Kloubec; Knudson; Koehn; Koski; Kretschmar; Lang; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson; 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; Riehl; Riley; Rued; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Solberg; Stofferahn; Strinden; Swiontek; Thompson; Timm; Unhjem; Vander Vorst; Vig; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: Kingsbury; Kuchera; Melby

ABSENT AND NOT VOTING: Aubol; Gorder; Hausauer; Watne

SB 2192 passed and the title was agreed to.

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#### 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 1:22 p.m., March 8, 1983:

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

REP. G. MARTIN, Chairman

REP. SHIDE 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 1:25 p.m., March 8, 1983:

HCR 3006, HCR 3025

REP. G. MARTIN, Chairman

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

#### MESSAGES FROM THE SENATE SENATE CHAMBER

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

HB 1039, HB 1413, HB 1584, HB 1606, HB 1650, HB 1686,  
HCR 3041

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 1448, HB 1547, HB 1716

Very respectfully,  
LEO LEIDHOLM, Secretary

## SECOND READING OF SENATE BILLS

SB 2216: A BILL for an Act to create and enact a new section to chapter 38-08 of the North Dakota Century Code, relating to purchasing and processing of gas; to amend and reenact section 49-19-19 of the North Dakota Century Code, relating to discrimination between shippers in transportation of oil and gas by common pipeline carriers; and to repeal section 49-19-21 of the North Dakota Century Code, relating to the preventing of waste of oil and gas; 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, 0 NAYS, 3 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Gerl; Riley; Watne

SB 2216 passed, the title was agreed to, and the emergency clause carried.

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SB 2217: A BILL for an Act to amend and reenact sections 61-04-02, 61-04-06, 61-04-09, 61-04-15, and 61-04-15.1 of the North Dakota Century Code, relating to water permits for the appropriation of water.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill as amended, House Journal pages 1643 and 1644, the roll was called and there were 104 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Black; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gates; Gerl; Goetz; Gorder; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kent; Kingsbury; Kloubec; Knudson; Koehn; Koski; Kretschmar; Kuchera; Lang; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Melby; Mertens; Meyer, R.; Meyer, W.; Moore; 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; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: None

ABSENT AND NOT VOTING: Murphy; Watne

SB 2217 passed and the title was agreed to.

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#### RECOGNITION

SPEAKER KELLY ANNOUNCED that a former Senator was in the chambers, and requested that the House recognize former Senator Lester Lautenschlager, and Senator Lautenschlager was thereupon introduced to the House.

MESSAGE TO THE HOUSE  
SENATE CHAMBER

MADAM SPEAKER: I have the honor to return herewith HB 1054, HB 1055, and HB 1208 which the Senate has amended as follows:

## SENATE AMENDMENTS TO HB 1054

On page 1 of the engrossed bill, line 29, delete the first word "and", and delete the words "an effective date and"

On page 1 of the engrossed bill, line 30, after the word "transition" insert the words "; and to declare an emergency"

On page 7 of the engrossed bill, line 16, delete the words "forty-eight thousand" and insert in lieu thereof the words "thirty-three thousand five hundred"

On page 15 of the engrossed bill, line 32, after the period insert the following sentence: "An insurance company organized or admitted to transact business in this state may reinsure a part or all of any risk taken by it in an insurance company or insurer not licensed in any state, if it is approved or accepted by the commissioner."

On page 292 of the engrossed bill, delete lines 3 through 5

On page 292 of the engrossed bill, after line 17, insert the following new section:

"SECTION 29. EMERGENCY. Section 26.1-02-20 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 HB 1055

On page 4, line 6, after the word "sections" insert the following: "6-05-08 and"

And renumber the lines accordingly

## SENATE AMENDMENTS TO HB 1208

On page 1 of the engrossed bill, line 2, delete the numeral "27-11-17,"

On page 2 of the engrossed bill, delete lines 19 through 34

On page 3 of the engrossed bill, line 17, remove the overstrike over the word "~~7~~ ~~net~~"

On page 3 of the engrossed bill, line 18, remove the overstrike over the words "~~to exceed one hundred~~,"

after the overstruck word "~~fifty~~" insert the word "seventy-five", and remove the overstrike over the word "~~dollars~~"

And renumber the lines, sections, and pages accordingly

Very respectfully,  
LEO LEIDHOLM, Secretary

#### SECOND READING OF SENATE BILLS

SB 2274: A BILL for an Act to amend and reenact section 15-39.1-05 of the North Dakota Century Code, relating to the board of trustees of the teachers' fund for retirement.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill as amended, House Journal page 1644, the roll was called and there were 15 YEAS, 90 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Dotzenrod; Horgan; Kent; Kingsbury; Kretschmar; Kuchera; Lipsiea; Melby; Olsen, D.; Olson, A.; Rued; Schindler; Stofferahn; Vander Vorst

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

ABSENT AND NOT VOTING: Watne

SB 2274 was declared lost.

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SB 2282: A BILL for an Act to amend and reenact sections 4-08-02, 4-08-04, 4-08-15, and 4-08-15.1 of the North Dakota Century Code, or in the alternative to amend and reenact subsections 4 and 5 of section 55 of Senate Bill No. 2065, as approved by the forty-eighth legislative

assembly, relating to county mill levys for county agent work.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill as amended, House Journal page 1645, the roll was called and there were 62 YEAS, 42 NAYS, 2 ABSENT AND NOT VOTING.

**YEAS:** Backes; Black; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gates; Gerl; Goetz; Gullickson; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer; Hoffner; Serenus; Hoffner, S. F.; Horgan; Jacobson; Keller; Knudson; Koehn; Koski; Kretschmar; Lang; Larson, B.; Laughlin; Lautenschlager; Linderman; Lloyd; Martin, C.; Martin, G.; Martinson; Meyer, W.; Mushik; Nicholas; Nowatzki; O'Connell; Olsen, D.; Opedahl; Peterson; Pomeroy, E.; Pomeroy, G.; Retzer; Richard; Sanstead; Schindler; Schoenwald; Shide; Sinner; Solberg; Stofferahn; Thompson; Timm; Unhjem; Vander Vorst; Vig; Wentz; Williams, A.; Williams, C.; Wold

**NAYS:** Anderson, C.; Anderson, R.; Aubol; Boyle; Brokaw; Conmy; Gorder; Gunsch; Hanson, O.; Hill; Hjelle; Hughes; Kent; Kingsbury; Kloubec; Kuchera; Lardy; Larson, R.; Lipsiea; Meier, A.; Meiers, R.; Melby; Meyer, R.; Moore; Murphy; Nalewaja; Olafson; Olson, A.; O'Shea; Peltier; Rayl; Rice; Riehl; Riley; Rued; Schneider; Shockman; Strinden; Swiontek; Whalen; Williams, W.; Speaker Kelly

**ABSENT AND NOT VOTING:** Mertens; Watne

SB 2282 passed and the title was agreed to.

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SB 2297: A BILL for an Act to amend and reenact subsection 1 of section 54-03-01.7 of the North Dakota Century Code, relating to the boundary for the first legislative district.

Which has been read.

#### ROLL CALL

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

**YEAS:** Anderson, C.; Anderson, R.; Aubol; Backes; Black; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gates; Goetz; Gorder; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer;

Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kent; Kingsbury; Kloubec; Knudson; Koehn; Koski; Kretschmar; Kuchera; Lang; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Melby; 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; Timm; Unhjem; Vander Vorst; Vig; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold

NAYS: Gerl; Speaker Kelly

ABSENT AND NOT VOTING: Gullickson; Gunsch; Mertens; Thompson; Watne

SB 2297 passed and the title was agreed to.

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SB 2308: A BILL for an Act to amend and reenact sections 16.1-06-04, 16.1-06-09, and 16.1-06-12 of the North Dakota Century Code, relating to the form of the ballot in elections.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 22 YEAS, 81 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Backes; Black; Boyle; Brokaw; DeMers; Gunsch; Hamerlik; Hughes; Keller; Kingsbury; Kuchera; Larson, R.; Martin, G.; Meier, A.; Meiers, R.; Olsen, D.; Pomeroy, G.; Rice; Rued; Schindler; Unhjem; Williams, W.

NAYS: Anderson, C.; Anderson, R.; Aubol; Conmy; Dotzenrod; DuBord; Eagles; Erdman; Gates; Gerl; Goetz; Gorder; Halmrast; Hanson, L.; Hanson, O.; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Jacobson; Kent; Kloubec; Knudson; Koehn; Koski; Kretschmar; Lang; Lardy; Larson, B.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martinson; Melby; Meyer, R.; Meyer, W.; Moore; Murphy; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Olafson; Olson, A.; Opedahl; O'Shea; Peltier; Peterson; Pomeroy, E.; Rayl; Retzer; Richard; Riehl; Riley; Sanstead; Schneider;

Schoenwald; Shide; Shockman; Sinner; Solberg;  
 Stofferahn; Strinden; Swiontek; Thompson; Timm;  
 Vander Vorst; Vig; Wentz; Whalen; Williams, A.;  
 Williams, C.; Wold; Speaker Kelly

ABSENT AND NOT VOTING: Gullickson; Mertens; Watne

SB 2308 was declared lost.

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SB 2359: A BILL for an Act to provide for a lien for unpaid  
 earned property or casualty insurance premiums.

Which has been read.

#### MOTION

REP. R. LARSON MOVED that SB 2359 be rereferred to the Committee  
 on Industry, Business, and Labor, which motion failed.

#### ROLL CALL

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

YEAS: Black; Boyle; Brokaw; Dotzenrod; DuBord; Goetz;  
 Gorder; Gullickson; Gunsch; Hanson, O.; Haugland;  
 Hausauer; Hjelle; Hoffner, Serenus; Hoffner, S. F.;  
 Horgan; Jacobson; Keller; Kingsbury; Kloubec; Knudson;  
 Koehn; Koski; Lang; Lardy; Larson, B.; Larson, R.;  
 Laughlin; Lautenschlager; Linderman; Lloyd; Martin, C.;  
 Martin, G.; Meyer, W.; Moore; Nicholas; Nowatzki;  
 Olafson; Olsen, D.; Olson, A.; Opedahl; Peltier;  
 Peterson; Rayl; Retzer; Rice; Rued; Sanstead;  
 Schindler; Shide; Strinden; Swiontek; Thompson; Timm;  
 Vander Vorst; Vig; Wentz; Whalen; Williams, A.;  
 Williams, C.

NAYS: Anderson, C.; Anderson, R.; Aubol; Backes; Conmy;  
 DeMers; Eagles; Erdman; Gates; Halmrast; Hamerlik;  
 Hanson, L.; Hill; Hughes; Kent; Kretschmar; Kuchera;  
 Lipsiea; Martinson; Meier, A.; Meiers, R.; Melby;  
 Mertens; Meyer, R.; Murphy; Mushik; Nalewaja;  
 O'Connell; O'Shea; Pomeroy, E.; Pomeroy, G.; Richard;  
 Riehl; Riley; Schneider; Schoenwald; Shockman; Sinner;  
 Solberg; Stofferahn; Unhjem; Williams, W.; Wold;  
 Speaker Kelly

ABSENT AND NOT VOTING: Gerl; Watne

SB 2359 passed and the title was agreed to.

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

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 1 YEA, 98 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Halmrast

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

ABSENT AND NOT VOTING: Anderson, C.; Gerl; Hausauer; Melby; Nicholas; Richard; Watne

SB 2418 was declared lost.

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SB 2419: A BILL for an Act to amend and reenact section 6-03-60 of the North Dakota Century Code, relating to loans to and purchases from directors, officers, and employees of any state banking association.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 105 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING.

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

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

NAYS: None

ABSENT AND NOT VOTING: Watne

SB 2419 passed and the title was agreed to.

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#### MOTION

REP. KELLER MOVED that the House reconsider its action whereby SB 2241 failed to pass, which motion prevailed.

#### 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 77 YEAS, 26 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Backes; Boyle; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gates; Gorder; Gullickson; Hamerlik; Hanson, O.; Haugland; Hausauer; Hill; Hjelle; Hoffner; Serenus; Hoffner, S. F.; Horgan; Hughes; Keller; Kent; Kingsbury; Kloubec; Knudson; Koehn; Koski; Kretschmar; Kuchera; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Martin, C.; Martin, G.; Martinson; Meier, A.; Melby; Mertens; Meyer, R.; Meyer, W.; Moore; Murphy; Nalewaja; Nicholas; Nowatzki; O'Connell; Olafson; Olsen, D.;

Olson, A.; Opedahl; O'Shea; Pomeroy, E.; Pomeroy, G.;  
Rayl; Retzer; Rice; Richard; Riehl; Riley; Schindler;  
Shide; Sinner; Thompson; Timm; Vander Vorst; Vig;  
Wentz; Whalen; Williams, A.; Williams, C.;  
Williams, W.; Wold

**NAYS:** Aubol; Black; Brokaw; Conmy; Gerl; Gunsch;  
Halmrast; Hanson, L.; Jacobson; Lang; Lipsiea; Lloyd;  
Meiers, R.; Mushik; Peltier; Rued; Sanstead; Schneider;  
Schoenwald; Shockman; Solberg; Stofferahn; Strinden;  
Swiontek; Unhjem; Speaker Kelly

**ABSENT AND NOT VOTING:** Goetz; Peterson; Watne

SB 2241 passed and the title was agreed to.

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#### MOTION

**REP. E. POMEROY MOVED** that the House reconsider its action whereby SB 2476 failed to pass, which motion prevailed.

#### SECOND READING OF SENATE BILLS

**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 65 YEAS, 36 NAYS, 5 ABSENT AND NOT VOTING.

**YEAS:** Anderson, C.; Anderson, R.; Aubol; Backes; Boyle;  
Brokaw; Conmy; DeMers; Dotzenrod; Erdman; Gates;  
Gorder; Gullickson; Halmrast; Hanson, O.; Haugland;  
Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Hughes;  
Jacobson; Keller; Kingsbury; Knudson; Koehn; Koski;  
Lardy; Larson, B.; Larson, R.; Laughlin; Linderman;  
Lipsiea; Lloyd; Martin, C.; Martin, G.; Meier, A.;  
Meiers, R.; Mertens; Meyer, R.; Meyer, W.; Murphy;  
Mushik; Nowatzki; O'Connell; Olafson; Opedahl; O'Shea;  
Peltier; Pomeroy, E.; Rice; Richard; Riehl; Sanstead;  
Schneider; Schoenwald; Shockman; Sinner; Solberg;  
Stofferahn; Vander Vorst; Vig; Wentz; Williams, A.;  
Speaker Kelly

**NAYS:** Black; DuBord; Eagles; Gerl; Gunsch; Hamerlik;  
Hanson, L.; Hausauer; Horgan; Kent; Kloubec;  
Kretschmar; Kuchera; Lang; Lautenschlager; Martinson;  
Melby; Moore; Nalewaja; Olsen, D.; Pomeroy, G.; Rayl;  
Retzer; Riley; Rued; Schindler; Shide; Strinden;

Swiontek; Thompson; Timm; Unhjem; Whalen; Williams, C.;  
Williams, W.; Wold

ABSENT AND NOT VOTING: Goetz; Nicholas; Olson, A.;  
Peterson; Watne

SB 2476 passed and the title was agreed to.

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SB 2424: A BILL for an Act to amend and reenact section 35-01-04  
of the North Dakota Century Code, relating to creation of  
liens secured by purchase money security interests.

Which has been read.

ROLL CALL

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

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

NAYS: Backes; Black; Kuchera; Larson, B.; O'Shea

ABSENT AND NOT VOTING: Kent; Peterson; Strinden; Watne

SB 2424 passed and the title was agreed to.

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

Dakota Century Code, relating to authorization of arbitration; and to provide an appropriation.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 99 YEAS, 0 NAYS, 7 ABSENT AND NOT VOTING.

**YEAS:** Anderson, C.; Anderson, R.; Aubol; Backes; Black; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gates; Gerl; Goetz; Gorder; Gullickson; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kent; Kingsbury; Kloubec; Knudson; Koehn; Koski; Kretschmar; Kuchera; 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; Swiontek; Thompson; Vander Vorst; Vig; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

**NAYS:** None

**ABSENT AND NOT VOTING:** Gunsch; Lang; Peterson; Strinden; Timm; Unhjem; Watne

SB 2436 passed and the title was agreed to.

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**SB 2438:** A BILL for an Act to amend and reenact subsection 9 of section 6-09.2-03 and sections 6-09.2-05, 6-09.2-07, 40-57-02, 40-57-03, 40-57-04, 40-57-05, and 40-57-19 of the North Dakota Century Code, relating to authority of the economic development commission to issue revenue bonds for industrial development.

Which has been read.

#### POINT OF PERSONAL PRIVILEGE

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

Chapter 147 of the 1919 Session Laws established the Bank of North Dakota and authorized the Bank to issue loans secured by first mortgages on real estate in the state in

amounts not to exceed one-half the value of the security. The funding for the issuance of these loans was to be procured from the sale of bonds under Chapter 148 of the 1919 Session Laws which authorized issuance of bonds of the State of North Dakota in the sum of \$2 million, to be known as the "Bonds of North Dakota, bank series." In addition, Chapter 147 of the 1919 Session Laws authorized issuance of additional loans which were to be paid from additional funds procured from the sale of other state bonds as may be provided by the Legislative Assembly. Under Chapter 292 of the 1923 Session Laws, the North Dakota real estate series bonds were authorized to be sold for the purpose of raising money for making first mortgage loans by the Bank of North Dakota. The amount of these bonds authorized was not to exceed \$25 million.

During the depression of the 1920's, North Dakota farmers received aid from the rural credit program of the Bank of North Dakota. The State Treasurer sold the real estate bonds. The Bank's farm loan department made loans on farmland, secured by farm mortgages. The state sold several million dollars' worth of real estate bonds; each year the farm-loan department made one to 2,000 loans. From August 1919 to October 1933, it made 16,486 loans totaling nearly \$41 million. The loans bore 6 and 6.5 percent interest and were amortized to be repaid in annual installments running 26 to 30 years. The loans averaged from \$3,600 per loan in 1921 to \$1,500 in 1933. Most of the loans were made in the western portion of the state.

With drought (one year in three was dry in the western part of the state) and depressed prices, payments on a large part of the loans became delinquent. By 1929 the Bank of North Dakota had foreclosed mortgages on 8.3 percent of the loans, by 1934 on 17.3 percent. By 1934 only 12.2 percent of the loans were in good standing. By 1936 an agency of the federal government had taken over 46 percent of the loans, the state bank had foreclosed on 21 percent, and the state had lost \$8,800,000 on the rural-credit program.

By 1940 the Bank of North Dakota had acquired approximately 1.9 million acres of land by foreclosure. Proceeds from the sale of this land were required by Chapter 292 of the 1923 Session Laws to be deposited in the real estate bond payment fund. The proceeds from the foreclosure sales were insufficient to maintain the solvency of the bond fund so in 1933, the Legislative Assembly determined it was necessary to impose a general property tax levy for the purpose of raising additional revenue for the retirement of the North Dakota real estate bonds. Chapter 249 of the 1933 Session Laws imposed a one-half mill levy upon each dollar of assessed valuation of all taxable property within the state for the year 1933. In addition, Chapter 278 of the 1935 Session Laws and Chapter 242 of the 1937 Session

Laws imposed one-half mill levies upon each dollar of assessed valuation of all taxable property within the state for the years 1935 through 1938.

## MOTION

REP. RICHARD 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 40 YEAS, 63 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Conmy; Dotzenrod; DuBord; Gerl; Goetz; Gorder; Gullickson; Haugland; Hausauer; Hjelle; Hoffner, S. F.; Horgan; Hughes; Koehn; Kretschmar; Lang; Larson, R.; Lloyd; Martinson; Meier, A.; Meyer, W.; Nicholas; Nowatzki; Peltier; Pomeroy, E.; Retzer; Rice; Riley; Rued; Sanstead; Schindler; Sinner; Strinden; Timm; Vander Vorst; Williams, A.; Williams, C.; Wold

NAYS: Aubol; Backes; Black; Boyle; Brokaw; DeMers; Eagles; Erdman; Gates; Gunsch; Halmrast; Hamerlik; Hanson, O.; Hill; Hoffner, Serenus; Jacobson; Keller; Kent; Kingsbury; Kloubec; Knudson; Koski; Kuchera; Lardy; Larson, B.; Laughlin; Lautenschlager; Linderman; Lipsiea; Martin, C.; Martin, G.; Meiers, R.; Melby; Mertens; Meyer, R.; Moore; Murphy; Mushik; Nalewaja; O'Connell; Olafson; Olsen, D.; Olson, A.; Opedahl; O'Shea; Pomeroy, G.; Rayl; Richard; Riehl; Schneider; Schoenwald; Shide; Shockman; Solberg; Stofferahn; Swiontek; Thompson; Unhjem; Vig; Wentz; Whalen; Williams, W.; Speaker Kelly

ABSENT AND NOT VOTING: Hanson, L.; Peterson; Watne

SB 2438 was declared lost.

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SB 2446: A BILL for an Act to amend and reenact sections 11-17-08, 11-17-09, and 11-17-10 of the North Dakota Century Code, relating to retention and destruction of district court and county court records.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill as amended, House Journal page 1645, the roll was called and there were 98 YEAS, 0 NAYS, 8 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Black; Boyle; Conmy; DeMers; Dotzenrod; DuBord; Eagles;

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

NAYS: None

ABSENT AND NOT VOTING: Brokaw; Hanson, L.; Kuchera; Meyer, W.; Mushik; Peterson; Strinden; Watne

SB 2446 passed and the title was agreed to.

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SB 2464: A BILL for an Act to amend and reenact section 43-35-13 of the North Dakota Century Code, relating to the certification of water well drillers.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 60 YEAS, 39 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Black; DeMers; Dotzenrod; Eagles; Gates; Gerl; Gullickson; Halmrast; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Kent; Kloubec; Knudson; Koehn; Koski; Kretschmar; Lang; Lardy; Larson, B.; Larson, R.; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson; Meiers, R.; Mertens; Meyer, R.; Moore; Mushik; Nalewaja; Nicholas; Nowatzki; O'Shea; Pomeroy, G.; Rayl; Rice; Riehl; Rued; Sanstead; Schneider; Schoenwald; Shockman; Sinner; Stofferahn; Thompson; Wentz; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: Anderson, R.; Aubol; Backes; Boyle; Brokaw; Conmy; DuBord; Erdman; Goetz; Gorder; Gunsch; Hamerlik; Hanson, O.; Hughes; Jacobson; Keller; Kingsbury; Laughlin; Meier, A.; Melby; Murphy; O'Connell; Olafson; Olsen, D.; Olson, A.; Opedahl; Peltier; Pomeroy, E.;

Retzer; Richard; Schindler; Shide; Solberg; Swiontek;  
Timm; Unhjem; Vander Vorst; Vig; Whalen

ABSENT AND NOT VOTING: Hanson, L.; Kuchera; Meyer, W.;  
Peterson; Riley; Strinden; Watne

SB 2464 passed and the title was agreed to.

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SB 2491: A BILL for an Act to amend and reenact section 2-06-10 of the North Dakota Century Code, relating to issuance of general obligation bonds for airport authorities; and providing that this Act does not affect transactions occurring before the effective date of this Act; and to declare an emergency.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill as amended, House Journal pages 1645 and 1646, the roll was called and there were 84 YEAS, 14 NAYS, 8 ABSENT AND NOT VOTING.

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

NAYS: Gunsch; Hanson, O.; Kingsbury; Lipsiea; Melby; Murphy; Olafson; Olsen, D.; Olson, A.; O'Shea; Retzer; Shide; Shockman; Williams, W.

ABSENT AND NOT VOTING: Hanson, L.; Kuchera; Lang; Mertens; Meyer, W.; Peterson; Thompson; Watne

SB 2491 passed, the title was agreed to, and the emergency clause carried.

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SB 2492: A BILL for an Act to create and enact a new chapter to title 21 of the North Dakota Century Code, relating to the registration of public obligations; to amend and reenact subsection 3 of section 41-08-02 of the North Dakota Century Code, relating to the definition of a clearing corporation; 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 96 YEAS, 4 NAYS, 6 ABSENT AND NOT VOTING.

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

NAYS: Kingsbury; Murphy; Olsen, D.; O'Shea

ABSENT AND NOT VOTING: Hanson, L.; Kuchera; Meyer, W.; Peterson; Strinden; Watne

SB 2492 passed, the title was agreed to, and the emergency clause carried.

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#### SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4032: A concurrent resolution urging the President of the United States to negotiate a long-term grain trade agreement with the Soviet Union.

Which has been read.

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

SCR 4032 was declared adopted on a voice vote.

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MESSAGE FROM THE SENATE  
SENATE CHAMBER

MADAM SPEAKER: I have the honor to inform you that the Senate has concurred in the House amendments to SB 2058, SB 2081, SB 2102, SB 2105, SB 2141, SB 2210, SB 2450, SB 2471, and subsequently passed the same, but refused to concur in the House amendments to SB 2029, SB 2106, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2029: Sens. Nething, Nelson, Redlin  
SB 2106: Sens. Moore, D. Meyer, Maixner

Very respectfully,  
LEO LEIDHOLM, Secretary

## CONSIDERATION OF MESSAGE FROM SENATE

REP. E. POMEROY MOVED that the House do not concur in the Senate amendments to HB 1151 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 1151:

Reps. R. Meiers, Conmy, Linderman

## CONSIDERATION OF MESSAGE FROM SENATE

REP. BROKAW MOVED that the House do not concur in the Senate amendments to HB 1203 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 1203:

Reps. G. Pomeroy, R. Meyer, C. Martin

## CONSIDERATION OF MESSAGE FROM SENATE

REP. MERTENS MOVED that the House do not concur in the Senate amendments to HB 1530 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 1530:

Reps. Rayl, Gunsch, G. Martin

## CONSIDERATION OF MESSAGE FROM SENATE

REP. L. HANSON MOVED that the House do not concur in the Senate amendments to HB 1583 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 1583:

Reps. DeMers, Melby, W. Williams

#### MOTIONS

REP. BACKES MOVED that the rules be suspended and that the deadline for reporting proposed constitutional amendments out of committee be extended from the forty-fourth day to the forty-sixth day, which motion prevailed.

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., Wednesday, March 9, 1983, which motion prevailed.

#### REPORTS OF STANDING COMMITTEES

MADAM SPEAKER: Your Committee on Political Subdivisions to which was referred HB 1564 has had the same under consideration and recommends by a vote of 11 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2, line 12, remove the overstrike over the word "~~which~~"

On page 2, remove the overstrike over lines 13 and 14

On page 2, line 15, after the overstruck word "~~four~~" insert the word "five", and remove the overstrike over the word "~~thousand~~", and remove the overstrike over the words "~~dollars, in counties~~"

On page 2, remove the overstrike over line 16

On page 2, line 17, remove the overstrike over the words "~~fifteen thousand, five thousand~~", and after the overstruck word "~~three~~" insert the word "eight", and remove the overstrike over the word "~~hundred~~", and after the overstruck word "~~thirty~~" insert the word "sixty-three"

On page 2, remove the overstrike over line 18

On page 2, line 19, remove the overstrike over the words "~~fifteen thousand, six thousand~~", and after the overstruck word "~~three~~" insert the word "nine", and remove the overstrike over the word "~~hundred~~", and

after the overstruck word "~~sixty~~" insert the word "ninety-six"

On page 2, remove the overstrike over lines 20 through 22

And renumber the lines and pages accordingly

REP. DOTZENROD, Chairman

HB 1564 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 SB 2066 has had the same under consideration and recommends by a vote of 13 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 26, after the comma ",," add the word "separate"

And renumber the lines and pages accordingly

REP. DOTZENROD, Chairman

SB 2066 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 2101 has had the same under consideration and recommends by a vote of 11 YEAS, 1 NAY, 5 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 13, delete the word "twenty-five" and insert in lieu thereof the word "twenty"

On page 1 of the engrossed bill, line 20, delete the word "forty" and insert in lieu thereof the word "thirty-five"

And renumber the lines accordingly

REP. BROKAW, Chairman

Engrossed SB 2101 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 2108 has had the same under consideration and recommends by a vote of 12 YEAS, 1 NAY, 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 10, after the word "Damages" insert the words "- Schedule of monetary values"
- On page 1 of the engrossed bill, line 10, overstrike the word "resident"
- On page 1 of the engrossed bill, line 24, delete the word "resident"
- On page 1 of the engrossed bill, line 26, after the word "wildlife" insert the following new language: "by willful or grossly negligent act or omission. The commissioner shall promulgate by rule a schedule of monetary values of various species of fish and wildlife, said values to represent the replacement costs of said fish and wildlife and the value lost to the state due to the destruction or injury of said species, together with other material elements of value. In any action brought under this section, the schedule shall constitute the measure of recovery for the fish and wildlife killed or destroyed. The funds so recovered shall be deposited to the funds of the game and fish department, devoted to the propagation and protection of desirable species of fish and wildlife"

And renumber the lines accordingly

REP. BROKAW, Chairman

Engrossed SB 2108 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Industry, Business, and Labor to which was referred SB 2112 has had the same under consideration and recommends by a vote of 12 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, line 5, delete the words "reinstatement of corporations by the secretary of state" and insert in lieu thereof the words "action of secretary of state regarding corporations not filing annual report on time"
- On page 1, line 12, delete the word "- Reinstatement"
- On page 1, line 28, delete the words "For good cause shown to the"
- On page 2, delete lines 1 through 4
- And renumber the lines and pages accordingly
- REP. S. F. HOFFNER, Chairman

SB 2112 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 SB 2139 has had the same under consideration and recommends by a vote of 13 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, after line 13 insert the following subsection:

"2. To assist during the necessary absence from office by the requesting officer."

On page 1, line 21, delete the word "juisdiction" and insert in lieu thereof the word "jurisdiction"

And renumber the lines, subsections, and pages accordingly  
**REP. DOTZENROD, Chairman**

SB 2139 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 SB 2214 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, line 13, delete the word "All" and insert in lieu thereof the words "Unless otherwise provided by statute, all"

And renumber the lines accordingly  
**REP. BROKAW, Chairman**

SB 2214 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 2219 has had the same under consideration and recommends by a vote of 13 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 3, delete the words "from the state"

On page 1 of the engrossed bill, line 10, overstrike the words "from the state"

On page 1 of the engrossed bill, line 12, delete the words "a state" and insert in lieu thereof the word "an"

On page 1 of the engrossed bill, line 15, overstrike the words "during that" and delete the word "fiscal" and overstrike the word "year"

On page 2 of the engrossed bill, line 7, overstrike the words "from the state"

And renumber the lines accordingly

REP. DOTZENROD, Chairman

Engrossed SB 2219 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Social Services and Veterans Affairs to which was referred Engrossed SB 2229 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 3, delete the word "and", and after the word "penalty" and before the period insert the following: "; and to declare an emergency"

On page 2 of the engrossed bill, line 11, after the numeral "19" insert the words "of the North Dakota Century Code"

On page 2 of the engrossed bill, after line 24, insert the following new section:

"SECTION 6. EMERGENCY. This Act is hereby declared to be an emergency measure and is in effect from and after its passage and approval."

And renumber the lines, sections, and pages accordingly

REP. R. MEIERS, Chairman

Engrossed SB 2229 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 SB 2255 has had the same under consideration and recommends by a vote of 12 YEAS, 1 NAY, 4 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 20, overstrike the words "seizing, detaining,"

On page 1, line 21, overstrike the word "or"

On page 1, line 25, overstrike the word "any" and overstrike the word "place" and delete the words "used for purposes prohibited by"

On page 1, line 26, delete the words "subsection 1"

And renumber the lines accordingly

REP. BROKAW, Chairman

SB 2255 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 2318 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 4, line 9, delete the word "to"

On page 4, line 10, delete the words "the right and" and delete the words ", near the margin,"

And renumber the lines accordingly

REP. E. POMEROY, Chairman

SB 2318 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 Reengrossed SB 2319 has had the same under consideration and recommends by a vote of 12 YEAS, 0 NAYS, 5 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 reengrossed bill, line 2, after the numeral "38-11.1-05," insert the numeral "38-11.1-08,"

On page 1 of the reengrossed bill, line 3, delete the words "oil and gas production damage" and insert in lieu thereof the words "the definition of "drilling operations," surface damage and disruption payments, notice of oil and gas drilling operations to surface owners, offers of settlement for damages resulting from drilling operations, and legal actions in regard to damages resulting from drilling operations"

On page 1 of the reengrossed bill, line 4, delete the word "compensation"

On page 1 of the reengrossed bill, line 14, after the word "therefrom" insert the words ", provided, however, that this subsection is applicable only to"

seismograph activities commenced subsequent to June 30, 1983"

On page 2 of the reengrossed bill, line 14, delete the word "ten" and insert in lieu thereof the word "twenty"

On page 2 of the reengrossed bill, line 15, after the period insert the following sentence: "If the mineral developer plans to begin drilling operations within twenty days of the termination date of the mineral lease, the required notice under this section may be given at any time prior to commencement of drilling operations."

On page 2 of the reengrossed bill, after line 23, insert the following new section:

"SECTION 4. AMENDMENT. Section 38-11.1-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

38-11.1-08. Agreement - Offer of settlement. Unless both parties provide otherwise by written agreement, within sixty days after the mineral developer receives notice of damages at the time the notice required by section 38-11.1-05 is given, the mineral developer shall make a written offer of settlement to the person seeking compensation for the damages when the notice required by section 38-11.1-05 is given. The person seeking compensation may accept or reject any offer so made."

On page 2 of the reengrossed bill, line 28, overstrike the words "receives a written rejection,"

On page 2 of the reengrossed bill, line 29, overstrike the words "or receives no reply,"

On page 2 of the reengrossed bill, line 35, delete the word "settlement" and insert in lieu thereof the words "compensation awarded by the court"

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

Reengrossed SB 2319 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 2444 has had the same under consideration and recommends by a vote of 9 YEAS, 7 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 "Act" insert the words "to create and enact a new section to chapter 40-09 of the North Dakota Century Code, relating to a biennial vote on whether city commission proceedings should be published in the official newspaper; and"

On page 1 of the engrossed bill, after line 16, insert the following new section:

"SECTION 2. A new section to chapter 40-09 of the North Dakota Century Code is hereby created and enacted to read as follows:

Publication of proceedings - Electorate to decide biennially. Beginning with the municipal election in 1984, the question of whether a city commission shall publish a complete record of all its proceedings in its official newspaper no later than thirty days after the meeting at which the record is read and approved shall be submitted to a biennial vote. If the publication is approved, the proceedings shall be published in the official newspaper until disapproved at a biennial municipal election."

And renumber the lines, sections, and pages accordingly

REP. DOTZENROD, Chairman

Engrossed SB 2444 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Appropriations to which was referred SB 2149 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 6 ABSENT AND NOT VOTING that the same DO PASS.

REP. MERTENS, Chairman

SB 2149 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Appropriations to which was referred SB 2162 has had the same under consideration and recommends by a vote of 19 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

REP. MERTENS, Chairman

SB 2162 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 2178 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

REP. JACOBSON, Chairman

SB 2178 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 Engrossed SB 2246 has had the same under consideration and recommends by a vote of 15 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. L. HANSON, Chairman

Engrossed SB 2246 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 2259 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. E. POMEROY, Chairman

Engrossed SB 2259 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 2300 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. SINNER, Chairman

SB 2300 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 2301 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 2301 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 2449 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

Engrossed SB 2449 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 Engrossed SCR 4009 has had the same under consideration and recommends by a vote of 8 YEAS, 3 NAYS, 5 ABSENT AND NOT VOTING that the same DO PASS.

REP. L. HANSON, Chairman

Engrossed SCR 4009 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 SCR 4014 has had the same under consideration and recommends by a vote of 11 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING, 1 ABSTAINING that the same DO PASS.

REP. L. HANSON, Chairman

SCR 4014 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 SCR 4015 has had the same under consideration and recommends by a vote of 13 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING that the same DO PASS.

REP. L. HANSON, Chairman

SCR 4015 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 SCR 4019 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. E. POMEROY, Chairman

SCR 4019 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

The House stood adjourned pursuant to Representative Backes' motion.

CHARLES FLEMING, Chief Clerk