

FRIDAY, MARCH 18, 1983

2013

JOURNAL OF THE HOUSE

Forty-eighth Legislative Assembly

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FIFTY-SECOND DAY

Bismarck, March 18, 1983
The House convened at 1:00 p.m., with Speaker Kelly presiding.

The prayer was offered by Rev. James Peterson, Church of the Cross, Bismarck.

ROLL CALL

The roll was called and all members were present, except Representatives Lang, Strinden, Vander Vorst, and Vig.

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

On page 1931, delete lines 25 through 32

On page 1933, after line 25, insert the following:

"MESSAGE TO THE SENATE
HOUSE CHAMBER

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

HB 1068, HB 1198, HB 1199, HB 1398, HB 1521, HB 1637,
HB 1640, HB 1648, HCR 3037, HCR 3062, HCR 3072

Very respectfully,
CHARLES FLEMING, Chief Clerk"

REP. LAUGHLIN, Chairman

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

MESSAGE FROM THE SENATE
SENATE CHAMBER

MADAM SPEAKER: I have the honor to return herewith HB 1167, HB 1370, HB 1406, HB 1417, HB 1421, HB 1439, HB 1443, HB 1473, HB 1526, HB 1528, HB 1589, HB 1641, HB 1674, HB 1680, HCR 3038, HCR 3083, and HCR 3086 which the Senate has amended as follows:

SENATE AMENDMENTS TO HB 1167

- On page 3 of the engrossed bill, line 10, after the word "weight" insert the following words: "except the weights shall be empty weights for all ultralight vehicles which are not certificated for maximum permissible take-off weight"

And renumber the lines accordingly

SENATE AMENDMENTS TO HB 1370

- On page 7 of the engrossed bill, line 30, after the word "home" insert the words "and accompanied by a statement from the county director of tax equalization that a current tax decal for the mobile home has been issued. No statement from the county director of tax equalization is required when title transfers under section 39-18-01"

And renumber the lines and pages accordingly

SENATE AMENDMENTS TO HB 1406

- On page 1 of the engrossed bill, line 17, remove the overstrike over the overstruck word "~~one~~" and delete the word "two" and after the word "thousand" insert the words "five hundred"
- On page 2 of the engrossed bill, line 12, remove the overstrike over the overstruck word "~~one~~" and delete the word "two" and after the word "thousand" insert the words "five hundred"
- On page 2 of the engrossed bill, line 16, remove the overstrike over the overstruck word "~~one~~" and delete the word "two" and after the word "thousand" insert the words "five hundred"
- On page 2 of the engrossed bill, line 19, delete the words "If equity"
- On page 2 of the engrossed bill, delete line 20
- On page 2 of the engrossed bill, delete the words "party incurred in either prosecuting or defending the claim."

And renumber the lines accordingly

SENATE AMENDMENTS TO HB 1417

- On page 1 of the engrossed bill, line 11, delete the words "for the"
- On page 1 of the engrossed bill, line 12, delete the words "purpose of installing it as a fixture"

On page 1 of the engrossed bill, after line 28, add the following new subsection:

"3. The tax imposed by this section shall not apply to medical equipment purchased as tangible personal property by a hospital and subsequently installed by a contractor into such hospital."

And renumber the lines and pages accordingly

SENATE AMENDMENTS TO HB 1421

On page 1 of the engrossed bill, line 4, delete the word "and"

On page 1 of the engrossed bill, line 4, after the word "appropriation" and before the period insert the words "; and to provide an effective date"

On page 2 of the engrossed bill, line 21, delete the numerals "75,560" and insert in lieu thereof the numerals "37,780"

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

"SECTION 11. EFFECTIVE DATE. This Act becomes effective on July 1, 1984."

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The appropriation for funding the North Dakota Centennial Commission is reduced by half to \$37,780, and an effective date of July 1, 1984, is provided.

SENATE AMENDMENTS TO HB 1439

On page 1, line 1, delete the words "provide an appropriation to the superintendent" and insert in lieu thereof the words "defray the expenses of"

On page 1, delete line 2

On page 1, delete lines 7 through 14 and insert in lieu thereof the following:

"SECTION 1. TEXTBOOKS. The superintendent of public instruction shall defray the expenses of purchasing the new "History of North Dakota" textbook for eighth-grade students in the state of North Dakota. The amount spent for this purpose shall be paid from moneys appropriated in Senate Bill No. 2002 to the Department of Public Instruction by the forty-

eighth Legislative Assembly. The amount spent for this purpose shall not exceed \$100,000."

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment provides that funds for the purchase of the "History of North Dakota" textbook are to be taken from moneys appropriated to the Department of Public Instruction in Senate Bill No. 2002 rather than moneys appropriated in a separate bill.

SENATE AMENDMENTS TO HB 1443

On page 1 of the engrossed bill, line 1, after the words "A BILL for an Act", delete the remainder of the bill and insert in lieu thereof the following: "to create and enact a new section to chapter 57-35.2 of the North Dakota Century Code, relating to the deduction of a credit for charitable contributions from the tax on banks, trust companies, and savings and loan associations; and to provide an effective date.

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

SECTION 1. A new section to chapter 57-35.2 of the North Dakota Century Code is hereby created and enacted to read as follows:

1. At the election of the taxpayer, there shall be allowed, subject to the applicable limitations provided in this subsection, as a credit against the tax imposed by this chapter for the taxable year, an amount equal to fifty percent of the aggregate amount of charitable contributions made by the taxpayer during the year to nonprofit private institutions of higher education located within the state or to the North Dakota independent college fund. The amount allowable as a credit under this subsection for any taxable year shall not exceed twenty percent of the taxpayer's total tax under this chapter for the year, or two thousand five hundred dollars, whichever is less.
2. At the election of the taxpayer, there shall be allowed, subject to the applicable limitations provided in this subsection, as a credit against the tax imposed by this chapter for the taxable year, an amount

equal to fifty percent of the aggregate amount of charitable contributions made by the taxpayer during the year to nonprofit private institutions of secondary education located within the state. The amount allowable as a credit under this subsection for any taxable year shall not exceed twenty percent of the taxpayer's total tax under this chapter for the year, or two thousand five hundred dollars, whichever is less.

3. For the purpose of this section, the term "nonprofit private institution of higher education" shall mean only a nonprofit private educational institution located in the state of North Dakota which normally maintains a regular faculty and curriculum and which normally has a regularly organized body of students in attendance at the place where its educational activities are carried on, and which regularly offers education at a level above the twelfth grade. The term "nonprofit private institution of secondary education" shall mean only a nonprofit private educational institution located in North Dakota which normally maintains a regular faculty and curriculum approved by the department of public instruction and which normally has a regularly organized body of students in attendance at the place where its educational activities are carried on, and which regularly offers education to students in the ninth through twelfth grades.
4. For purposes of this section, a taxpayer may elect to treat a contribution as made in the preceding taxable year if the contribution and election are made not later than the time prescribed in section 57-35.2-03 for filing the return for the taxable year.

SECTION 2. EFFECTIVE DATE. The provisions of this Act are effective for taxable years beginning after December 31, 1982."

And renumber the lines accordingly

SENATE AMENDMENTS TO HB 1473

On page 1 of the engrossed bill, line 13, delete the word "Areas" and insert in lieu thereof the words "Except

for transmission lines in existence before
July 1, 1983, areas"

SENATE AMENDMENTS TO HB 1526

On page 1 of the engrossed bill, line 24, delete the words
"which may exist"

On page 1 of the engrossed bill, line 25, delete the words
"in any facet of a person's life" and insert in lieu
thereof the words "as outlined by axis V of the
diagnostic and statistical manual of mental disorders
of the American psychiatric association"

On page 4 of the engrossed bill, line 33, after the word
"a" insert the word "detailed"

On page 5 of the engrossed bill, line 3, remove the
overstrike over the words "in detai"

And renumber the lines accordingly

SENATE AMENDMENTS TO HB 1528

On page 1 of the engrossed bill, line 28, after the word
"communities" insert the word "to"

On page 2 of the engrossed bill, line 20, delete the words
"or description of"

On page 2 of the engrossed bill, line 21, delete the word
"services"

On page 3 of the engrossed bill, delete lines 5 through 8

On page 7 of the engrossed bill, delete lines 8 through 11

On page 7 of the engrossed bill, delete lines 31 through 34

On page 8 of the engrossed bill, delete lines 1 through 15

And renumber the lines, subsections, sections, and pages
accordingly

SENATE AMENDMENTS TO HB 1589

On page 2 of the engrossed bill, line 18, overstrike the
word "one" and insert immediately thereafter the word
"four"

And renumber the lines and pages accordingly

On page 3 of the engrossed bill, delete lines 2 through 6

And renumber the lines accordingly

SENATE AMENDMENTS TO HB 1641

- On page 1, line 2, delete the numeral "54-09-02" and insert in lieu thereof the numeral "11-18-01"
- On page 1, line 2, delete the word "secretary" and insert in lieu thereof the words "register of deeds"
- On page 1, line 3, delete the words "of state"
- On page 1, line 4, delete the words "crops or cattle" and insert in lieu thereof the words "farm products"
- On page 1, line 4, delete the words "and to amend and reenact"
- On page 1, delete lines 5 and 6
- On page 1, delete lines 9 through 28
- On page 2, delete lines 1 through 15 and insert in lieu thereof the following new section:

"SECTION 1. A new subsection to section 11-18-01 of the North Dakota Century Code is hereby created and enacted to read as follows:

Furnish upon written or telephone request to merchants, as referred to in subsection 7 of section 41-09-28, the information contained in financing statements filed to perfect a security interest pursuant to chapter 41-09 when the collateral is farm products, and to provide written confirmation of the oral information provided upon receipt of a fee which shall be the same as for recording that instrument."

And renumber the lines, pages, and sections accordingly

SENATE AMENDMENTS TO HB 1674

- On page 3 of the engrossed bill, line 4, delete the word "may" and insert in lieu thereof the word "need"
- On page 3 of the engrossed bill, line 5, after the word "majority" insert the words "or plurality"
- On page 3 of the engrossed bill, line 6, delete the words "depict, present, describe, or relate" and insert in lieu thereof the words "are distinguished or characterized by their emphasis on matter depicting, describing, or relating"

- On page 3 of the engrossed bill, line 8, delete the words "adult bookstore" and insert in lieu thereof the word "establishment"
- On page 3 of the engrossed bill, line 10, delete the words "depict, present, describe, relate to, and" and insert in lieu thereof the words "are so distinguished or characterized"
- On page 3 of the engrossed bill, delete line 11
- On page 3 of the engrossed bill, line 12, delete the words "anatomical areas"
- On page 3 of the engrossed bill, line 12, after the word "factfinder" insert the words "shall consider the totality of the circumstances and"
- On page 3 of the engrossed bill, line 13, delete the word "things" and insert in lieu thereof the word "factors" and after the second comma insert the words "any of"
- On page 3 of the engrossed bill, line 14, delete the word "factors"
- On page 3 of the engrossed bill, delete lines 15 through 25 and insert in lieu thereof the following:
- "a. Dominant theme of the establishment.
 - b. Total impression of the emphasis placed on such materials by the establishment.
 - c. Externalities of the establishment including but not limited to the manner of packaging or display and advertising which demonstrates the dominant theme or emphasis being placed on such materials by the establishment.
 - d. Obtrusive characteristics of the materials which tend to distract from and dominate the other classes of materials.
 - e. Manner of display of the materials.
 - f. Advertising emphasis.
 - g. Whether the establishment prohibits minors from entering the premises or any portion thereof."

And renumber the lines and pages accordingly

SENATE AMENDMENTS TO HB 1680

- On page 1 of the engrossed bill, line 3, after the word "works" and before the period insert the words "; and to declare an emergency"
- On page 1 of the engrossed bill, line 23, overstrike the words "any state agency or institution"
- On page 1 of the engrossed bill, overstrike line 24
- On page 1 of the engrossed bill, line 25, overstrike the words "dollars without", delete the word "the", and overstrike the words "plans, drawings, and specifications, shall"
- On page 1 of the engrossed bill, overstrike line 26
- On page 1 of the engrossed bill, line 27, overstrike the words "and that"
- On page 2 of the engrossed bill, line 5, overstrike the words "Any type or class of engineering"
- On page 2 of the engrossed bill, overstrike lines 6 through 8
- On page 2 of the engrossed bill, line 9, overstrike the words "bid requirements of this section", delete the word "are", and overstrike the words "waived upon"
- On page 2 of the engrossed bill, overstrike lines 10 through 12
- On page 2 of the engrossed bill, line 13, delete the words "of a building" and overstrike the words "owned by the state, and a contract may be made"
- On page 2 of the engrossed bill, line 14, overstrike the word "for", delete the word "the", and overstrike the words "prompt destruction, demolition, or repair without"
- On page 2 of the engrossed bill, overstrike lines 15 through 17
- On page 2 of the engrossed bill, after line 17, insert the following new section:

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

And renumber the lines and pages accordingly

SENATE AMENDMENTS TO HCR 3038

On page 1, line 22, delete the words "with emphasis on container deposit requirements,"

And renumber the lines accordingly

SENATE AMENDMENTS TO HCR 3083

On page 1 of the engrossed resolution, line 22, delete the word "is" and insert in lieu thereof the word "are"

And renumber the lines accordingly

SENATE AMENDMENTS TO HCR 3086

On page 1, after line 24, insert the following new language:

"BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the President of the United States, the Secretary of Labor, and each member of the North Dakota Congressional Delegation."

And renumber the lines and pages accordingly

Very respectfully,
LEO LEIDHOLM, Secretary

MESSAGE TO THE HOUSE
SENATE CHAMBER

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

HB 1068, HB 1198, HB 1199, HB 1398, HB 1521, HB 1637,
HB 1640, HB 1648, HCR 3037, HCR 3062, HCR 3072

Very respectfully,
LEO LEIDHOLM, Secretary

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2122:

Reps. Vig, Kent, Keller

SIXTH ORDER OF BUSINESS

REP. DOTZENROD MOVED that the amendments to HB 1730 as recommended by the Committee on Political Subdivisions as printed on page 1945 of the House Journal be adopted.

REQUEST

REP. KOSKI REQUESTED that the question of the final adoption of the amendments to HB 1730 be divided to have the sections voted on separately in the following manner:

Division A, Section c. gambling

Division B, Section g. particular alcohol related offenses as set forth in rules adopted by the attorney general

Division C, the remainder of the amendments.

SPEAKER KELLY GRANTED the request to divide the question, and explained that the House will vote according to the division as stated in the request. The question then was on the adoption of Division A of the divided question.

Division A was declared lost on a voice vote.

The question then was on the adoption of Division B of the divided question.

Division B was declared lost on a voice vote.

The question then was on the adoption of Division C of the divided question.

Division C was declared adopted on a voice vote.

**MESSAGE FROM THE SENATE
SENATE CHAMBER**

MADAM SPEAKER: I have the honor to return herewith HB 1182, HB 1246, HB 1404, HB 1408, HB 1445, HB 1447, HB 1458, HB 1518, and HB 1523 which the Senate has amended as follows:

SENATE AMENDMENTS TO HB 1182

On page 1 of the engrossed bill, line 20, delete the word "resident"

And renumber the lines accordingly

SENATE AMENDMENTS TO HB 1246

On page 1 of the engrossed bill, line 7, delete the words "or contemplated"

On page 1 of the engrossed bill, line 17, delete the words "or contemplated"

On page 1 of the engrossed bill, line 22, after the period insert the following:

"Nothing herein shall be construed to prohibit the department of human services or county social service board from immediately implementing a decision, where the best interests of the child require such immediate action, as long as notice is given to the foster parent as soon as possible."

On page 2 of the engrossed bill, after line 27, insert a new subsection as follows:

"7. Nothing herein shall be construed to require a grievance proceeding under this Act, where the department of human services or county social service board is acting to implement a specific placement decision issued by a court with competent jurisdiction."

And renumber the lines and pages accordingly

SENATE AMENDMENTS TO HB 1404

On page 2 of the engrossed bill, line 12, delete the word "their" and after the word "conditions" insert the words ", in an acute care hospital, skilled care facility, or rehabilitation facility,"

On page 2 of the engrossed bill, line 13, delete the words "physician licensed in the state" and insert in lieu thereof "licensed physician"

On page 2 of the engrossed bill, line 14, delete the words "of North Dakota"

On page 10 of the engrossed bill, line 22, delete the numeral "15" and insert in lieu thereof the numeral "16"

And renumber the lines and pages accordingly

SENATE AMENDMENTS TO HB 1408

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

On page 1 of the engrossed bill, line 6, immediately after the word "hospital" insert the following: "; and to repeal section 43-17-23 of the North Dakota Century Code, relating to recording physician's licenses in registry of deeds"

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

"SECTION 3. REPEAL. Section 43-17-23 of the North Dakota Century Code is hereby repealed."

And renumber the lines, pages and sections accordingly

SENATE AMENDMENTS TO HB 1445

On page 1, line 11, delete the word "in" and insert in lieu thereof the words "which are more restrictive than state law"

On page 1, line 12, delete the words "any form", delete the word "such", and after the word "ordinances" insert the words "which are more restrictive than state law"

And renumber the lines accordingly

On page 1, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to create and enact a new section to chapter 62-04 of the North Dakota Century Code, relating to regulation of firearms and ammunition."

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

SECTION 1. A new section to chapter 62-04 of the North Dakota Century Code is hereby created and enacted to read as follows:

Limitation on authority of political subdivision regarding firearms. No political subdivision, including home rule cities or counties, may enact any ordinance relating to the purchase, sale, ownership, transfer of ownership, registration, and licensing of firearms and ammunition which is more restrictive than state law. All such existing ordinances are null and void."

And renumber the lines accordingly

SENATE AMENDMENTS TO HB 1447

On page 2 of the engrossed bill, line 13, delete the words "A group home may not be located"

On page 2 of the engrossed bill, line 14, delete the words "within six hundred feet of an existing licensed group home."

SENATE AMENDMENTS TO HB 1458

On page 23 of the engrossed bill, line 11, overstrike the word "district" and overstrike the words "an accredited high"

On page 23 of the engrossed bill, line 12, overstrike the words "if the" and overstrike the words "to be dissolved is contiguous to such a"

On page 23 of the engrossed bill, line 13, overstrike the words "district or districts"

And renumber the lines accordingly

SENATE AMENDMENTS TO HB 1518

On page 1 of the engrossed bill, line 8, delete the words
"to provide an appropriation;"

On page 8 of the engrossed bill, delete lines 25 through 35

On page 9 of the engrossed bill, delete lines 1 through 5

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment deletes the appropriation to the Aeronautics Commission in House Bill No. 1518. The appropriation is to be incorporated into House Bill No. 1016, which contains the regular appropriation for the Aeronautics Commission's 1983-85 budget.

SENATE AMENDMENTS TO HB 1523

On page 1 of the engrossed bill, line 1, delete the words
"to create and enact a new subsection to section"

On page 1 of the engrossed bill, delete lines 2 and 3

On page 1 of the engrossed bill, line 4, delete the words
"industrial commission; and"

On page 1 of the engrossed bill, line 5, delete the numerals "38-08-09.5" and insert in lieu thereof the numerals "38-08-09.8", and after the word "Code" and before the period insert the words " relating to unitization of oil and gas under the control and regulation of the industrial commission"

On page 4 of the engrossed bill, line 11, delete the words "plan of unitization must provide" and insert in lieu thereof the words "unit may be dissolved ten years after the unit agreement becomes effective upon a petition to the commission by the royalty owners who are credited with at least eighty percent of the production and proceeds thereof, and a subsequent hearing and order by the commission. The commission may not dissolve any unit if the dissolution would be likely to result in waste or the violation of the correlative rights of any owner. This provision does not limit or restrict any other authority which the commission has."

On page 4 of the engrossed bill, delete lines 12 through 35 and insert in lieu thereof the following:

"SECTION 2. AMENDMENT. Section 38-08-09.8 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

38-08-09.8. Modification of property rights, leases, and contracts - Title to property - Distribution of proceeds - Effect of operations. Property rights, leases, contracts, and all other rights and obligations shall be regarded as amended and modified to the extent necessary to conform to the provisions and requirements of sections 38-08-09.1 through 38-08-09.16 and to any valid and applicable plan of unitization or order of the commission made and adopted pursuant hereto, but otherwise to remain in full force and effect.

Nothing contained in sections 38-08-09.1 through 38-08-09.16 shall be construed to require a transfer to or vesting in the unit of title to the separately owned tracts or leases thereon within the unit area, other than the right to use and operate the same to the extent set out in the plan of unitization; nor shall the unit be regarded as owning the unit production. The unit production and the proceeds from the sale thereof shall be owned by the several persons to whom the same is allocated under the plan of unitization. All property, whether real or personal, which the unit may in any way acquire, hold, or possess shall not be acquired, held, or possessed by the unit for its own account but shall be so acquired, held, and possessed by the unit for the account and as agent of the several lessees and shall be the property of such lessees as their interests may appear under the plan of unitization, subject, however, to the right of the unit to the possession, management, use, or disposal of the same in the proper conduct of its affairs.

The amount of the unit production allocated to each separately owned tract within the unit, and only that amount, regardless of the well or wells in the unit area from which it may be produced, and regardless of whether it be more or less than the amount of the production from the well or wells, if any, on any such separately owned tract, shall for all intents, uses, and purposes be regarded and considered as production from such separately owned tract, and, except as may be otherwise authorized in sections 38-08-09.1 through 38-08-09.16, or in the plan of unitization approved by the commission, shall be distributed among or the proceeds thereof paid to the several persons entitled to share in the production from such separately owned tract in the same manner, in the same proportions, and upon the same conditions that they would have participated and shared in the production or proceeds thereof from such separately owned tract had not said unit been organized, and with the same legal force and effect. If adequate provisions are made for the receipt

thereof, the share of the unit production allocated to each separately owned tract shall be delivered in kind to the persons entitled thereto by virtue of ownership of oil and gas rights therein or by purchase from such owners subject to the rights of the unit to withhold and sell the same in payment of unit expense pursuant to the plan of unitization, and subject further to the call of the unit on such proportions of the gas for operating purposes as may be provided in the plan of unitization.

Operations carried on under and in accordance with the plan of unitization shall be regarded and considered as a fulfillment of and compliance with all of the provisions, covenants, and conditions, express or implied, of the several oil and gas mining leases upon lands included within the unit area, or other contracts pertaining to the development thereof, insofar as said leases or other contracts may relate to the common source of supply or portion thereof included in the unit area. Wells drilled or operated on any part of the unit area no matter where located shall for all purposes be regarded as wells drilled on each separately owned tract within such unit area.

Nothing herein or in any plan of unitization shall be construed as increasing or decreasing the express or implied covenants of a lease in respect to a unit source of supply or lands not included within the unit area of a unit. However, when an oil and gas lease covers and affects lands partially within and partially without the unit area, unit operations and unit production allocated to the lease, as provided in this section, shall not be deemed operations on or production from the lease as to the lands covered by the lease lying outside the unit area after two years from the effective date of the order of the commission creating and approving the unit or the expiration of the primary term of the lease, whichever is the later date. After the later date, the lease as to lands outside the unit area may be maintained in force and effect only in accordance with the terms and provisions contained in the lease."

On page 5 of the engrossed bill, delete lines 1 through 35

On page 6 of the engrossed bill, delete lines 1 through 16

And renumber the lines and pages accordingly

Very respectfully,
LEO LEIDHOLM, Secretary

MOTIONS

REP. MERTENS MOVED that SB 2250 be rereferred to the Committee on Appropriations, which motion prevailed.

SPEAKER KELLY ANNOUNCED that SB 2250 was rereferred to the Committee on Appropriations.

REP. MARTINSON MOVED that the House reconsider its action whereby SB 2093 was passed, which motion prevailed.

REP. MARTINSON MOVED that SB 2093 be laid over one legislative day, which motion prevailed.

REP. JACOBSON MOVED that SB 2226 and SB 2277 be rereferred to the Committee on Education, which motion prevailed.

SPEAKER KELLY ANNOUNCED that SB 2226 and SB 2277 were rereferred to the Committee on Education.

REP. BACKES MOVED that consideration of amendments to SB 2047, SB 2067, SB 2095, SB 2251, SB 2309, SB 2144, and SB 2197 be laid over one legislative day, which motion prevailed.

MESSAGES TO THE SENATE
HOUSE CHAMBER

MR. PRESIDENT: I have the honor to transmit herewith the following on which the House has adopted the conference committee report and subsequently passed the same:

HB 1661

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 3011, HCR 3026, HCR 3029

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 2004, SB 2339, SCR 4005, SCR 4046

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 2142, SB 2145, SB 2189, SB 2196, SB 2294, SB 2358,
SB 2404, SB 2448, SB 2465, SB 2474, SCR 4006

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 2346, SB 2384

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 1296, HB 1386, HB 1400, HB 1647, and HCR 3050, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1296: Reps. Schneider, Koski, Hughes
HB 1386: Reps. Nowatzki, Linderman, Kretschmar
HB 1400: Reps. Schoenwald, S. F. Hoffner, Haugland
HB 1647: Reps. Schoenwald, Riehl, Goetz
HCR 3050: Reps. DuBord, Schoenwald, Retzer

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 1057, HB 1060, HB 1425, HCR 3046

REP. G. MARTIN, Chairman

MOTIONS

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

REP. BACKES MOVED that SB 2351 be placed at the head of the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2351: A BILL for an Act relating to the promotion, advertising, research, and development of barley, creating a state barley council and prescribing its powers, duties, and authority, prescribing a tax on barley production, providing for its collection; to provide a penalty; 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 78 YEAS, 21 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Backes; Black; Boyle; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gates; Goetz; Gorder; Gullickson; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer; Hjelle; Horgan; Hughes; Jacobson; Keller; Kent; Kloubec; Knudson; Koehn; Koski; Kretschmar; Kuchera; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Lloyd; Martin, C.; Martin, G.; Meier, A.; Melby; Mertens; Meyer, R.; Meyer, W.; Moore; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Olafson; Olsen, D.; Olson, A.; Opedahl; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Rice; Riehl; Riley; Rued; Sanstead; Schoenwald; Shide; Sinner; Swiontek; Thompson; Timm; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Wold

NAYS: Aubol; Brokaw; Gunsch; Hill; Hoffner, Serenus; Hoffner, S. F.; Kingsbury; Linderman; Lipsiea; Meiers, R.; Murphy; O'Shea; Retzer; Richard; Schindler; Schneider; Shockman; Solberg; Stofferahn; Williams, W.; Speaker Kelly

ABSENT AND NOT VOTING: Gerl; Lang; Martinson; Strinden; Unhjem; Vander Vorst; Vig

SB 2351 passed and the title was agreed to.

RECOGNITION

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

SIXTH ORDER OF BUSINESS

REP. E. POMEROY MOVED that the amendments to HB 1731 as recommended by the Committee on Judiciary as printed on page 1945 of the House Journal be adopted, which motion prevailed.

REP. SANSTEAD MOVED that the amendments to HCR 3028 as recommended by the Joint Committee on Constitutional Revision as printed on page 1946 of the House Journal be adopted.

REQUEST

REP. KRETSCHMAR REQUESTED that the question of the final adoption of the amendments to HCR 3028 be divided to have the sections voted on separately in the following manner:

Division A, the amendments on page 3, line 13, of the bill

Division B, all the other amendments on the bill

SPEAKER KELLY GRANTED the request to divide the question, and explained that the House will vote according to the division as stated in the request.

The question then was on the adoption of Division A of the divided question.

Division A was declared lost on a voice vote.

The question then was on the adoption of Division B of the divided question.

Division B was declared adopted on a voice vote.

**MESSAGE 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 2122: Reps. Vig, Keller, Kent

Very respectfully,
CHARLES FLEMING, Chief Clerk

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 18, 1983:

HB 1068, HB 1198, HB 1199, HB 1398, HB 1521, HB 1637,
HB 1640, HB 1648

REP. G. MARTIN, Chairman

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

MADAM SPEAKER: Your Committee on Enrollment and Engrossment respectfully report that the following bills were delivered to the Secretary of State at the hour of 1:38 p.m., March 18, 1983:

HCR 3037, HCR 3062, HCR 3072

REP. G. MARTIN, Chairman

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

SIXTH ORDER OF BUSINESS

REP. SINNER MOVED that the amendments to SB 2049 as recommended by the Committee on Finance and Taxation as printed on page 1962 of the House Journal be adopted, which motion prevailed.

REP. S. F. HOFFNER MOVED that the amendments to Engrossed SB 2055 as recommended by the Committee on Industry, Business, and Labor as printed on pages 1962 and 1963 of the House Journal be adopted, which motion prevailed.

REP. E. POMEROY MOVED that the amendments to SB 2068 as recommended by the Committee on Judiciary as printed on pages 1967 and 1968 of the House Journal be adopted, which motion prevailed.

REP. S. F. HOFFNER MOVED that the amendments to SB 2150 as recommended by the Committee on Industry, Business, and Labor as printed on pages 1972-1974 of the House Journal be adopted, which motion prevailed.

REP. S. F. HOFFNER MOVED that the amendments to Engrossed SB 2172 as recommended by the Committee on Industry, Business, and Labor as printed on page 1974 of the House Journal be adopted, which motion prevailed.

REP. S. F. HOFFNER MOVED that the amendments to Reengrossed SB 2173 as recommended by the Committee on Industry, Business, and Labor as printed on pages 1974 and 1975 of the House Journal be adopted, which motion prevailed.

REP. SINNER MOVED that the amendments to Engrossed SB 2179 as recommended by the Committee on Finance and Taxation as printed on pages 1975 and 1976 of the House Journal be adopted, which motion prevailed.

REP. S. F. HOFFNER MOVED that the amendments to Engrossed SB 2205 as recommended by the Committee on Industry, Business, and Labor as printed on pages 1982 and 1983 of the House Journal be adopted, which motion failed on a verification vote.

REP. R. MEIERS MOVED that the amendments to Engrossed SB 2245 as recommended by the Committee on Social Services and Veterans Affairs as printed on pages 1983 and 1984 of the House Journal be adopted.

REQUEST

REP. GATES REQUESTED that the question of the final adoption of the amendments to SB 2245 be divided to have the sections voted on separately in the following manner:

Division A, section 2 of the amendments to the bill

Division B, all of the remainder of the amendments to the bill

SPEAKER KELLY GRANTED the request to divide the question, and explained that the House will vote according to the division as stated in the request.

The question then was on the adoption of Division A of the divided question.

Division A was declared adopted on a voice vote.

The question then was on the adoption of Division B of the divided question.

Division B was declared adopted on a voice vote.

MESSAGES FROM THE SENATE 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 2070, SB 2088, SB 2101, SB 2139, SB 2177, SB 2182,
SB 2192, SB 2201, SB 2217, SB 2229, SB 2282, SB 2295,
SB 2296, SB 2299, SB 2302, SB 2318, SB 2335, SB 2347,
SCR 4004, SCR 4007, SCR 4020, SCR 4021, SCR 4023, SCR 4028,
SCR 4029, SCR 4032, SCR 4034, SCR 4035, SCR 4036, SCR 4037,
SCR 4039, SCR 4042, SCR 4048, SCR 4050

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

MADAM SPEAKER: I have the honor to return herewith HB 1432, HB 1479, and HB 1482 which the Senate has amended as follows:

SENATE AMENDMENTS TO HB 1432

On page 1, line 19, after the period insert the following new sentence: "Gravel, clay, and scoria shall be transferred with the surface estate unless specifically reserved by name in the deed, grant, or conveyance."

And renumber the lines accordingly

SENATE AMENDMENTS TO HB 1479

On page 1 of the engrossed bill, line 20, after the word "employer" insert the words "at the time of default"

On page 1 of the engrossed bill, delete lines 22 and 23 and insert the words "beginning one month after default, a penalty of two percent of the amount in default for each month or fraction of a month the obligation remains unpaid."

And renumber the lines and pages accordingly

SENATE AMENDMENTS TO HB 1482

On page 1 of the reengrossed bill, line 5, after the word "boards" insert the words "; and to declare an emergency"

On page 2 of the reengrossed bill, after line 6, insert the following new section:

"SECTION 4. 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

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

SB 2496

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 1478

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 1585

Very respectfully,
LEO LEIDHOLM, Secretary

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., Monday, March 21, 1983, which motion prevailed.

REPORT OF STANDING COMMITTEE

MADAM SPEAKER: Your Committee on Appropriations to which was rereferred SB 2220 has had the same under consideration and

recommends by a vote of 13 YEAS, 8 NAYS, 0 ABSENT AND NOT VOTING that the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION.

REP. MERTENS, Chairman

SB 2220 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