

JOURNAL OF THE HOUSE

Forty-eighth Legislative Assembly

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SIXTY-FIRST DAY

Bismarck, March 31, 1983  
The House convened at 9:00 a.m., with Speaker Kelly presiding.

The prayer was offered by Rev. Jim Norlie, Trinity Lutheran Church, Bismarck.

ROLL CALL

The roll was called and all members were present, except Representatives Aubol, Laughlin, C. Martin, Martinson, Retzer, Thompson, and Timm.

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 Sixtieth day and finds the same to be correct.

REP. LAUGHLIN, Chairman

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

MESSAGES TO THE SENATE  
HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House has concurred in the Senate amendments to HB 1003, HB 1269, HB 1333, HB 1627, and HB 1701, and subsequently passed the same.

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 2260, SB 2331

Very respectfully,  
CHARLES FLEMING, Chief Clerk

MESSAGES FROM THE SENATE  
SENATE CHAMBER

MADAM SPEAKER: I have the honor to inform you that the President has appointed Senator Todd to replace Senator Reiten on the Conference Committee on SB 2350.

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 2497

Very respectfully,  
LEO LEIDHOLM, Secretary

## REPORTS OF CONFERENCE COMMITTEES

MADAM SPEAKER: Your Conference Committee to which was referred Engrossed HB 1130 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 1501 of the House Journal and that Engrossed HB 1130 be further amended as follows:

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

On page 2 of the engrossed bill, line 1, after the word "knowledge" insert the words ", but a witness cannot be asked about that witness' testimony before the committee"

And renumber the lines accordingly

For the Senate: Sens. Christensen, Stenehjem, Lashkowitz

For the House: Reps. E. Pomeroy, Wentz, Vig

Engrossed HB 1130 was placed on the Seventh order of business.

MADAM SPEAKER: Your Conference Committee to which was referred Engrossed HB 1151 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 1657 and 1658 of the House Journal and that Engrossed HB 1151 be further amended as follows:

On page 1 of the engrossed bill, line 13, delete the words "such an"

On page 1 of the engrossed bill, line 14, delete the word "exchange" and insert in lieu thereof the words "any violation of this chapter. The property described in this section shall be forfeited in the same manner and procedure as conveyances"

And renumber the lines accordingly

For the Senate: Sens. Olson, Lashkowitz, Holmberg

For the House: Reps. R. Meiers, Conmy, Linderman

Engrossed HB 1151 was placed on the Seventh order of business.

MADAM SPEAKER: Your Conference Committee to which was referred HCR 3038 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 2022 of the House Journal and that HCR 3038 be amended as follows:

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

And renumber the lines and pages accordingly

For the Senate: Sens. Lodoen, Reiten, Waldera

For the House: Reps. Serenus Hoffner, Hill, D. Olsen

HCR 3038 was placed on the Seventh order of business.

#### REQUEST

REP. RICE REQUESTED that the record show that he favored HCR 4003 and that he had voted "nay" when he intended to vote "yea" on the final adoption of HCR 4003 on the Sixtieth legislative day, which request was granted.

#### REPORTS OF STANDING COMMITTEES

MADAM SPEAKER: Your Committee on Appropriations to which was rereferred Engrossed SB 2276 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 AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

In addition to the amendments to engrossed Senate Bill No. 2276 as found on pages 1989 through 1991 of the House Journal, engrossed Senate Bill No. 2276 is amended as follows:

On page 1989 of the House Journal, after the forty-fourth printed line, insert the following:

"On page 1 of the engrossed bill, line 1, delete the word "section" and insert in lieu thereof the word "sections", and immediately thereafter insert the numeral "15-40.1-02,"

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

On page 1989 of the House Journal, the forty-seventh printed line, after the first set of quotation marks, insert the words ", and apportionment of funds to school districts pursuant to section 2 of article IX of the Constitution of North Dakota"

On page 1989 of the House Journal, after the forty-seventh printed line, insert the following:

"On page 1 of the engrossed bill, after line 6, insert the following new section:

SECTION 1. AMENDMENT. Section 15-40.1-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40.1-02. State school aid - Appropriation. All payments authorized by this chapter shall be made by the state treasurer out of the general fund of the state within the limits of legislative appropriation. Funds distributed to each school district pursuant to section 2 of article IX of the Constitution of North Dakota are hereby appropriated and shall constitute state aid to meet the educational cost per pupil in elementary and secondary schools."

On page 1991 of the House Journal, the fortieth printed line, after the period insert the following sentence: "Approval by the budget section of the legislative council is necessary before any supplemental per-pupil payments can be made pursuant to this section."

On page 1991 of the House Journal, the forty-first printed line, delete the words "lines and pages" and insert in lieu thereof the words "lines, sections, and pages"

And renumber the lines accordingly

REP. MERTENS, Chairman

Engrossed SB 2276 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Agriculture to which was referred HCR 3094 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. W. MEYER, Chairman

HCR 3094 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Agriculture to which was referred HCR 3095 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. W. MEYER, Chairman

HCR 3095 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

#### MOTION

REP. BACKES MOVED that the House stand in recess until 10:30 a.m., which motion prevailed.

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

## REPORT OF PROCEDURAL COMMITTEE

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

HB 1725

REP. G. MARTIN, Chairman

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

## FIRST READING OF SENATE BILL

SB 2497: A BILL for an Act to amend and reenact sections 57-38-29, 57-38-30, and subsection 2 of section 57-38-30.3 of the North Dakota Century Code, relating to the rate of income tax on individuals and corporations; to repeal section 57-38-29.1 of the North Dakota Century Code, relating to the energy cost relief credit allowed to individual income tax filers; and to provide an effective date and an expiration date.

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

## REPORT OF STANDING COMMITTEE

MADAM SPEAKER: Your Committee on Finance and Taxation to which was rereferred Engrossed SB 2313 has had the same under consideration and recommends by a vote of 11 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

In addition to the amendments to engrossed Senate Bill No. 2313 adopted by the House of Representatives as found on page 1925 of the House Journal, engrossed Senate Bill No. 2313 is amended as follows:

On page 3 of the engrossed bill, line 24, delete the word "Notwithstanding" and insert in lieu thereof the words "In addition to"

On page 3 of the engrossed bill, line 28, delete the words "or retired from"

On page 3 of the engrossed bill, line 29, delete the word "farming"

On page 3 of the engrossed bill, line 31, after the period insert the following new sentence: "The provisions of this subsection do not apply to an individual who is retired because of illness or age and who at the time of retirement owned and occupied as a farmer the"

residence in which he lives and for which the exemption is claimed."

And renumber the lines accordingly

REP. SINNER, Chairman

Engrossed SB 2313 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

#### SIGNING OF BILLS AND RESOLUTIONS

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following:

HB 1725

CHARLES FLEMING, Chief Clerk

#### MOTION

REP. BACKES MOVED that the House stand in recess until 1:00 p.m., which motion prevailed.

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

#### 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 1725

Very respectfully,  
CHARLES FLEMING, Chief Clerk

#### MESSAGE FROM THE SENATE

##### SENATE CHAMBER

MADAM SPEAKER: I have the honor to inform you that the President has appointed Senator Wright to replace Senator Lee on the Conference Committee on SB 2049.

Very respectfully,  
LEO LEIDHOLM, Secretary

#### MOTION

REP. BACKES MOVED that the House stand in recess until 2:00 p.m., which motion prevailed.

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

#### MOTIONS

REP. BACKES MOVED that the rules be suspended and that SB 2027, SB 2172, SB 2342, SB 2499, SCR 4056, HCR 3091, HCR 3092, and HCR 3093 be messaged to the Senate immediately, which motion prevailed.

REP. LLOYD MOVED that the House reconsider its action whereby HB 1482 passed, which motion lost on a verification vote.

REP. BACKES MOVED that the rules be suspended, that immediately following consideration of amendments to each bill on Sixth order today, that each bill be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

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

REP. BACKES MOVED that the rules be suspended, that SB 2276 be moved to the top of the Sixth order, which motion prevailed.

REP. O'SHEA MOVED that the House reconsider its action whereby SCR 4003 passed, which motion prevailed on a verification vote.

MESSAGES TO THE SENATE  
HOUSE CHAMBER

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

SB 2027, SB 2172, SB 2342, SB 2499

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 3091, HCR 3092, HCR 3093

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:

SCR 4056

Very respectfully,  
CHARLES FLEMING, Chief Clerk

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4003: A concurrent resolution for the amendment of subsection 1 of section 6 of article VIII and sections 12 and 13 of article IX of the Constitution of the State of North Dakota, relating to removing references to the institutions of higher education and their locations in sections relating to the board of higher education and trust lands; and to provide an effective date.

Which has been read.

#### ROLL CALL

The question being on the final adoption of the resolution, the roll was called and there were 47 YEAS, 56 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, R.; Boyle; Conmy; DuBord; Eagles; Gates; Gerl; Gunsch; Hamerlik; Hanson, O.; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Hughes; Kloubec; Knudson; Koski; Kretschmar; Lang; Larson, B.; Larson, R.; Lipsiea; Lloyd; Martinson; Melby; Mertens; Moore; Murphy; Mushik; Nalewaja; Nicholas; Peltier; Rayl; Retzer; Rice; Riley; Sanstead; Schindler; Schneider; Sinner; Solberg; Strinden; Swiontek; Unhjem; Vander Vorst; Wold; Speaker Kelly

NAYS: Anderson, C.; Backes; Black; Brokaw; DeMers; Dotzenrod; Erdman; Goetz; Gorder; Gullickson; Halmrast; Hanson, L.; Haugland; Hausauer; Hill; Horgan; Jacobson; Keller; Kent; Kingsbury; Kuchera; Lardy; Laughlin; Lautenschlager; Linderman; Martin, C.; Martin, G.; Meier, A.; Meiers, R.; Meyer, R.; Meyer, W.; Nowatzki; O'Connell; Olafson; Olsen, D.; Olson, A.; Opedahl; O'Shea; Peterson; Pomeroy, E.; Pomeroy, G.; Richard; Riehl; Rued; Schoenwald; Shide; Shockman; Stofferahn; Timm; Vig; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.

ABSENT AND NOT VOTING: Aubol; Koehn; Thompson

SCR 4003 was declared lost.

#### MOTION

REP. E. POMEROY MOVED that the vote by which HCR 4003 failed be reconsidered and the motion to reconsider be laid on the table, which motion failed.

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#### MOTIONS

REP. DUBORD MOVED that the House reconsider its action whereby it did not concur in the Senate amendments to HCR 3050, and that the House do concur in the Senate amendments to HCR 3050, and that the conference committee on HCR 3050 be dissolved, which motion prevailed.

REP. DUBORD MOVED that HCR 3050 be placed on the Eleventh order of business for second reading and final passage, which motion prevailed.



## SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3050: A concurrent resolution directing a Legislative Council study of workmen's compensation and its effect on all employers in the state.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3050 was declared lost on a voice vote.

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## REQUESTS

REP. DEMERS REQUESTED that the record show she intended to vote "yea" instead of "nay" on the adoption of HCR 4003, which request was granted.

REP. LLOYD REQUESTED that the record show he intended to vote "nay" instead of "yea" on the adoption of HCR 4003, which request was granted.

REP. LIPSIEA REQUESTED that the record show he intended to vote "nay" instead of "yea" on the adoption of HCR 4003, which request was granted.

## MOTION

REP. MERTENS MOVED that the House request the Senate to return SB 2026, which motion prevailed.

MESSAGES TO THE SENATE  
HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House has reconsidered its action whereby it did not concur in the Senate amendments to HCR 3050, and now wishes to inform you that it does now concur in the Senate amendments to HCR 3050, and subsequently failed to pass the same. Also, the House has dissolved the House Conference Committee on HCR 3050.

Very respectfully,

CHARLES FLEMING, Chief Clerk

## HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House requests the return of SB 2026.

Very respectfully,

CHARLES FLEMING, Chief Clerk

## SIXTH ORDER OF BUSINESS

REP. MERTENS MOVED that the amendments to SB 2276 as recommended by the Committee on Appropriations be adopted, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2276: A BILL for an Act to amend and reenact sections 15-40.1-02, 15-40.1-06, and subsection 1 of section 15-40.1-16 of the North Dakota Century Code, relating to educational support per pupil, aid for transportation, and apportionment of funds to school districts pursuant to section 2 of article IX of the Constitution of North Dakota; and to provide an appropriation.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 68 YEAS, 35 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aubol; Backes; Black; Boyle; Brokaw; DeMers; DuBord; Erdman; Gates; Gerl; Gorder; Gullickson; Halmrast; Hamerlik; Hanson, L.; Haugland; Hill; Hoffner, Serenus; Hoffner, S. F.; Horgan; Jacobson; Keller; Kingsbury; Knudson; Koski; Kretschmar; Lang; Lardy; Larson, B.; Laughlin; Lautenschlager; Linderman; Lloyd; Martin, C.; Martin, G.; Meier, A.; Meiers, R.; Mertens; Meyer, R.; Meyer, W.; Mushik; Nicholas; Nowatzki; O'Connell; Opedahl; O'Shea; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Richard; Riehl; Sanstead; Schindler; Schneider; Schoenwald; Shockman; Sinner; Solberg; Stofferahn; Vander Vorst; Vig; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Speaker Kelly

NAYS: Anderson, C.; Anderson, R.; Conmy; Dotzenrod; Eagles; Goetz; Gunsch; Hanson, O.; Hausauer; Hughes; Kent; Kloubec; Kuchera; Larson, R.; Lipsiea; Martinson; Melby; Moore; Murphy; Nalewaja; Olafson; Olsen, D.; Olson, A.; Peltier; Retzer; Rice; Riley; Rued; Shide; Strinden; Swiontek; Timm; Unhjem; Whalen; Wold

ABSENT AND NOT VOTING: Hjelle; Koehn; Thompson

SB 2276 passed and the title was agreed to.

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## MOTIONS

REP. STRINDEN MOVED that the House reconsider its action whereby HB 1429 failed to pass, which motion prevailed.

REP. BACKES MOVED that HB 1429 be laid over one legislative day, which motion prevailed.

SIXTH ORDER OF BUSINESS

REP. MERTENS MOVED that the amendments to Engrossed SB 2002 as recommended by the Committee on Appropriations as printed on pages 2352-2355 of the House Journal be adopted.

REQUESTS

REP. BLACK REQUESTED that the question of the final adoption of the amendments to SB 2002 be divided to have the sections voted on separately in the following manner:

Division A: Section 5 of the amendments, and the amendment to the title of the bill on page 1, line 3, relating to Section 5 of the bill

Division B: the remainder of the bill

REP. GUNSCH REQUESTED that Division B of the divided question be subdivided as follows:

Division B, subdivision 1: on page 1 of the engrossed bill, after line 24, insert the following: "Grants - textbooks \$100,000"

Division B, subdivision 2: the remainder of the amendments

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

REQUEST

REP. RETZER REQUESTED a recorded roll call vote on the divided question, which request was granted.

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

ROLL CALL

The roll was called and there were 20 YEAS, 81 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Boyle; Conmy; Gerl; Gullickson; Halmrast; Hoffner, Serenus; Hoffner, S. E.; Jacobson; Keller; Koski; Kretschmar; Lardy; Linderman; Meier, A.; Mertens; Pomeroy, G.; Sanstead; Schoenwald; Sinner; Wentz

NAYS: Anderson, C.; Anderson, R.; Aubol; Backes; Black; Brokaw; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gates; Goetz; Gorder; Gunsch; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hill; Horgan; Hughes; Kent; Kingsbury; Kloubec; Knudson; Kuchera; Lang; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson; Meiers, R.; Melby; Meyer, R.; Meyer, W.; Moore; Murphy; Mushik; Nalewaja;

Nicholas; Nowatzki; O'Connell; Olafson; Olsen, D.;  
 Olson, A.; Opedahl; O'Shea; Peltier; Peterson;  
 Pomeroy, E.; Rayl; Retzer; Rice; Richard; Riehl; Rued;  
 Schindler; Schneider; Shide; Shockman; Solberg;  
 Stofferahn; Strinden; Swiontek; Timm; Unhjem;  
 Vander Vorst; Vig; Watne; Whalen; Williams, A.;  
 Williams, C.; Williams, W.; Wold; Speaker Kelly

**ABSENT AND NOT VOTING:** Hausauer; Hjelle; Koehn; Riley;  
 Thompson

Division A was declared lost.

The question then was on the adoption of Division B,  
 subdivision 1 of the divided question.

#### MOTION

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

#### ROLL CALL

The roll was called and there were 76 YEAS, 27 NAYS, 3 ABSENT AND  
 NOT VOTING.

**YEAS:** Aubol; Backes; Black; Boyle; Brokaw; DeMers;  
 DuBord; Eagles; Erdman; Gates; Gerl; Gorder;  
 Gullickson; Halmrast; Hamerlik; Hanson, L.; Haugland;  
 Hill; Hjelle; Hoffner; Serenus; Hoffner, S. F.; Horgan;  
 Jacobson; Keller; Kent; Kingsbury; Knudson; Koski;  
 Kretschmar; Kuchera; Lang; Lardy; Larson, B.; Laughlin;  
 Lautenschlager; Linderman; Lipsiea; Martin, C.;  
 Martin, G.; Meier, A.; Meiers, R.; Mertens; Meyer, R.;  
 Meyer, W.; Mushik; Nicholas; Nowatzki; O'Connell;  
 Olafson; Olson, A.; Opedahl; O'Shea; Peltier; Peterson;  
 Pomeroy, E.; Pomeroy, G.; Rayl; Richard; Riehl; Rued;  
 Sanstead; Schindler; Schneider; Schoenwald; Sinner;  
 Solberg; Stofferahn; Timm; Unhjem; Vander Vorst; Vig;  
 Watne; Wentz; Williams, A.; Williams, W.; Speaker Kelly

**NAYS:** Anderson, C.; Anderson, R.; Conmy; Dotzenrod;  
 Goetz; Gunsch; Hanson, O.; Hughes; Kloubec; Larson, R.;  
 Lloyd; Martinson; Melby; Moore; Murphy; Nalewaja;  
 Olsen, D.; Retzer; Rice; Riley; Shide; Shockman;  
 Strinden; Swiontek; Whalen; Williams, C.; Wold

**ABSENT AND NOT VOTING:** Hausauer; Koehn; Thompson

Division B, subdivision 1 was declared adopted.

The question then was on the adoption of Division B,  
 subdivision 2 of the divided question.

## ROLL CALL

The roll was called and there were 77 YEAS, 25 NAYS, 4 ABSENT AND NOT VOTING.

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

NAYS: Anderson, C.; Anderson, R.; Conmy; Dotzenrod; Gunsch; Hanson, O.; Hughes; Kloubec; Larson, R.; Lipsiea; Melby; Moore; Murphy; Olafson; Olsen, D.; Olson, A.; Peltier; Retzer; Rice; Riley; Shide; Strinden; Timm; Unhjem; Whalen

ABSENT AND NOT VOTING: Hausauer; Koehn; Martinson; Thompson

Division B, subdivision 2 was declared adopted.

## SECOND READING OF SENATE BILL

SB 2002: A BILL for an Act making an appropriation for defraying the expenses of the superintendent of public instruction of the state of North Dakota.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 66 YEAS, 34 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Aubol; Black; Boyle; Brokaw; DeMers; DuBord; Erdman; Gates; Gerl; Gorder; Gullickson; Halmrast; Hanson, L.; Haugland; Hill; Hoffner, Serenus; Hoffner, S. F.; Horgan; Jacobson; Keller; Kingsbury; Knudson; Koski; Kretschmar; Kuchera; Lang; Lardy; Larson, B.; Laughlin; Lautenschlager; Linderman; Lloyd; Martin, C.; Martin, G.; Meier, A.; Meiers, R.; Mertens; Meyer, R.; Meyer, W.; Mushik; Nicholas; Nowatzki; O'Connell; Opedahl; O'Shea; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Richard; Riehl; Sanstead; Schindler; Schneider; Schoenwald; Shockman; Sinner; Solberg;

Stofferahn; Vander Vorst; Vig; Watne; Wentz;  
Williams, A.; Williams, W.; Speaker Kelly

**NAYS:** Anderson, C.; Anderson, R.; Conmy; Dotzenrod;  
Eagles; Goetz; Gunsch; Hamerlik; Hanson, O.; Hughes;  
Kent; Kloubec; Larson, R.; Lipsiea; Martinson; Melby;  
Moore; Murphy; Nalewaja; Olafson; Olsen, D.; Olson, A.;  
Peltier; Retzer; Rice; Riley; Rued; Shide; Strinden;  
Swiontek; Timm; Unhjem; Whalen; Wold

**ABSENT AND NOT VOTING:** Backes; Hausauer; Hjelle; Koehn;  
Thompson; Williams, C.

SB 2002 passed and the title was agreed to.

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#### SIXTH ORDER OF BUSINESS

**REP. MERTENS MOVED** that the amendments to Engrossed SB 2016 as recommended by the **Committee on Appropriations** as printed on pages 2355-2357 of the House Journal be adopted, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2016:** A BILL for an Act making an appropriation for defraying the expenses of the educational broadcasting council of the state of North Dakota; and to create and enact a new subsection to section 15-65-03 of the North Dakota Century Code, relating to the construction and operation of public radio facilities.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 66 YEAS, 30 NAYS, 10 ABSENT AND NOT VOTING.

**YEAS:** Aubol; Backes; Black; Brokaw; DeMers; Dotzenrod;  
DuBord; Eagles; Erdman; Gates; Gorder; Gullickson;  
Halmrast; Hamerlik; Hanson, L.; Haugland; Hill; Hjelle;  
Hoffner; Serenus; Hoffner, S. F.; Horgan; Jacobson;  
Keller; Kent; Koski; Kretschmar; Kuchera; Lardy;  
Larson, B.; Laughlin; Lautenschlager; Linderman;  
Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson;  
Melers, R.; Mertens; Meyer, R.; Meyer, W.; Mushik;  
Nalewaja; Nicholas; Nowatzki; O'Connell; Opedahl;  
Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Riehl;  
Sanstead; Schneider; Schoenwald; Shockman; Sinner;  
Stofferahn; Swiontek; Unhjem; Vig; Watne; Wentz;  
Williams, A.; Williams, W.; Speaker Kelly

**NAYS:** Anderson, C.; Anderson, R.; Boyle; Conmy; Goetz;  
Gunsch; Hanson, O.; Hughes; Kloubec; Knudson; Lang;

Larson, R.; Meier, A.; Melby; Moore; Murphy; Olsen, D.;  
Olson, A.; Peltier; Retzer; Rice; Riley; Rued;  
Schindler; Shide; Solberg; Timm; Vander Vorst; Whalen;  
Wold

ABSENT AND NOT VOTING: Gerl; Hausauer; Kingsbury; Koehn;  
Olafson; O'Shea; Richard; Strinden; Thompson;  
Williams, C.

SB 2016 passed and the title was agreed to.

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#### MOTION

REP. BACKES MOVED that SB 2354 be moved to the head of the calendar, which motion prevailed.

#### SIXTH ORDER OF BUSINESS

REP. MERTENS MOVED that the amendments to Engrossed SB 2354 as recommended by the Committee on Appropriations as printed on pages 2363 and 2364 of the House Journal be adopted, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2354: A BILL for an Act to amend and reenact sections 27-02-02 and 27-05-03 of the North Dakota Century Code, or in the alternative if House Bill No. 1729 does not become effective, to amend and reenact sections 27-02-02 and 27-05-03 of the North Dakota Century Code, relating to salaries of the judges of the supreme and district courts.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 71 YEAS, 25 NAYS, 10 ABSENT AND NOT VOTING.

YEAS: Aubol; Backes; Black; Boyle; Conmy; DeMers; DuBord;  
Eagles; Erdman; Gates; Gerl; Goetz; Gullickson;  
Halmrast; Hamerlik; Hanson, L.; Haugland; Hill; Hjelle;  
Hoffner, Serenus; Hoffner, S. F.; Horgan; Jacobson;  
Keller; Koski; Kretschmar; Kuchera; Lang; Lardy;  
Larson, B.; Larson, R.; Lautenschlager; Linderman;  
Lipslea; Lloyd; Martin, C.; Martin, G.; Martinson;  
Meier, A.; Meiers, R.; Mertens; Meyer, R.; Meyer, W.;  
Murphy; Mushik; Nalewaja; Nicholas; Nowatzki;  
O'Connell; Opedahl; O'Shea; Peterson; Pomeroy, E.;  
Pomeroy, G.; Rayl; Richard; Riehl; Riley; Sanstead;  
Schneider; Schoenwald; Sinner; Solberg; Stofferahn;  
Swiontek; Unhjem; Watne; Williams, A.; Williams, W.;  
Wold; Speaker Kelly

**NAYS:** Anderson, C.; Anderson, R.; Brokaw; Gunsch; Hanson, O.; Hughes; Kent; Kingsbury; Laughlin; Melby; Moore; Olafson; Olsen, D.; Olson, A.; Peltier; Retzer; Rice; Rued; Schindler; Shide; Shockman; Timm; Vander Vorst; Vig; Whalen

**ABSENT AND NOT VOTING:** Dotzenrod; Gorder; Hausauer; Kloubec; Knudson; Koehn; Strinden; Thompson; Wentz; Williams, C.

SB 2354 passed and the title was agreed to.

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#### SIXTH ORDER OF BUSINESS

**REP. MERTENS MOVED** that the amendments to Engrossed SB 2038 as recommended by the Committee on Appropriations as printed on pages 2357-2359 of the House Journal be adopted, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2038:** A BILL for an Act making an appropriation for defraying the expenses of the judicial branch of the government of the state of North Dakota.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 67 YEAS, 29 NAYS, 10 ABSENT AND NOT VOTING.

**YEAS:** Aubol; Backes; Black; Boyle; Conmy; DeMers; DuBord; Eagles; Erdman; Gates; Goetz; Gullickson; Halmrast; Hamerlik; Hanson, L.; Haugland; Hill; Hjelle; Hoffner; Serenus; Horgan; Jacobson; Keller; Koski; Kretschmar; Kuchera; Lang; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Meyer, R.; Murphy; Mushik; Nicholas; Nowatzki; O'Connell; Opedahl; O'Shea; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Richard; Riehl; Sanstead; Schindler; Schneider; Schoenwald; Sinner; Solberg; Stofferahn; Strinden; Unhjem; Vig; Watne; Williams, A.; Williams, W.; Speaker Kelly

**NAYS:** Anderson, C.; Anderson, R.; Brokaw; Dotzenrod; Gorder; Gunsch; Hanson, O.; Hughes; Kent; Kingsbury; Kloubec; Melby; Moore; Nalewaja; Olafson; Olsen, D.; Olson, A.; Peltier; Retzer; Rice; Riley; Rued; Shide; Shockman; Swiontek; Timm; Vander Vorst; Whalen; Wold



ABSENT AND NOT VOTING: Gerl; Hausauer; Hoffner, S. F.; Knudson; Koehn; Mertens; Meyer, W.; Thompson; Wentz; Williams, C.

SB 2038 passed and the title was agreed to.

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#### SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4057: A concurrent resolution directing the Legislative Council to study taxation of pipeline property owned by public and private carriers for transportation of crude oil, natural gas, processed gas, manufactured gas, and refined petroleum products.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4057 was declared adopted on a voice vote.

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#### REPORT OF PROCEDURAL COMMITTEE

MADAM SPEAKER: Your procedural Committee on Delayed Bills respectfully reports that it has considered a request for the introduction of HCR 3096, which request has been approved.

REP. BACKES, Chairman

#### FIRST READING OF HOUSE CONCURRENT RESOLUTION

Reps. Solberg, Richard, Nowatzki, Nicholas, Erdman introduced:  
(Approved by the Committee on Delayed Bills)

HCR 3096: A concurrent resolution urging the Immigration and Naturalization Service and the United States Customs Service to support the continued maintenance and operation of U.S. ports of entry located at the cities of Neche, Sarles, Antler, Sherwood, Ambrose, Maida, Hannah, Hansboro, St. John, and Carbury, North Dakota.

#### MOTION

REP. BACKES MOVED that the rules be suspended, that HCR 3096 not be printed, be read in its entirety, not be referred to committee, be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

Reps. Solberg, Richard, Nowatzki, Nicholas, Erdman introduced:

#### HOUSE CONCURRENT RESOLUTION NO. 3096

A concurrent resolution urging the Immigration and Naturalization Service and the United States Customs Service to support the continued maintenance and operation of U.S. ports of entry located at the cities of Neche, Sarles, Antler, Sherwood, Ambrose, Maida, Hannah, Hansboro, St. John, and Carbury, North Dakota.

WHEREAS, the Immigration and Naturalization Service and the United States Customs Service are currently reviewing plans to close 10 U.S. ports of entry located at Neche, Sarles, Antler, Sherwood, Ambrose, Maida, Hannah, Hansboro, St. John, and Carbury, North Dakota; and

WHEREAS, these U.S. ports of entry serve many people living along the North Dakota-Canadian border whose daily business often necessarily cross that border; and

WHEREAS, these ports of entry serve vital economic and transportation needs of the people along this border and especially the businesses in North Dakota that depend in part upon the patronage of Canadian citizens; and

WHEREAS, in view of the current economic climate of this nation, a high priority should be placed on efforts at every level of government to encourage and facilitate economic recovery; and

WHEREAS, many businesses in northern North Dakota depend upon ready access to ports of entry along the border; and

WHEREAS, closing the 10 ports of entry would present severe economic and transportation hardships on the people living along this border; and

WHEREAS, the economic loss and hardship to North Dakota citizens living along the border would be far greater than the savings in operational costs anticipated by closing these border stations;

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

That the Forty-eighth Legislative Assembly urges the Immigration and Naturalization Service and the United States Customs Service to support the continued maintenance and operation of the U.S. ports of entry located at Neche, Sarles, Antler, Sherwood, Ambrose, Maida, Hannah, Hansboro, St. John, and Carbury, North Dakota; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the Immigration and Naturalization Service and the United States Customs Service and to each member of the North Dakota Congressional Delegation.

#### SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3096: A concurrent resolution urging the Immigration and Naturalization Service and the United States Customs Service to support the continued maintenance and operation of U.S. ports of entry located at the cities of Neche,

Sarles, Antler, Sherwood, Ambrose, Maida, Hannah, Hansboro,  
St. John, and Carbury, North Dakota.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3096 was declared adopted on a voice vote.

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#### REPORTS OF STANDING COMMITTEES

MADAM SPEAKER: Your Committee on Finance and Taxation to which was referred HB 1732 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2, line 33, after the period insert the following:  
"No bank, trust company, or building and loan association may claim a refund or credit for taxes paid under this chapter for years before the effective date unless the taxes were timely paid under protest."

And renumber the lines accordingly

REP. SINNER, Chairman

HB 1732 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 2496 has had the same under consideration and recommends by a vote of 10 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING that the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION.

REP. SINNER, Chairman

SB 2496 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

#### MOTION

REP. BACKES MOVED that HB 1693 be laid over one legislative day, which motion prevailed.

#### CONSIDERATION OF MESSAGE FROM SENATE

REP. SINNER MOVED that the House do not concur in the Senate amendments to HB 1052 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 1052:

Reps. Richard, Aubol, Hughes

## CONSIDERATION OF MESSAGE FROM SENATE

REP. SINNER MOVED that the House do not concur in the Senate amendments to HB 1727 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 1727:

Reps. Schneider, B. Larson, Moore

## MOTION

REP. BACKES MOVED that immediately following consideration of the conference committee reports that, where appropriate, the bills be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

## REPORT OF SELECT COMMITTEE

REP. E. POMEROY MOVED that the conference committee report on Engrossed HB 1208 as printed on page 2170 of the House Journal be adopted, which motion prevailed.

## SECOND READING OF HOUSE BILL

HB 1208: A BILL for an Act to amend and reenact sections 27-02-07, 27-11-01, 27-11-13, and 27-11-22 of the North Dakota Century Code, relating to the supreme court's authority to adopt rules relating to the practice of law, the penalty for practicing law without a license, the certificate of admission and licensure fee requirements for the practice of law, and the powers of the state bar board.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 94 YEAS, 5 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Backes; Black; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Gates; Gerl; Goetz; Gorder; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, L.; Haugland; Hill; Hjelle; Hoffner, Serenus; 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; Nicholas; Nowatzki; O'Connell; Olsen, D.; Opedahl; O'Shea; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Rice; Richard; Riehl; Riley; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman;

Sinner; Solberg; Stofferahn; Swiontek; Timm; Unhjem;  
 Vander Vorst; Vig; Watne; Wentz; Williams, A.;  
 Williams, W.; Wold; Speaker Kelly

NAYS: Aubol; Hanson, O.; Olafson; Olson, A.; Whalen

ABSENT AND NOT VOTING: Erdman; Hausauer; Koehn; Rued;  
 Strinden; Thompson; Williams, C.

HB 1208 passed and the title was agreed to.

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#### REPORT OF SELECT COMMITTEE

REP. SCHNEIDER MOVED that the conference committee report on  
 Engrossed HB 1296 as printed on page 2281 of the House Journal be  
 adopted, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1296: A BILL for an Act to amend and reenact subsection 11 of  
 section 57-02-01 of the North Dakota Century Code, relating  
 to the definition of agricultural property for assessment  
 purposes; and to provide an effective date.

Which has been read.

#### ROLL CALL

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

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Black;  
 Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord;  
 Eagles; Gates; Gerl; 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;  
 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;  
 Nicholas; Nowatzki; O'Connell; Olafson; Olsen, D.;  
 Olson, A.; Opedahl; O'Shea; Peltier; Peterson;  
 Pomeroy, E.; Pomeroy, C.; Rayl; Retzer; Rice; Richard;  
 Riehl; Riley; Sanstead; Schindler; Schneider;  
 Schoenwald; Shide; Shockman; Sinner; Solberg;  
 Stofferahn; Swiontek; Timm; Unhjem; Vander Vorst; Vig;  
 Watne; Wentz; Whalen; Williams, A.; Williams, W.; Wold;  
 Speaker Kelly

NAYS: None

ABSENT AND NOT VOTING: Erdman; Hausauer; Koehn; Rued;  
Strinden; Thompson; Williams, C.

HB 1296 passed and the title was agreed to.

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#### REPORT OF SELECT COMMITTEE

REP. DEMERS MOVED that the conference committee report on HB 1583 as printed on page 2249 of the House Journal be adopted, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1583: A BILL for an Act to provide for standard policy provisions through life and health insurance.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 92 YEAS, 6 NAYS, 8 ABSENT AND NOT VOTING.

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

NAYS: Gerl; Horgan; Lardy; Murphy; Schoenwald; Whalen

ABSENT AND NOT VOTING: Erdman; Hausauer; Koehn; Lipsiea; Rued; Strinden; Thompson; Williams, C.

HB 1583 passed and the title was agreed to.

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#### REPORT OF SELECT COMMITTEE

REP. E. POMEROY MOVED that the conference committee report on HB 1130 be adopted, which motion prevailed.

## SECOND READING OF HOUSE BILL

HB 1130: A BILL for an Act to amend and reenact section 23-01-02.1 of the North Dakota Century Code, relating to confidential information received by hospital utilization committees and internal hospital quality assurance review committees.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 91 YEAS, 4 NAYS, 11 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Black; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Eagles; 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; Knudson; Koski; Kretschmar; Kuchera; Lang; Lardy; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Meyer, R.; Meyer, W.; Moore; Murphy; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Olsen, D.; Olson, A.; Opedahl; O'Shea; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Rice; Riehl; Riley; Sanstead; Schindler; Schoenwald; Shide; Shockman; Sinner; Solberg; Stofferahn; Swiontek; Timm; Unhjem; Vander Vorst; Vig; Watne; Wentz; Whalen; Williams, A.; Williams, W.; Speaker Kelly

NAYS: Gerl; Melby; Olafson; Schneider

ABSENT AND NOT VOTING: Erdman; Hausauer; Koehn; Larson, B.; Mertens; Richard; Rued; Strinden; Thompson; Williams, C.; Wold

HB 1130 passed and the title was agreed to.

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## REPORT OF SELECT COMMITTEE

REP. R. MEIERS MOVED that the conference committee report on HB 1151 be adopted, which motion prevailed.

## SECOND READING OF HOUSE BILL

HB 1151: A BILL for an Act to create and enact a new subdivision to subsection 1 of section 19-03.1-36 of the North Dakota Century Code, relating to property traceable to controlled substances which is subject to forfeiture.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 91 YEAS, 2 NAYS, 13 ABSENT AND NOT VOTING.

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

NAYS: Gerl; Kuchera

ABSENT AND NOT VOTING: Anderson, R.; Erdman; Hausauer; Hjelle; Kent; Koehn; Larson, B.; Martinson; Mertens; Richard; Rued; Thompson; Williams, C.

HB 1151 passed and the title was agreed to.

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## REPORTS OF CONFERENCE COMMITTEES

MADAM SPEAKER: Your Conference Committee to which was referred Engrossed HB 1370 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 2014 of the House Journal.

For the Senate: Sens. Lodoen, Holmberg, Matchie

For the House: Reps. Koski, O'Connell, Hughes

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

MADAM SPEAKER: Your Conference Committee to which was referred Engrossed HB 1647 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 1836 of the House Journal.

For the Senate: Sens. Mutch, Satrom, Dykshoorn

For the House: Reps. Schoenwald, Riehl, Goetz



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

MADAM SPEAKER: Your Conference Committee to which was referred Engrossed HB 1688 has had the same under consideration and recommends that the HOUSE ACCEDE to the Senate amendments as found on page 1929 of the House Journal.

For the Senate: Sens. Holmberg, Stenehjelm, Maixner

For the House: Reps. R. Meiers, Schneider, Wentz

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

#### SECOND READING OF HOUSE BILL

HB 1688: A BILL for an Act to amend and reenact section 28-01-25 of the North Dakota Century Code, relating to disabilities extending the limitations on actions.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 69 YEAS, 27 NAYS, 10 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Gates; Goetz; Gullickson; Gunsch; Hamerlik; Hanson, O.; Haugland; Hill; Hjelle; Hoffner, S. F.; Hughes; Keller; Kent; Kingsbury; Kloubec; Knudson; Lang; Larson, B.; Lautenschlager; Linderman; Lloyd; Martin, C.; Martin, G.; Martinson; Melby; Meyer, R.; Meyer, W.; Moore; Murphy; Nalewaja; Nicholas; Nowatzki; Olafson; Olsen, D.; Olson, A.; O'Shea; Peltier; Peterson; Rayl; Retzer; Rice; Richard; Riehl; Riley; Schindler; Shide; Shockman; Sinner; Solberg; Stofferahn; Swiontek; Timm; Unhjem; Vander Vorst; Watne; Wentz; Whalen; Williams, A.; Wold; Speaker Kelly

NAYS: Aubol; Black; Gerl; Gorder; Halmrast; Hanson, L.; Hoffner, Serenus; Horgan; Jacobson; Koski; Kretschmar; Kuchera; Lardy; Laughlin; Lipsiea; Meier, A.; Meiers, R.; Mushik; O'Connell; Opedahl; Pomeroy, E.; Pomeroy, G.; Sanstead; Schneider; Schoenwald; Vig; Williams, W.

ABSENT AND NOT VOTING: Backes; Erdman; Hausauer; Koehn; Larson, R.; Mertens; Rued; Strinden; Thompson; Williams, C.

HB 1688 passed and the title was agreed to.

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## REPORT OF SELECT COMMITTEE

REP. SERENUS HOFFNER MOVED that the conference committee report on HCR 3038 be adopted, which motion prevailed.

## SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3038: A concurrent resolution directing the Legislative Council to study the problems associated with litter.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3038 was declared adopted on a voice vote.

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## REPORT OF CONFERENCE COMMITTEE

MADAM SPEAKER: Your Conference Committee to which was referred HB 1165 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 2116-2119 of the House Journal and that HB 1165 be amended as follows:

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 51-04 of the North Dakota Century Code, relating to the licensure of transient merchants; and to amend and reenact sections 51-04-02, 51-04-03, and 51-04-07 of the North Dakota Century Code, relating to the licensure of transient merchants; and to repeal section 51-04-02.1 of the North Dakota Century Code, relating to applications for multicounty transient merchant licenses.

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

SECTION 1. AMENDMENT. Section 51-04-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

51-04-02. Application for license. Any transient merchant desiring to engage in, do, or transact business by auction or otherwise, in any county in this state, shall file an application for a license for that purpose with ~~the auditor of that county, or with~~ the attorney general as provided in section ~~51-04-02.1~~ 51-04-07, which shall be in writing and include the following:

1. Applicant's name, present residence, present home address, ~~and~~ present business address, and current telephone numbers.

2. Applicant's residence and business address for the prior two-year period, if different from the present residence and address.
3. Type of business in which applicant has been engaged in the previous two years.
4. Proposed location of the business to be licensed.
5. Kind of business to be conducted.
6. Length of time desired or estimated for completion of sale in the county state.
7. Name and address of the auctioneer, if any, who will conduct the sale.
8. An itemized list of merchandise to be offered for sale reciting as to each item a description thereof including serial number, if any, the owner's actual cost thereof, and a designation by number corresponding with a number to be affixed to each item by a tag which shall be kept fastened to the item at all times until sold.

SECTION 2. AMENDMENT. Section 51-04-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

51-04-03. License fee - Bond or cash surety - License issuance. An applicant for a transient merchant's license shall pay to the treasurer of the county of application attorney general a license fee of twenty-five dollars and shall give a surety bond, or the deposit of cash in lieu thereof, ~~to the county in an amount to be determined by the county treasurer~~ which shall be not less than one thousand dollars nor more than twenty fifty thousand dollars, the surety on which shall be a surety company authorized to transact business in the state of North Dakota. The contents and surety therein shall be subject to the approval of the county treasurer attorney general, and be conditioned that the applicant will in all things conform to the laws relating to transient merchants and further conditioned upon full compliance with all material oral or written statements and representations made by the applicant, his agents, representatives, or auctioneers with reference to merchandise sold or offered for sale, and on faithful performance under all warranties made with reference thereto. The bond shall not be revocable nor terminate prior to passage of two years' time after the expiration of the license issued pursuant thereto nor until due notice that the terms of the bond are to be canceled has been given to the county auditor attorney general.

The county treasurer shall issue to the applicant receipts for the foregoing payments and when the applicant files these receipts, and his application, with the county auditor, the auditor may issue to the applicant a transient merchant's license to do business as such at the place described in the application, and the kind of business to be done shall be described therein.

No license shall be valid for more than one person unless he shall be a bona fide member of a copartnership, nor for more than one place, and shall not be valid outside the county for which it is issued, except that licenses, licenses issued by the attorney general shall be valid in all counties of the state. The license and shall expire after one year from date the dates of their issuance.

No sale under the purview of this chapter shall be conducted in the name of any person other than the bona fide owner of the goods, wares, and merchandise.

The files and records of the county treasurer and auditor attorney general pertaining to transient merchants shall be kept in convenient form and open for public inspection.

SECTION 3. AMENDMENT. Section 51-04-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

51-04-07. Service of process.

1. A transient merchant may not engage in any temporary business, or be licensed by any city, without first having complied with this section.
2. Prior to the issuance of a transient merchant license and approval of his bond, the applicant shall in writing appoint the county auditor, or the attorney general where the attorney general has issued the license, his agent to accept service of process in any action or proceeding involving the applicant and arising out of the sale for which the license is sought. Such action shall be brought in the county where the sale was held-
3. Each transient merchant required by the attorney general to do so shall appoint an agent in this state who is a resident of this state. The agent shall accept service of process on behalf of the transient merchant in any suit filed against the transient merchant and the agent is responsible for processing any warranty, claim, or merchandise sold by the transient merchant.

4. The name and street address of the agent must be filed with the attorney general's office. In addition, the name and address of the agent must be furnished in writing to each person purchasing an item from the transient merchant along with a written statement that the agent is the proper person to accept service of process in any suit filed against the vendor, and is the proper person to process any warranty claim.

SECTION 4. A new section to chapter 51-04 of the North Dakota Century Code is hereby created and enacted to read as follows:

License to be carried by licensee and exhibited on demand. Every transient merchant licensed under this Act must have the license in immediate possession at all times when engaging in or transacting any business regulated by this Act. The licensee must display the license when requested to do so by any court, law enforcement official, peace officer, or consumer. However, a person charged with violating this requirement may not be convicted, fined, or assessed court costs if the license is produced in court or to the arresting officer and if the license was valid at the time of the arrest.

SECTION 5. REPEAL. Section 51-04-02.1 of the North Dakota Century Code is hereby repealed."

And renumber the lines and pages accordingly

For the Senate: Sens. Erickson, Kilander, Satrom  
For the House: Reps. Gullickson, Lloyd, R. Larson

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

#### SECOND READING OF HOUSE BILL

HB 1165: A BILL for an Act to create and enact a new section to chapter 51-04 of the North Dakota Century Code, relating to the licensure of transient merchants; and to amend and reenact sections 51-04-02, 51-04-03, and 51-04-07 of the North Dakota Century Code, relating to the licensure of transient merchants; and to repeal section 51-04-02.1 of the North Dakota Century Code, relating to applications for multicounty transient merchant licenses.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 55 YEAS, 42 NAYS, 9 ABSENT AND NOT VOTING.

YEAS: Anderson, R.; Black; Boyle; Brokaw; Conmy; DeMers; Gates; Goetz; Gullickson; Hanson, L.; Hanson, O.; Haugland; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Hughes; Jacobson; Kloubec; Knudson; Kretschmar; Kuchera; Lang; Larson, B.; Laughlin; Linderman; Lloyd; Martin, C.; Martin, G.; Martinson; Melby; Meyer, R.; Meyer, W.; Moore; Nalewaja; Nicholas; Nowatzki; Olson, A.; Peterson; Retzer; Rice; Riehl; Riley; Sanstead; Schindler; Shockman; Sinner; Strinden; Timm; Unhjem; Vander Vorst; Vig; Watne; Wentz; Whalen; Williams, A.

NAYS: Anderson, C.; Aubol; Backes; Dotzenrod; DuBord; Eagles; Gerl; Gorder; Gunsch; Halmrast; Hamerlik; Hill; Horgan; Keller; Kent; Kingsbury; Lardy; Lautenschlager; Lipsiea; Meier, A.; Meiers, R.; Murphy; Mushik; O'Connell; Olafson; Olsen, D.; Opedahl; O'Shea; Peltier; Pomeroy, E.; Pomeroy, G.; Rayl; Richard; Schneider; Schoenwald; Shide; Solberg; Stofferahn; Swiontek; Williams, W.; Wold; Speaker Kelly

ABSENT AND NOT VOTING: Erdman; Hausauer; Koehn; Koski; Larson, R.; Mertens; Rued; Thompson; Williams, C.

HB 1165 passed and the title was agreed to.

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#### MESSAGE FROM THE SENATE SENATE CHAMBER

MADAM SPEAKER: I have the honor to transmit SB 2026 which the House has requested.

Very respectfully,  
LEO LEIDHOLM, Secretary

#### MOTION

REP. BACKES MOVED that SB 2026 be rereferred to the Committee on Appropriations, which motion prevailed.

SPEAKER KELLY ANNOUNCED that SB 2026 was rereferred to the Committee on Appropriations.

#### REPORTS OF CONFERENCE COMMITTEES

MADAM SPEAKER: Your Conference Committee to which was referred HB 1203 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 1658 of the House Journal and that HB 1203 be amended as follows:

On page 2, line 4, delete the words "the owner" and insert in lieu thereof the words "any unleased mineral interest pooled by virtue of this section shall be entitled to a cost free royalty interest equal to the acreage weighted average royalty interest of the leased tracts within the spacing unit, but in no

event shall the royalty interest of an unleased tract be less than a one-eighth interest. The remainder of the unleased interest shall be treated as a lessee or cost bearing interest. Any unleased mineral interest pooled prior to July 1, 1983, shall be entitled to the cost free royalty interest and working interest as provided in this section from and after the effective date of this Act."

On page 2, delete lines 5 through 9

And renumber the lines accordingly

For the Senate: Sens. David, D. Meyer, Parker

For the House: Reps. G. Pomeroy, R. Meyer, C. Martin

HB 1203 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Conference Committee to which was referred Engrossed HB 1336 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 2120 of the House Journal and that Engrossed HB 1336 be further amended as follows:

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 39-21-39 of the North Dakota Century Code, relating to unobstructed motor vehicle windshields.

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

**SECTION 1.** A new subsection to section 39-21-39 of the North Dakota Century Code is hereby created and enacted to read as follows:

A person may not operate a motor vehicle with any object or any material displayed, affixed, or applied on the front windshield or on any side window where that material alters the color or reduces the light transmittance, or reduces the clear and unobstructed view through the windshield or window. This subsection does not apply to windows behind the driver or to tinted windows or windshields in compliance with the Federal Motor Vehicle Safety Standards No. 205."

And renumber the lines and pages accordingly

For the Senate: Sens. Dykshoorn, Kilander, Satrom

For the House: Reps. Schoenwald, Kent, Riehl

Engrossed HB 1336 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

**MADAM SPEAKER:** Your Conference Committee to which was referred Engrossed HB 1400 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 1874 and 1875 of the House Journal and that Engrossed HB 1400 be further amended as follows:

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 amend and reenact section 51-13-05 of the North Dakota Century Code, relating to prepayment of retail installment contracts and computation of interest due at time of repayment; and to provide an effective date.

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

**SECTION 1. AMENDMENT.** Section 51-13-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**51-13-05. Credit upon anticipation of payments.** Notwithstanding the provisions of any retail installment contract to the contrary, any buyer may pay in full at any time before maturity the debt of any retail installment contract and in so paying such debt shall receive a refund credit thereon for such anticipation. The amount of such refund credit shall represent at least as great a proportion of the credit service charge after first deducting from such credit service charge an acquisition cost of fifteen dollars, as the sum of the periodic time balances after the month in which prepayment is made, bears to the sum of all the periodic time balances under the schedule of installments in the original contract. Where the amount of the credit for anticipation of payment is less than one dollar, no refund need be made. Prepayment of retail installment contract.

1. At any time before maturity, a buyer may pay in full the remaining principal due on a retail installment contract and is entitled to a refund of finance charges as follows:
  - a. For a retail installment contract where the amount financed is not more than ten thousand dollars, the refund must, after deducting an acquisition cost of not more than fifteen dollars, be at least as great a proportion of the finance charge as the sum of the periodic time balances after the month in which the prepayment is made bears to the sum of all



the periodic time balances under the scheduled installments in the original retail installment contract.

b. For a retail installment contract where the amount financed is greater than ten thousand dollars, the refund must be at least the finance charge paid in excess of that computed under the actuarial method, using the annual percentage rate disclosed under federal law to the nearest one-fourth of one percent.

c. A refund is not required if it is less than one dollar.

2. Notwithstanding section 51-13-06.2, this section applies to retail installment contracts for agricultural purposes and to retail installment contracts for more than twenty-five thousand dollars.

SECTION 2. APPLICATION. Subdivisions a and b of subsection 1 of section 51-13-05 apply to retail installment contracts made after September 30, 1983."

And renumber the lines and pages accordingly

For the Senate: Sens. Parker, Wogsland, Todd

For the House: Reps. Schoenwald, S. F. Hoffner, Haugland

Engrossed HB 1400 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Conference Committee to which was referred Engrossed HB 1421 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 2015 of the House Journal and that Engrossed HB 1421 be further amended as follows:

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 "56,670"

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, 1983."

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The appropriation for funding the North Dakota Centennial Commission is reduced to \$56,670, and an effective date of July 1, 1983, is provided.

For the Senate: Sens. Wenstrom, Streibel, Tallackson

For the House: Reps. Mushik, Sanstead, Peterson

Engrossed HB 1421 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MESSAGES FROM THE SENATE  
SENATE CHAMBER

MADAM SPEAKER: I have the honor to inform you that the Senate has refused to concur in the House amendments to SB 2020, SB 2037, SB 2039, SB 2040, and SB 2044, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2020: Sens. Lips, Thane, Grotberg  
SB 2037: Sens. Nething, Lips, Heigaard  
SB 2039: Sens. Lips, Thane, Tallackson  
SB 2040: Sens. Nelson, Fritzell, Walsh  
SB 2044: Sens. Thane, Streibel, Heigaard

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 2500

Very respectfully,  
LEO LEIDHOLM, Secretary

SENATE CHAMBER

MADAM SPEAKER: I have the honor to inform you that the Senate has adopted the conference committee report on SB 2219, and the President has appointed as a new conference committee to act with a like committee from the House on:

SB 2219: Sens. Lodoen, Reiten, Matchie

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 Thirteenth order of business, and at the conclusion of the Thirteenth order, the House stand adjourned until 8:00 a.m., Tuesday, April 5, 1983, which motion prevailed.

FIRST READING OF SENATE BILLS

SB 2493: A BILL for an Act to amend and reenact sections 26-01-11, 26-16-10, 26-27-13, and 26-40-14 of the North Dakota Century Code, or in the alternative to amend and reenact sections 26.1-03-17, 26.1-09-10, 26.1-14-13, and 26.1-17-10 of the North Dakota Century Code as created by House Bill No. 1054 and amended by House Bill No. 1068, as approved by the forty-eighth legislative assembly, relating to insurance premium taxes; to provide for retroactive application; to provide a penalty; and to declare an emergency.

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

SB 2500: A BILL for an Act to amend and reenact subsection 20 of section 12.1-30-03 of the North Dakota Century Code, relating to operation of certain businesses on Sunday; and to declare an emergency.

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

The House stood adjourned pursuant to Representative Backes' motion.

CHARLES FLEMING, Chief Clerk