

JOURNAL OF THE HOUSE

Forty-eighth Legislative Assembly

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FORTY-FIFTH DAY

Bismarck, March 9, 1983

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

The prayer was offered by Father Patrick Moore, St. Alexius Hospital, Bismarck.

ROLL CALL

The roll was called and all members were present, except Representatives Lipsiea, Retzer, Watne, Whalen, and A. Williams.

A quorum was declared by the Speaker.

REQUEST

REP. BACKES REQUESTED that the Journal show that Representative Watne was absent yesterday, is absent today, and will be for a time tomorrow, because he is testifying before a Committee of the Congress on farm bankruptcies, which request was granted.

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

On page 1695, after line 34, delete lines 35 through 42

On page 1703, after line 11, insert the following:

"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"

We have reexamined the Journal of the Forty-third day and recommend that the same be corrected as follows and when so corrected, recommends that the same be approved:

On page 1652, insert the message contained in lines 25 through 32 following line 14; on line 21, following

"HB 1689" insert "HCR 3006, HCR 3025"; on line 30,
following "HB 1689" insert "HCR 3006, HCR 3025"

REP. LAUGHLIN, Chairman

REP. HAMERLIK 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 1128, HB 1138, HB 1200, HB 1270, HB 1282, HB 1350,
HB 1457, HB 1471, HB 1485, HB 1498, HB 1722

CHARLES FLEMING, Chief Clerk

SIGNING OF BILLS AND RESOLUTIONS

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following:

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

CHARLES FLEMING, Chief Clerk

PRESENTATION OF PETITIONS AND COMMUNICATIONS

STATE OF NORTH DAKOTA EXECUTIVE OFFICE BISMARCK

March 8, 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 8, 1983, I signed the following:

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 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.

Sincerely,

ALLEN I. OLSON
Governor

APPOINTMENT OF CONFERENCE COMMITTEES

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2029:

Reps. Mertens, Backes, Strinden

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2106:

Reps. L. Hanson, A. Meier, Kretschmar

MESSAGES FROM THE SENATE
SENATE CHAMBER

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

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,
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 2071, SB 2275, SB 2284, SB 2320, SB 2360, SB 2391,
SB 2396, SB 2399, SB 2403, SB 2406, SB 2434

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

MADAM SPEAKER: I have the honor to inform you that the Senate has concurred in the House amendments to SB 2230, and subsequently passed the same, but refused to concur in the House amendments to SB 2104, SB 2199, SB 2432, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2104: Sens. Moore, D. Meyer, Maixner
SB 2199: Sens. Bakewell, Erickson, Berube
SB 2432: Sens. Lodoen, Olson, Matchie

Very respectfully,
LEO LEIDHOLM, Secretary

SIXTH ORDER OF BUSINESS

REP. DOTZENROD MOVED that the amendments to HB 1564 as recommended by the Committee on Political Subdivisions as printed on pages 1725 and 1726 of the House Journal be adopted, which motion prevailed.

REP. DOTZENROD MOVED that the amendments to SB 2066 as recommended by the **Committee on Political Subdivisions** as printed on page 1726 of the House Journal be adopted, which motion prevailed.

REP. BROKAW MOVED that the amendments to Engrossed SB 2101 as recommended by the **Committee on Natural Resources** as printed on page 1726 of the House Journal be adopted, which motion prevailed.

REP. BROKAW MOVED that the amendments to Engrossed SB 2108 as recommended by the **Committee on Natural Resources** as printed on page 1727 of the House Journal be adopted, which motion prevailed.

REP. S. F. HOFFNER MOVED that the amendments to SB 2112 as recommended by the **Committee on Industry, Business, and Labor** as printed on page 1727 of the House Journal be adopted, which motion prevailed.

REP. DOTZENROD MOVED that the amendments to SB 2139 as recommended by the **Committee on Political Subdivisions** as printed on page 1728 of the House Journal be adopted, which motion prevailed.

REP. BROKAW MOVED that the amendments to SB 2214 as recommended by the **Committee on Natural Resources** as printed on page 1728 of the House Journal be adopted, which motion prevailed.

REP. DOTZENROD MOVED that the amendments to Engrossed SB 2219 as recommended by the **Committee on Political Subdivisions** as printed on pages 1728 and 1729 of the House Journal be adopted, which motion prevailed.

REP. R. MEIERS MOVED that the amendments to Engrossed SB 2229 as recommended by the **Committee on Social Services and Veterans Affairs** as printed on page 1729 of the House Journal be adopted, which motion prevailed.

REP. BROKAW MOVED that the amendments to SB 2255 as recommended by the **Committee on Natural Resources** as printed on pages 1729 and 1730 of the House Journal be adopted, which motion prevailed.

REP. E. POMEROY MOVED that the amendments to SB 2318 as recommended by the **Committee on Judiciary** as printed on page 1730 of the House Journal be adopted, which motion prevailed.

REP. BROKAW MOVED that the amendments to Reengrossed SB 2319 as recommended by the **Committee on Natural Resources** as printed on pages 1730 and 1731 of the House Journal be adopted, which motion prevailed.

REP. DOTZENROD MOVED that the amendments to Engrossed SB 2444 as recommended by the **Committee on Political Subdivisions** as printed on page 1732 of the House Journal be adopted, which motion prevailed.

MESSAGES TO THE SENATE
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 2029:

Reps. Mertens, Backes, Strinden

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 2106:

Reps. L. Hanson, A. Meier, Kretschmar

Very respectfully,
CHARLES FLEMING, Chief Clerk

MESSAGES TO THE SENATE
HOUSE CHAMBER

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

HB 1128, HB 1138, HB 1200, HB 1270, HB 1282, HB 1350,
HB 1457, HB 1471, HB 1485, HB 1498, HB 1722

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 1056, HB 1300, HB 1378, HB 1522, HB 1535, HB 1560

Very respectfully,
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House has refused to concur in the Senate amendments to HB 1151, HB 1203, HB 1530, HB 1583, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1151: Reps. R. Meiers, Linderman, Conmy
HB 1203: Reps. G. Pomeroy, R. Meyer, C. Martin
HB 1530: Reps. Rayl, G. Martin, Gunsch
HB 1583: Reps. Demers, W. Williams, Melby

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 2140, SB 2369, SCR 4045

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 2133, SB 2152, SB ,2154, SB 2181, SB 2198, SB 2212,
SB 2215, SB 2234, SB 2243, SB 2280, SB 2285, SB 2305,
SB 2310, SB 2311, SB 2333, SB 2353, SB 2363, SB 2387,
SB 2426, SB 2454, SB 2489, SCR 4017, SCR 4041

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 2201, SB 2382, SCR 4025

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 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,
CHARLES FLEMING, Chief Clerk

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 1039, HB 1153, HB 1222, HB 1378, HB 1383, HB 1413,
HB 1419, HB 1522, HB 1584, HB 1606, HB 1632, HB 1650,
HB 1686, HCR 3009, HCR 3023, HCR 3041, HCR 3042

REP. G. MARTIN, Chairman

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

SECOND READING OF SENATE BILLS

SB 2073: A BILL for an Act to create and enact two new sections to title 15 and a new section to chapter 15-10 of the North Dakota Century Code, relating to jurisdiction of the board

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

Which has been read.

REQUEST

REP. GULLICKSON REQUESTED that he be excused from voting on SB 2073, because of a conflict of interest.

MOTION

REP. BACKES MOVED that Rep. Gullickson be allowed to vote on SB 2073, which motion prevailed.

ROLL CALL

The question being on the final passage of the bill as amended, House Journal pages 1686 and 1687, the roll was called and there were 64 YEAS, 39 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, R.; Aubol; Backes; Black; Boyle; Brokaw; Conmy; Dotzenrod; DuBord; Erdman; Gerl; Gullickson; Halmrast; Hanson, O.; Haugland; Hausauer; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Hughes; Jacobson; Keller; Koehn; Koski; Kretschmar; Lang; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Mertens; Meyer, R.; Meyer, W.; Moore; Mushik; Nicholas; Nowatzki; O'Connell; Opedahl; Peterson; Rayl; Rice; Richard; Riehl; Rued; Sanstead; Schindler; Schneider; Schoenwald; Shockman; Sinner; Solberg; Timm; Unhjem; Vander Vorst; Vig; Wentz; Speaker Kelly

NAYS: Anderson, C.; DeMers; Eagles; Gates; Goetz; Gorder; Gunsch; Hamerlik; Hanson, L.; Hill; Horgan; Kent; Kingsbury; Kloubec; Knudson; Kuchera; Lardy; Lipsiea; Lloyd; Melby; Murphy; Nalewaja; Olafson; Olsen, D.; Olson, A.; O'Shea; Peltier; Pomeroy, E.; Pomeroy, G.; Riley; Shide; Stofferahn; Strinden; Swiontek; Thompson; Williams, A.; Williams, C.; Williams, W.; Wold

ABSENT AND NOT VOTING: Retzer; Watne; Whalen

SB 2073 passed and the title was agreed to.

SB 2149: A BILL for an Act to amend and reenact section 54-44-11 of the North Dakota Century Code, relating to office's operating funds creation.

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; Goetz; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer; Hill; Hjelle; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kent; Kingsbury; Kloubec; Knudson; Koski; Kretschmar; Kuchera; Lang; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Melby; 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; Rice; Richard; Riehl; Riley; Rued; Schindler; Schoenwald; Shide; Shockman; Sinner; Solberg; Stofferahn; Strinden; Swiontek; Thompson; Timm; Unhjem; Vander Vorst; Vig; Wentz; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: Gerl; Hoffner, Serenus; Sanstead; Schneider

ABSENT AND NOT VOTING: Gorder; Koehn; Nicholas; Retzer; Watne; Whalen

SB 2149 passed and the title was agreed to.

MESSAGES FROM THE SENATE SENATE CHAMBER

MADAM SPEAKER: I have the honor to return herewith HB 1278, HB 1295, HB 1543, and HCR 3018 which the Senate has amended as follows:

SENATE AMENDMENTS TO HB 1278

On page 1 of the engrossed bill, line 1, delete the word "sections" and insert in lieu thereof the word "section" and delete the word "and"

On page 1 of the engrossed bill, line 2, delete the numeral "12.1-20-05"

On page 1 of the engrossed bill, delete lines 19 through 26

On page 2 of the engrossed bill, delete lines 1 through 9

And renumber the lines, sections, and pages accordingly

SENATE AMENDMENTS TO HB 1295

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 subsection to section 57-02-08 of the North Dakota Century Code, relating to a property tax exemption for group homes, including those for persons with developmental disabilities; and to provide an effective date.

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

SECTION 1. A new subsection to section 57-02-08 of the North Dakota Century Code is hereby created and enacted to read as follows:

All group homes owned by nonprofit corporations, not organized with a view to profit and recognized as tax exempt under section 501(c)(3) of the United States Internal Revenue Code, including those for persons with developmental disabilities, and the real property upon which they are located during the period in which the group homes are under construction or in a remodeling phase and while they are used as group homes. For the purposes of this subsection, the term "group home" means a community-based residential home which provides room and board, personal care, habilitation services, and supervision in a family environment, and which, once established is licensed by the appropriate North Dakota licensing authority.

SECTION 2. EFFECTIVE DATE. This Act is effective for taxable years beginning after December 31, 1982."

And renumber the lines accordingly

SENATE FLOOR AMENDMENTS TO HB 1295

On page 1253 of the Senate Journal, the nineteenth printed line, after the words "developmental disabilities" insert the words "as defined in section 25-01.2-01"

On page 1253 of the Senate Journal, the twenty-eighth printed line, after the words "habilitation services," delete the word "and" and insert in lieu thereof the word "or"

And renumber the lines accordingly

SENATE AMENDMENTS TO HB 1543

On page 1 of the engrossed bill, after line 28, insert the following paragraph:

"All shelters must meet with the approval of local governing bodies."

And renumber the lines and pages accordingly

SENATE AMENDMENTS TO HCR 3018

On page 1, line 3, delete the words "especially as they relate" and insert in lieu thereof the words "and all other home and residence requirements in regard"

On page 1, after line 7, insert the following:

"WHEREAS, there are many apartment complexes, homes, and other residences in North Dakota which are susceptible to damage from tornadoes; and"

On page 1, line 15, after the word "homes" insert the words "which are not placed on permanent foundations or properly tied down generally"

On page 1, line 18, delete the word "mobile" and insert in lieu thereof the word "all"

On page 1, line 21, delete the words "are rarely" and insert in lieu thereof the words "should be"

On page 1, line 22, delete the words "and even if mobile homes are properly tied down," and insert in lieu thereof the words "to protect mobile homes from"

On page 1, line 23, delete the words "still cause severe damage"

On page 1, line 24, delete the words "notwithstanding the fact that mobile homes may be"

On page 1, line 25, delete the words "tied down," delete the word "the", and delete the words "create a"

On page 1, line 26, delete the words "domino effect when the homes are thrown into other mobile homes" and insert in lieu thereof the word "buildings"

On page 1, line 27, delete the words "a mobile"

On page 1, line 28, delete the words "home court since" and after the word "tornadoes" insert the words "since they"

On page 2, line 1, delete the words "mobile home court" and after the word "streets" insert the words "used in high density residential areas, such as mobile home courts and apartment complexes,"

On page 2, line 7, delete the words "especially as" and insert in lieu thereof the words "and all other home and residence requirements in regard"

On page 2, line 8, delete the words "they relate"

And renumber the lines and pages accordingly

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 1571, HCR 3033

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 1095, HB 1206, HB 1312, HB 1366, HB 1379, HB 1384,
HB 1431, HB 1563, HB 1573, HB 1579, HB 1587, HB 1649,
HCR 3012, HCR 3017, HCR 3019, HCR 3021, HCR 3022, HCR 3031,
HCR 3034

Very respectfully,
LEO LEIDHOLM, Secretary

SECOND READING OF SENATE BILLS

SB 2162: A BILL for an Act making an appropriation to defray expenses for claim payments to civil air patrol members.

Which has been read.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Opedahl; Retzer; Watne; Whalen

SB 2162 passed and the title was agreed to.

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

Which has been read.

ROLL CALL

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

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; 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.; 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; Wentz; Williams, A.; Williams, C.;
Williams, W.; Speaker Kelly

NAYS: Melby; Wold

ABSENT AND NOT VOTING: Retzer; Watne; Whalen

SB 2178 passed and the title was agreed to.

SB 2246: A BILL for an Act to establish the office of intergovernmental assistance in the office of management and budget; to amend and reenact subsection 3 of section 20.1-02-17.1, sections 20.1-02-18.1, 23-11-30, 23-18.2-27, 54-01.1-08, 54-40.1-01, subsection 2 of section 54-40.1-02, and subsection 6 of section 54-40.1-04 of the North Dakota Century Code, relating to various responsibilities of the office of intergovernmental assistance; and to repeal sections 54-27.1-01, 54-27.1-02, 54-27.1-03, 54-27.1-04, 54-27.1-05, 54-27.1-06, 54-27.1-07, 54-27.1-08, and 54-27.1-09 of the North Dakota Century Code, relating to the federal aid coordinator.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 58 YEAS, 43 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Conmy; DeMers; Eagles; Gates; Goetz; Gorder; Gullickson; Gunsch; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer; Hjelle; Hughes; Keller; Kent; Kloubec; Knudson; Koehn; Kretschmar; Kuchera; Lang; Lipsiea; Martin, C.; Martinson; Melby; Mertens; Meyer, R.; Meyer, W.; Moore; Murphy; Nalewaja; Nicholas; Nowatzki; Olafson; Olsen, D.; Olson, A.; Peltier; Pomeroy, G.; Rice; Riehl; Riley; Rued; Schindler; Shide; Sinner; Strinden; Swiontek; Thompson; Timm; Unhjem; Vander Vorst; Wentz; Williams, A.; Wold

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

ABSENT AND NOT VOTING: Larson, R.; Peterson; Retzer;
Watne; Whalen

SB 2246 passed and the title was agreed to.

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

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; 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; Rice; Richard; Riehl; Riley; Rued; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Solberg; Stofferahn; Strinden; Swiontek; Thompson; Timm; Unhjem; Vander Vorst; Vig; Wentz; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: Gerl

ABSENT AND NOT VOTING: Backes; Retzer; Watne; Whalen

SB 2259 passed and the title was agreed to.

SB 2295: A BILL for an Act to create and enact two new subsections to section 57-02-08 of the North Dakota Century Code, providing exemptions from property taxes for new single family residential property and condominiums and townhouses which meet certain qualifications; and to provide an effective date and an expiration date.

Which has been read.

MOTION

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

ROLL CALL

The question being on the final passage of the bill as amended, House Journal pages 1688 and 1689, the roll was called and there were 67 YEAS, 34 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Anderson, R.; Aubol; Black; Boyle; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Gates; Gerl; Goetz; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer; Hjelle; Horgan; Hughes; Kent; Kloubec; Koehn; Kretschmar; Kuchera; Lang; Lardy; Larson, R.; Lautenschlager; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Melby; Mertens; Meyer, R.; Moore; Mushik; Nalewaja; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Peterson; Pomeroy, G.; Rayl; Rice; Riley; Sanstead; Schindler; Schneider; Schoenwald; Shide; Sinner; Stofferahn; Strinden; Swiontek; Timm; Unhjem; Vander Vorst; Wentz; Williams, C.; Wold; Speaker Kelly

NAYS: Backes; Brokaw; Erdman; Gorder; Gullickson; Gunsch; Hill; Hoffner, Serenus; Hoffner, S. F.; Jacobson; Keller; Kingsbury; Koski; Larson, B.; Laughlin; Linderman; Lipsiea; Meyer, W.; Murphy; O'Connell; Olafson; Opedahl; O'Shea; Peltier; Pomeroy, E.; Richard; Riehl; Rued; Shockman; Solberg; Thompson; Vig; Williams, A.; Williams, W.

ABSENT AND NOT VOTING: Anderson, C.; Knudson; Retzer; Watne; Whalen

SB 2295 passed and the title was agreed to.

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 1:36 p.m., March 9, 1983:

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

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 bill was delivered to the Secretary of State at the hour of 1:38 p.m., March 9, 1983:

HCR 3002

REP. G. MARTIN, Chairman

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

SECOND READING OF SENATE BILL

SB 2300: A BILL for an Act to amend and reenact subsection 2 of section 57-33-04 of the North Dakota Century Code, relating to the taxation of rural electric cooperatives by cities.

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, 4 NAYS, 9 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Black; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; 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; Kloubec; Koehn; Koski; Kretschmar; Kuchera; Lang; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Melby; Mertens; Meyer, R.; Meyer, W.; Moore; Murphy; Mushik; Nalewaja; Nicholas; Nowatzki; Olafson; Olsen, D.; Olson, A.; Opedahl; O'Shea; Peltier; Pomeroy, E.; Pomeroy, G.; Rayl; Rice; Richard; Riehl; Riley; Rued; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Solberg; Stofferahn; Swiontek; Thompson; Timm; Unhjem; Wentz; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: Kingsbury; O'Connell; Vander Vorst; Vig

ABSENT AND NOT VOTING: Eagles; Gerl; Knudson; Peterson; Retzer; Sanstead; Strinden; Watne; Whalen

SB 2300 passed and the title was agreed to.

WEDNESDAY, MARCH 9, 1983

1751

MESSAGE FROM THE SENATE
SENATE CHAMBER

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

HCR 3088

Very respectfully,
LEO LEIDHOLM, Secretary

SECOND READING OF SENATE BILLS

SB 2301: A BILL for an Act to amend and reenact section 57-39.2-15 of the North Dakota Century Code, relating to length of time for sales tax determination.

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, 18 NAYS, 7 ABSENT AND NOT VOTING.

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

NAYS: Anderson, R.; Conmy; Dotzenrod; Gunsch; Hamerlik; Hanson, O.; Hughes; Kingsbury; Kloubec; Koehn; Larson, R.; Murphy; Olsen, D.; Rued; Shide; Thompson; Unhjem; Vander Vorst

ABSENT AND NOT VOTING: Nowatzki; Peterson; Retzer; Strinden; Timm; Watne; Whalen

SB 2301 passed and the title was agreed to.

SB 2316: A BILL for an Act to amend and reenact section 12.1-23-08 of the North Dakota Century Code, relating to the penalties for selling mortgaged property.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, House Journal page 1689, the roll was called and there were 73 YEAS, 28 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Aubol; Backes; Boyle; DeMers; Dotzenrod; Eagles; Erdman; Gates; Goetz; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Hughes; Jacobson; Keller; Kent; Kloubec; Knudson; Koehn; Koski; Kretschmar; Lang; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lloyd; Martin, G.; Martinson; Meiers, R.; Melby; Mertens; Meyer, R.; Meyer, W.; Moore; Mushik; Nicholas; Nowatzki; O'Connell; Opedahl; O'Shea; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Rice; Richard; Riehl; Riley; Schindler; Shide; Sinner; Solberg; Stofferahn; Swiontek; Thompson; Timm; Unhjem; Vander Vorst; Vig; Williams, A.; Williams, C.; Williams, W.; Wold

NAYS: Black; Brokaw; Conmy; DuBord; Gerl; Gorder; Hanson, O.; Hill; Horgan; Kingsbury; Kuchera; Lardy; Lipsiea; Martin, C.; Meier, A.; Murphy; Nalewaja; Olafson; Olsen, D.; Olson, A.; Peltier; Rued; Sanstead; Schneider; Schoenwald; Shockman; Wentz; Speaker Kelly

ABSENT AND NOT VOTING: Anderson, R.; Retzer; Strinden; Watne; Whalen

SB 2316 passed and the title was agreed to.

SB 2350: A BILL for an Act to amend and reenact section 65-05.2-02 of the North Dakota Century Code, relating to the amount of supplementary workmen's compensation benefits; and to declare an emergency.

Which has been read.

MOTION

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

ROLL CALL

The question being on the final passage of the bill as amended, House Journal page 1689, the roll was called and there were 85 YEAS, 15 NAYS, 6 ABSENT AND NOT VOTING.

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

Kingsbury; 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.; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Olsen, D.; Opedahl; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Rice; Richard; Riehl; Rued; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Solberg; Stofferahn; Swiontek; Timm; Vig; Wentz; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: Anderson, C.; Backes; Gunsch; Hanson, O.; Kloubec; Koehn; Moore; Murphy; Olafson; Olson, A.; O'Shea; Riley; Strinden; Thompson; Vander Vorst

ABSENT AND NOT VOTING: Hausauer; Knudson; Retzer; Unhjem; Watne; Whalen

SB 2350 passed, the title was agreed to, and the emergency clause carried.

SB 2449: A BILL for an Act to amend and reenact subsection 8 of section 25-03.1-02 and section 25-03.1-03 of the North Dakota Century Code, relating to jurisdiction in mental health commitment hearings.

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, 0 NAYS, 8 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; Hill; Hjelle; Hoffner; Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kent; Kingsbury; Kloubec; Koehn; Koski; Kretschmar; Kuchera; Lang; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; 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; Rice; Richard; Riehl; Riley; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Solberg; Stofferahn; Strinden; Swiontek; Thompson; Timm; Unhjem; Vander Vorst; Vig; Wentz; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: None

ABSENT AND NOT VOTING: Gerl; Hausauer; Knudson;
Peterson; Retzer; Rued; Watne; Whalen

SB 2449 passed and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4009: A concurrent resolution urging the Congress of the United States to reestablish May 30 as Memorial Day.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4009 was declared lost on a voice vote.

SCR 4014: A concurrent resolution expressing the support of the Forty-eighth Legislative Assembly and urging cooperation for the Young Men's Christian Association model legislature program.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4014 was declared adopted on a voice vote.

SCR 4015: A concurrent resolution urging Congress to recognize the President's federalism reform goal of returning responsibilities to states and localities and to stop federal preemption of state laws on the use of eminent domain power.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4015 was declared adopted on a voice vote.

SCR 4019: A concurrent resolution directing a Legislative Council study of the voting systems in use in North Dakota.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4019 was declared adopted on a voice vote.

REPORT OF PROCEDURAL COMMITTEE

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

HCR 3088

REP. G. MARTIN, Chairman

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

SIGNING OF BILLS AND RESOLUTIONS

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following:

HCR 3088

CHARLES FLEMING, Chief Clerk

CONSIDERATION OF MESSAGES FROM SENATE

REP. S. F. HOFFNER MOVED that the House do concur in the Senate amendments to HB 1054, which motion prevailed.

REP. S. F. HOFFNER MOVED that the House do concur in the Senate amendments to HB 1055, which motion prevailed.

REP. E. POMEROY MOVED that the House do not concur in the Senate amendments to HB 1208 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 1208:

Reps. E. Pomeroy, Kretschmar, Riley

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:

HCR 3088

Very respectfully,
CHARLES FLEMING, Chief Clerk

MOTION

REP. BACKES MOVED, pursuant to House Rule 202, that the Speaker's absence be excused on Thursday and Friday of this week, as she will be attending a Legislative Conference in Washington, D.C., which motion prevailed.

ANNOUNCEMENT

SPEAKER KELLY ANNOUNCED that Rep. E. Pomeroy will act as Speaker in her absence.

MESSAGE FROM THE SENATE
SENATE CHAMBER

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

HCR 3088

Very respectfully,
LEO LEIDHOLM, Secretary

REPORT OF PROCEDURAL COMMITTEE

MADAM SPEAKER: Your Committee on Enrollment and Engrossment respectfully report that the following bill was delivered to the Secretary of State at the hour of 4:02 p.m., March 9, 1983:

HCR 3088

REP. G. MARTIN, Chairman

REP. R. LARSON MOVED that the report be adopted, 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., Thursday, March 10, 1983, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MADAM SPEAKER: Your Committee on State and Federal Government to which was referred Engrossed SB 2093 has had the same under consideration and recommends by a vote of 8 YEAS, 3 NAYS, 5 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 5 of the engrossed bill, line 12, after the period insert the following new sentence:

"In addition, individual and aggregate stop-loss coverage insured by a carrier authorized to do business in this state must be made part of any self-insured plan."

And renumber the lines accordingly

REP. O'SHEA, Vice Chairman

Engrossed SB 2093 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 2122 has had the same under consideration and recommends by a vote of 15 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2, line 25, after the word "or" insert the words "at least fourteen days notice is provided by"

And renumber the lines accordingly

REP. E. POMEROY, Chairman

SB 2122 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Judiciary to which was referred Engrossed SB 2267 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 18, overstrike the words "or who is"

On page 1 of the engrossed bill, line 19, overstrike the words "a drug addict, an alcoholic,"

And renumber the lines and pages accordingly

REP. E. POMEROY, Chairman

Engrossed SB 2267 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 SB 2327 has had the same under consideration and recommends by a vote of 8 YEAS, 6 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 12, remove the overstrike over the words "~~individual, partnership, corporation, joint stock~~"

On page 1, line 13, remove the overstrike over the words "~~company, or association, or insurance company, a resident~~"

On page 1, line 14, remove the overstrike over the words "~~of, or having a place of business in, this state~~", and delete the word "person"

On page 1, delete lines 15 through 19

On page 1, line 20, delete the words "Such returns shall be required of any person"

On page 2, line 8, delete the words "or credited"

On page 2, line 9, remove the overstrike over the words "~~taxpayer, shall make a~~", and delete the words "person. A"

On page 2, line 10, delete the words "shall be made"

On page 3, line 19, delete the word "shall" and insert in lieu thereof the word "may"

And renumber the lines accordingly

REP. SINNER, Chairman

SB 2327 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 2362 has had the same under consideration and recommends by a vote of 11 YEAS, 4 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 3, delete the word "criminal" and insert in lieu thereof the word "noncriminal"

And renumber the lines accordingly

REP. E. POMEROY, Chairman

SB 2362 was placed on the Sixth 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 2368 has had the same under consideration and recommends by a vote of 7 YEAS, 5 NAYS, 4 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 11, delete the words "officials or" and insert in lieu thereof the words "the agency head for" and after the word "employees" insert the words "of that agency"

And renumber the lines and pages accordingly

REP. O'SHEA, Vice Chairman

Engrossed SB 2368 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Judiciary to which was referred Engrossed SB 2422 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 1 of the engrossed bill, line 1, delete the words and numeral "subsection 1 of"
- On page 1 of the engrossed bill, line 7, delete the words "Subsection 1 of section" and insert in lieu thereof the word "Section"
- On page 1 of the engrossed bill, after line 9, insert the words "6-08-16. Issuing check or draft without sufficient funds or credit - Notice - Time limitation - Financial liability - Penalty."
- On page 1 of the engrossed bill, line 23, remove the overstrike over the words "~~collection fees or costs; not in excess of ten~~"
- On page 1 of the engrossed bill, line 24, remove the overstrike over the word "~~dollars~~" and delete the words "a civil penalty, payable to the holder of the"
- On page 1 of the engrossed bill, delete line 25
- On page 1 of the engrossed bill, line 26, delete the words "times the amount of the instrument" and remove the overstrike over the word "~~are~~" and delete the word "is"
- On page 1 of the engrossed bill, line 28, after the period insert the following new subsection:

"2. If full payment of the instrument and collection fees is not made within ten days from receipt of the notice of dishonor, a civil penalty is recoverable by civil action by the holder of the check, draft, or order. The civil penalty consists of payment to the holder of the instrument of the lesser of one hundred dollars or three times the amount of the instrument.

3."

- On page 2 of the engrossed bill, after line 7, insert the following:

"~~2-~~ 4. A notice of dishonor ~~may~~ must be sent by the holder of the check upon dishonor, prior to the institution of a criminal proceeding, the notice to be in substantially the following form:

Notice of Dishonored Check

Date _____

Name of Issuer _____
 Street Address _____
 City and State _____

You are according to law hereby notified that a check dated _____, 19____, drawn on the _____ Bank of _____ in the amount of _____ has been returned unpaid with the notation the payment has been refused because of nonsufficient funds. Within ten days from the receipt of this notice, you must pay or tender to _____

(Holder)

sufficient moneys to pay such instrument in full and any collection fees or costs not in excess of ten dollars. Payment to holder of the face amount of the instrument, plus any collection fees or costs, not exceeding the additional sum of ten dollars, shall constitute a defense to a criminal charge brought hereunder if paid within ten days from receipt of this notice of dishonor. If payment of the above amounts is not made within ten days from receipt of this notice of dishonor, a civil penalty of the lesser of one hundred dollars or three times the amount of the instrument will be assessed.

Such The notice may also contain a recital of the penal provisions of this section and the possibility of a civil action to recover any collection fees or costs or civil penalty authorized by this section.

- 3- 5. An agent acting for the receiver of a check in violation of this section may present the check to the state's attorney for prosecution if the issuer does not pay to the holder sufficient moneys to pay the check within ten days from receipt of the notice. The criminal complaint for the offense of issuing a check, draft, or money order without sufficient funds under this section must be executed within not more than ninety days after the dishonor by the drawee of said instrument for nonsufficient funds. The failure to execute a complaint within said time shall bar the criminal charge under this section."

On page 2 of the engrossed bill, line 31, remove the overstrike over the words "~~collection fees or costs~~."

On page 2 of the engrossed bill, line 32, remove the overstrike over the words "~~not in excess of ten dollars; which~~" and delete the words "a civil penalty"

On page 2 of the engrossed bill, delete lines 33 through 35

On page 3 of the engrossed bill, line 1, delete the word "instrument"

On page 3 of the engrossed bill, line 2, after the period insert the following:

"If full payment of the instrument and collection fees is not made within ten days from receipt of the notice of dishonor, a civil penalty is recoverable by civil action by the holder of the check, draft, or order. The civil penalty consists of payment to the holder of the instrument of the lesser of one hundred dollars or three times the amount of the instrument."

On page 3 of the engrossed bill, line 22, remove the overstrike over the words "~~any collection fees or costs not in~~"

On page 3 of the engrossed bill, line 23, remove the overstrike over the words "~~excess of ten dollars~~" and delete the words "a civil penalty,"

On page 3 of the engrossed bill, delete lines 24 through 27 and insert in lieu thereof the following:

". Payment to holder of the face amount of the instrument, plus any collection fees or costs, not exceeding the additional sum of ten dollars, shall constitute a defense to a criminal charge brought hereunder if paid within ten days from receipt of this notice of dishonor. If payment of the above amounts is not made within ten days from receipt of the notice of dishonor, a civil penalty of the lesser of one hundred dollars or three times the amount of the instrument will be assessed."

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

Engrossed SB 2422 was placed on the Sixth 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 4030 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, line 2, after the word "American" insert the words "technical or military"

On page 1, line 7, after the word "American" insert the words "technical or military"

On page 1, line 25, delete the words "any kind of" and insert in lieu thereof the words "technical or military"

And renumber the lines and pages accordingly

REP. O'SHEA, Vice Chairman

SCR 4030 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 2055 has had the same under consideration and recommends by a vote of 9 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

REP. S. F. HOFFNER, Chairman

Engrossed SB 2055 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 2056 has had the same under consideration and recommends by a vote of 8 YEAS, 6 NAYS, 2 ABSENT AND NOT VOTING that the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION.

REP. S. F. HOFFNER, Chairman

SB 2056 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Natural Resources to which was referred SB 2118 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

REP. BROKAW, Chairman

SB 2118 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 2146 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. E. POMEROY, Chairman

Engrossed SB 2146 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on State and Federal Government to which was referred SB 2147 has had the same under consideration and recommends by a vote of 9 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

REP. L. HANSON, Chairman

SB 2147 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 2159 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 2159 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on State and Federal Government to which was referred SB 2176 has had the same under consideration and recommends by a vote of 7 YEAS, 6 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

REP. L. HANSON, Chairman

SB 2176 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 2303 has had the same under consideration and recommends by a vote of 9 YEAS, 3 NAYS, 4 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. E. POMEROY, Chairman

Engrossed SB 2303 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 2328 has had the same under consideration and recommends by a vote of 10 YEAS, 1 NAY, 5 ABSENT AND NOT VOTING that the same DO PASS.

REP. E. POMEROY, Chairman

SB 2328 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Finance and Taxation to which was referred Engrossed SB 2371 has had the same under consideration and recommends by a vote of 9 YEAS, 5 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

REP. SINNER, Chairman

Engrossed SB 2371 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 Engrossed SB 2437 has had the same under consideration and recommends by a vote of 17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. JACOBSON, Chairman

Engrossed SB 2437 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 4004 has had the same under consideration and recommends by a vote of 9 YEAS, 4 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

REP. E. POMEROY, Chairman

SCR 4004 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 SCR 4007 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

REP. S. F. HOFFNER, Chairman

SCR 4007 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 4026 has had the same under consideration and recommends by a vote of 9 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. L. HANSON, Chairman

SCR 4026 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 SCR 4028 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

REP. S. F. HOFFNER, Chairman

SCR 4028 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 4029 has had the same under consideration and recommends by a vote of 9 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. L. HANSON, Chairman

Engrossed SCR 4029 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 SCR 4033 has had the same under consideration and recommends by a vote of 12 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

REP. SINNER, Chairman

SCR 4033 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 SCR 4034 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. S. F. HOFFNER, Chairman

SCR 4034 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 SCR 4042 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

REP. SINNER, Chairman

SCR 4042 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 4047 has had the same under consideration and recommends by a vote of 12 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. L. HANSON, Chairman

SCR 4047 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 SCR 4049 has had the same under consideration and recommends by a vote of 10 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

REP. JACOBSON, Chairman

SCR 4049 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 SCR 4050 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

SCR 4050 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