

JOURNAL OF THE HOUSE

Forty-ninth Legislative Assembly

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FORTY-NINTH DAY

Bismarck, March 19, 1985

The House convened at 9:00 a.m., with Speaker R. Hausauer presiding.

The prayer was offered by Reverend George Walker, Associate Superintendent, North Central District Association of the Evangelical Free Church of America.

ROLL CALL

The roll was called and all Representatives were present, except Representatives G. Berg, Frey, Gerntholz, Graba, Gullickson, Gunsch, O. Hanson, Kelly, Kingsbury, Koland, Kuchera, Laughlin, Lautenschlager, Lipsiea, Nowatzki, Opedahl, J. Peterson, Rice, Smette, O. Solberg, Stofferahn, Thompson, Unhjem, Wald, Winkelman.

A quorum was declared by the Speaker.

REVISION AND CORRECTION OF THE JOURNAL

MR. SPEAKER: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Forty-eighth Day and finds the same to be correct.

REP. KENT, Chairman

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

MESSAGE FROM THE SENATE  
SENATE CHAMBER

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

SB 2508

LEO LEIDHOLM, Secretary

REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER: Your procedural Committee on Delayed Bills recommends that the following be introduced:

HB 1659, HCR 3095, HCR 3096

REP. STRINDEN, Chairman

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

## FIRST READING OF HOUSE BILL

Reps. Kingsbury, G. Berg, Laughlin introduced:  
(Approved by the Committee on Delayed Bills)

**HB 1659:** A BILL for an Act to amend and reenact subsection 4 of section 32-12.1-02, subsections 1 and 3 of section 32-12.1-03, subsection 2 of section 32-12.1-04, and sections 32-12.1-05 and 32-12.1-07 of the North Dakota Century Code, relating to sovereign immunity of political subdivisions and their employees.

Was read the first time and referred to the Committee on Political Subdivisions.

## FIRST READING OF HOUSE CONCURRENT RESOLUTION

Rep. G. Berg introduced:  
(Approved by the Committee on Delayed Bills)

**HCR 3095:** A concurrent resolution urging Congress not to raise the fee charged for a federal migratory bird hunting stamp.  
Was read the first time and referred to the Committee on Natural Resources.

## FIRST READING OF SENATE BILL

**SB 2508:** A BILL for an Act to amend and reenact section 15-03-05 of the North Dakota Century Code, relating to agricultural loans made from university and school lands permanent trust funds.

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

## FIRST READING OF A HOUSE CONCURRENT RESOLUTION

Rep. D. Olsen introduced:  
(Approved by the Committee on Delayed Bills)

**HCR 3096:** A concurrent resolution directing the Legislative Council to study the positive and adverse impacts of current tuition reciprocity agreements on postsecondary educational institutions, the communities where such institutions are located, postsecondary students, and state government.

Was read the first time.

## MOTION

**REP. STRINDEN MOVED** that the rules be suspended, that HCR 3096 be printed, not be referred to committee, but be printed in the Journal, and placed on the Eleventh order on the calendar for the succeeding legislative day for second reading and final passage, which motion prevailed.

Rep. D. Olsen introduced:

## HOUSE CONCURRENT RESOLUTION NO. 3096

A concurrent resolution directing the Legislative Council to study the positive and adverse impacts of current tuition reciprocity agreements on postsecondary educational institutions, the communities where such institutions are located, postsecondary students, and state government.

WHEREAS, the cost of providing postsecondary educational programs continues to increase; and

WHEREAS, there is presently a large number of nonresident and foreign students enrolled in state postsecondary institutions and also a large number of resident students enrolled in similar institutions located outside the state; and

WHEREAS, the State Board of Higher Education has exercised its authority to provide tuition reciprocity for certain nonresident students; and

WHEREAS, the total impact on communities, institutions, students, and state government should be determined before extending, withdrawing from, or making substantial adjustments to current tuition reciprocity agreements; and

WHEREAS, tuition reciprocity agreements for vocational education programs have recently been entered into by the State Board of Higher Education;

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

That the Legislative Council study the positive and adverse impacts of current tuition reciprocity agreements on postsecondary educational institutions, the communities where such institutions are located, postsecondary students, and state government; and

BE IT FURTHER RESOLVED, that the Legislative Council report its findings and recommendations, together with any legislation required to implement the recommendations, to the Fiftieth Legislative Assembly.

#### REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER: Your Conference Committee to which was referred Engrossed HB 1057 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 1556 of the House Journal and that Engrossed HB 1057 be amended as follows:

On page 4 of the engrossed bill, line 20, delete the words "No statement of intent or similar"

On page 4 of the engrossed bill, line 21, delete the words "explanatory information may be attached to the petition" and insert in lieu thereof the following: "A petition may not include a statement of intent or similar explanatory information"

And renumber the lines accordingly

**For the Senate:** Sens. Stenehjem, Holmberg, Maixner  
**For the House:** Reps. Kretschmar, Dalrymple, A. Williams

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

Engrossed HB 1057 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

#### CONSIDERATION OF MESSAGE FROM SENATE

**REP. A. HAUSAUER MOVED** that the House do not concur in the Senate amendments to HB 1081 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 1081:

Reps. Timm, Goetz, Schneider

#### CONSIDERATION OF MESSAGE FROM SENATE

**REP. D. OLSEN MOVED** that the House do not concur in the Senate amendments to HB 1168 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 1168:

Reps. D. Olsen, Gates, DeMers

#### CONSIDERATION OF MESSAGES FROM SENATE

**REP. NICHOLAS MOVED** that the House do concur in the Senate amendments to HB 1202, which motion prevailed.

HB 1202 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**REP. LANG MOVED** that the House do not concur in the Senate amendments to HB 1233, 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 1233:

Reps. Lang, Shaw, Dotzenrod

#### CONSIDERATION OF MESSAGES FROM SENATE

**REP. HILL MOVED** that the House do concur in the Senate amendments to HB 1313, which motion prevailed.

HB 1313 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. CONMY MOVED that the House do concur in the Senate amendments to HB 1218, which motion prevailed.

HB 1218 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

APPOINTMENTS OF CONFERENCE COMMITTEES

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2204:

Reps. Hamerlik, Nalewaja, DeMers

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2223:

Reps. Timm, R. Anderson, Richard

SIXTH ORDER OF BUSINESS

REP. MARTINSON MOVED that the amendments to HB 1656 as recommended by the Committee on State and Federal Government as printed on pages 1973-1975 of the House Journal be adopted, and when so adopted, recommends that HB 1656 DO PASS, which motion prevailed.

HB 1656 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. TIMM MOVED that the amendments to SB 2109 as recommended by the Committee on Transportation as printed on page 1975 of the House Journal be adopted, and when so adopted, recommends that SB 2109 DO NOT PASS, which motion prevailed.

SB 2109 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REP. TIMM MOVED that the amendments to SB 2170 as recommended by the Committee on Transportation as printed on page 1976 of the House Journal be adopted, and when so adopted, recommends that SB 2170 DO PASS, which motion prevailed.

SB 2170 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REP. A. OLSON MOVED that the amendments to SB 2228 as recommended by the Committee on Natural Resources as printed on page 1977 of the House Journal be adopted, and when so adopted, recommends that SB 2228 DO PASS, which motion prevailed.

SB 2228 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REP. TIMM MOVED that the amendments to SB 2304 as recommended by the Committee on Transportation as printed on pages 1977-1978 of the

House Journal be adopted, and when so adopted, recommends that SB 2304 DO NOT PASS, which motion prevailed.

SB 2304 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REP. LANG MOVED that the amendments to SB 2342 as recommended by the **Committee on Political Subdivisions** as printed on page 1978 of the House Journal be adopted, and when so adopted, recommends that SB 2342 DO PASS, which motion prevailed.

SB 2342 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REP. A. HAUSAUER MOVED that the amendments to SB 2343 as recommended by the **Committee on Finance and Taxation** as printed on pages 1941-1944 of the House Journal be adopted, and when so adopted, recommends that SB 2343 DO NOT PASS, which motion prevailed.

SB 2343 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REP. TIMM MOVED that the amendments to SB 2354 as recommended by the **Committee on Transportation** as printed on pages 1978-1979 of the House Journal be adopted, and when so adopted, recommends that SB 2354 DO PASS, which motion prevailed.

SB 2354 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REP. LANG MOVED that the amendments to Engrossed SB 2364 as recommended by the **Committee on Political Subdivisions** as printed on page 1979 of the House Journal be adopted, and when so adopted, recommends that Engrossed SB 2364 DO PASS, which motion prevailed.

Engrossed SB 2364 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REP. TIMM MOVED that the amendments to SB 2405 as recommended by the **Committee on Transportation** as printed on page 1980 of the House Journal be adopted, and when so adopted, recommends that SB 2405 DO PASS, which motion prevailed.

SB 2405 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REP. HAUGLAND MOVED that the amendments to SB 2410 as recommended by the **Committee on Social Services and Veterans Affairs** as printed on page 1980 of the House Journal be adopted, and when so adopted, recommends that SB 2410 DO PASS, which motion prevailed.

SB 2410 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REP. HAUGLAND MOVED that the amendments to Engrossed SB 2430 as recommended by the Committee on Social Services and Veterans Affairs as printed on page 1981 of the House Journal be adopted, and when so adopted, recommends that Engrossed SB 2430 DO PASS, which motion prevailed.

Engrossed SB 2430 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

#### MOTION

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

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

#### POINT OF PERSONAL PRIVILEGE

REP. KRETSCHMAR: Mr. Speaker: I rise on a point of personal privilege and request that my remarks be printed in the Journal.

Representative Vander Vorst and I wish to congratulate the Linton Lions boys' basketball team from Legislative District 30 and Class B District 20 for winning the State Class B Championship in 1984 and 1985.

The "Big B" is the premier annual sporting event in North Dakota and attracts students and fans from the entire state.

Mr. Speaker, I am sure you will agree that the 1985 tournament in Bismarck this past weekend, especially the conclusion of the championship game, was the stuff from which legends are born.

If I were a betting man, Mr. Speaker, I might have made a small wager on the Lions. Unfortunately, I did not.

The Linton Lions came to town to defend their state crown. And defend it they did.

All who saw the games at the Civic Center, or watched on television, will agree that Linton played superbly.

Most coaches, Mr. Speaker, would rather have a Jon Richter with one good leg, than most ballplayers with two. The courage of a Richter, the poise of a Rohrich, the coolness of a Petrick, the reliability of a Beck, the hustle of a Horner, the bench strength of Holzer, Jahner, and the rest, together with the outstanding leadership of the Coach of the Year--Dan Carr--could not be denied, and the Lions are again champions.

And, Mr. Speaker, the abilities and attitudes these players show on the basketball court will bode them well in their future endeavors and careers.

These young men exemplify the spirit that built our state and nation, and all that is good about today's youth.

Linton is only the sixth team in the history of the State Class B tournaments to win consecutive championships.

Minot Model High was one of those schools, and they accomplished this twice, and one of those times with Representative Jim Peterson on the team.

Linton earned its way to the State Class B in both 1984 and 1985 by defeating a strong team of Ashley Aces, another Legislative District 30 school.

Lest you think, Mr. Speaker, that the Lions are invincible, I will remind you that their only loss to a Class B school this season was to the Lehr Leopards, also of District 30.

Mr. Speaker, if Linton can repeat in 1986, it will have its third consecutive championship, a feat that has not yet been accomplished in Class B.

But the Ashleys, Lehrs, and others will be out there doing all they can to prevent it.

And that, Mr. Speaker, is as it should be. Competition in sports and academics is a very good thing, and the High School Activities Association is to be commended for fostering both.

But for 1984 and 1985, Mr. Speaker, we can rightly say "Keep going, Lions--You're #1."

#### SIXTH ORDER OF BUSINESS

REP. CONMY MOVED that the amendments to SB 2432 as recommended by the Committee on Judiciary as printed on page 1981 of the House Journal be adopted, and when so adopted, recommends that SB 2432 DO PASS, which motion prevailed.

SB 2432 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REP. MARTINSON MOVED that the amendments to SB 2442 as recommended by the Committee on State and Federal Government as printed on pages 1981-1982 of the House Journal be adopted, and when so adopted, recommends that SB 2442 DO PASS, which motion prevailed.

SB 2442 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REP. A. HAUSAUER MOVED that the amendments to SB 2443 as recommended by a minority of the Committee on Finance and Taxation as printed on page 1949 of the House Journal be adopted, and when so adopted, recommends that SB 2443 DO PASS.

#### REQUEST

REP. A. OLSON REQUESTED a recorded roll call vote on the motion to adopt the minority report recommending the adoption of the amendments to SB 2443, which request was granted.

#### ROLL CALL

The question being on the adoption of the minority report amendments on SB 2443, the roll was called and there were 33 YEAS, 68 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Berg, R.; Cleveland; Conmy; DeMers; Dorso; Gates; Goetz; Halmrast; Hamerlik; Hausauer, A.; Hoffner; Hughes; Kelly; Kloubec; Kuchera; Larson; Lindgren; Martinson; Moore; Nalewaja; Oban; Olson, V.; Payne; Rice; Riley; Schneider; Strinden; Timm; Tollefson; Wentz; Winkelman; Wold; Speaker Hausauer, R.

NAYS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Brokaw; Dalrymple; Dotzenrod; Eckroth; Enget; Frey; Gerntholz; Graba; Gunsch; Hanson, L.; Hanson, O.; Haugland; Hedstrom; Hill; Keller; Kent; Kingsbury; Klundt; Knudson; Kretschmar; Lang; Laughlin; Lautenschlager; Linderman; Lloyd; Martin; Melby; Mertens; Meyer; Murphy; Myrdal; Nicholas; Nowatzki; O'Connell; Olsen, D.; Olson, A.; Opedahl; O'Shea; Pederson, R.; Peterson, J.; Retzer; Richard; Riehl; Sauter; Schindler; Schmidt; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Thompson; Ulmer; Unhjem; Vander Vorst; Watne; Whalen; Williams, A.; Williams, C.; Williams, W.

ABSENT AND NOT VOTING: Gullickson; Koland; Lipsiea; Rydell; Wald

So the motion to adopt the minority report amendments to SB 2443 failed.

SB 2443, without amendments, was placed on the Fourteenth order of business on the calendar for the succeeding legislative day as recommended by a majority of the Committee on Finance and Taxation.

#### MOTION

REP. STRINDEN MOVED that the rules be suspended, and that SB 2443 be placed on the Fourteenth order of business for second reading and final passage, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2443: A BILL for an Act to amend and reenact section 57-02-27.2 of the North Dakota Century Code, relating to the capitalization rate used in the valuation and assessment of agricultural lands; and to provide an effective date.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 99 YEAS, 3 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Keller; Kent; Kingsbury; Kloubec; Klundt; Knudson; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Peterson, J.; Retzer; Rice; Richard; Riehl; Riley; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: Hamerlik; Hughes; Kelly

ABSENT AND NOT VOTING: Gullickson; Koland; Lipsiea; Rydeil

SB 2443 passed and the title was agreed to.

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## SIXTH ORDER OF BUSINESS

REP. LANG MOVED that the amendments to Engrossed SB 2477 as recommended by the Committee on Political Subdivisions as printed on pages 1982-1983 of the House Journal be adopted, and when so adopted, recommends that SB 2477 DO PASS, which motion prevailed.

SB 2477 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REP. CONMY MOVED that the amendments to SB 2498 as recommended by the Committee on Judiciary as printed on page 1983 of the House Journal be adopted, and when so adopted, recommends that SB 2498 DO PASS, which motion prevailed.

SB 2498 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REP. HAUGLAND MOVED that the amendments to SCR 4056 as recommended by the Committee on Social Services and Veterans Affairs as printed on page 1984 of the House Journal be adopted, and when so adopted, recommends that SCR 4056 DO PASS and BE PLACED ON THE CONSENT CALENDAR, which motion prevailed.

SCR 4056 was placed on the Consent Calendar.

#### MOTION

REP. KRETSCHMAR MOVED that the House waive the reading of the title to SB 2065, which motion prevailed.

#### SECOND READING OF SENATE BILLS

SB 2065: A BILL for an Act to create and enact chapters 15-27.1, 15-27.2, 15-27.3, and 15-27.4 of the North Dakota Century Code, relating to general provisions and school district annexation, reorganization, and dissolution; to amend and reenact sections 15-28-01, 15-34.2-06.1, 15-47-21, and 57-16-04 of the North Dakota Century Code, relating to school board members, schoolbus service fees, tax levies for equalization between school districts, and excess school district levies; to repeal chapter 15-53.1 of the North Dakota Century Code, relating to school district reorganization, annexation, and dissolution; and to declare an emergency.

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 81 YEAS, 17 NAYS, 8 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Belter; Berg, G.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dotzenrod; Eckroth; Enget; Frey; Gertholz; Halmrast; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Keller; Kelly; Knudson; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Pederson, R.; Retzer; Rice; Richard; Riehl; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Thompson; Tollefson; Ulmer; Unhjem; Vander Vorst; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

**NAYS:** Anderson, R.; Dorso; Gates; Graba; Gunsch; Hamerlik; Hughes; Kent; Kloubec; Klundt; Meyer; Moore; Payne; Riley; Strinden; Timm; Wald

**ABSENT AND NOT VOTING:** Berg, R.; Goetz; Gullickson; Kingsbury; Koland; Lipsiea; Peterson, J.; Rydell

SB 2065 passed, the title was agreed to, and the emergency clause was declared carried.

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**SB 2075:** A BILL for an Act to amend and reenact subsections 1, 4, 7, 8, 16, and 18 of section 23-17.2-02, subsection 1 of section 23-17.2-03, and subsection 3 of section 23-17.2-04 of the North Dakota Century Code, relating to definitions, thresholds, and scope of coverage of certificate of need review.

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, 36 NAYS, 4 ABSENT AND NOT VOTING.

**YEAS:** Anderson, C.; Belter; Berg, G.; Brokaw; Cleveland; DeMers; Dorso; Eckroth; Enget; Frey; Gerntholz; Goetz; Graba; Hamerlik; Hanson, L.; Hill; Hoffner; Kelly; Kingsbury; Kloubec; Klundt; Knudson; Kretschmar; Larson; Laughlin; Lautenschlager; Linderman; Lloyd; Mertens; Meyer; Moore; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; Olson, V.; Opedahl; O'Shea; Payne; Retzer; Richard; Riehl; Rydell; Sauter; Schneider; Shaw; Shockman; Skjerven; Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Unhjem; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

**NAYS:** Anderson, R.; Berg, R.; Conmy; Dalrymple; Dotzenrod; Gates; Gunsch; Halmrast; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hughes; Keller; Kent; Kuchera; Lang; Lindgren; Martin; Martinson; Melby; Murphy; O'Connell; Olsen, D.; Olson, A.; Pederson, R.; Rice; Riley; Schindler; Schmidt; Shide; Smette; Timm; Tollefson; Ulmer; Vander Vorst

**ABSENT AND NOT VOTING:** Gullickson; Koland; Lipsiea; Peterson, J.

SB 2075 passed and the title was agreed to.

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TUESDAY, MARCH 19, 1985

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MESSAGES FROM THE SENATE  
SENATE CHAMBER

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

HB 1382, HB 1402, HB 1418, HB 1441, HB 1607, HB 1651,  
HCR 3020, HCR 3022, HCR 3034, HCR 3036, HCR 3051, HCR 3056,  
HCR 3070, HCR 3078, HCR 3080, HCR 3082, HCR 3083, HCR 3084,  
HCR 3086, HCR 3087, HCR 3089, HCR 3090

LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1005

LEO LEIDHOLM, Secretary

SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith HB 1159, HB 1199, HB 1295, HB 1334, HB 1431, HB 1500, HB 1537, and HB 1539 which the Senate has amended:

SENATE AMENDMENTS TO ENGROSSED HB 1159

On page 1 of the engrossed bill, delete lines 5 through 10

And renumber the lines, sections, and pages accordingly

SENATE AMENDMENTS TO HB 1199

On page 1, line 1, after the word "Act" insert the words "to create and enact a new subsection to section 65-01-02 of the North Dakota Century Code, relating to the definition of orphan; and"

On page 1, line 11, delete the word "living"

On page 1, line 14, delete the word "living"

On page 1, line 16, delete the word "living"

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

"SECTION 2. A new subsection to section 65-01-02 of the 1983 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

"Orphan" means a child who has no lawful parent."

And renumber the lines, sections, and pages accordingly

SENATE AMENDMENTS TO HB 1295

On page 2, line 11, remove the overstrike over the words "physicai or"

On page 3, line 9, remove the overstrike over the words "~~his physical ex~~"

And renumber the lines and pages accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1334

On page 1 of the engrossed bill, line 2, delete the words "persons licensed by the"

On page 1 of the engrossed bill, line 3, delete the words "federal communications commission" and insert in lieu thereof the words "amateur radio communications"

On page 1 of the engrossed bill, line 18, delete the words "or otherwise interferes with" and insert in lieu thereof the words ", diverts from,"

On page 3 of the engrossed bill, delete lines 1 through 4 and insert the following:

"SECTION 4. Amateur radio communications - Exemption. This Act shall not be construed to prevent the manufacture, importation, distribution, sale, offer for sale or rental, possession for sale, or advertisement for sale, any device, plan or kit for a device, or printed circuit, used by federally licensed amateur radio (ham) operators for amateur radio communications as permitted under 47 CFR 91.7 et seq."

And renumber the lines and pages accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1431

On page 3 of the engrossed bill, line 6, overstrike the word "of" and insert immediately thereafter the word "under"

On page 3 of the engrossed bill, line 16, after the word "execution" insert the words "and notice of levy"

On page 3 of the engrossed bill, line 22, delete the third word "of" and insert in lieu thereof the words "under an"

And renumber the lines and pages accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1500

On page 1 of the engrossed bill, line 14, delete the word "individually" and insert in lieu thereof the word "jointly"

And renumber the lines accordingly

SENATE AMENDMENTS TO HB 1537

On page 1, line 27, overstrike the word "his" and insert immediately thereafter the word "the", overstrike the word

"himself" and insert immediately thereafter the words "the applicant"

On page 2, line 4, overstrike the word "he has" and overstrike the words "following qualifications", and insert immediately thereafter the word "applicant"

On page 2, line 12, overstrike the words "present himself to" and insert immediately thereafter the words "appear before"

On page 2, line 13, overstrike the word "him", overstrike the word "his" and insert immediately thereafter the words "the applicant for", overstrike the words "for the" and insert immediately thereafter the word "to", and overstrike the word "of"

On page 2, line 15, overstrike the word "his" and insert immediately thereafter the words "the applicant's"

On page 3, line 17, overstrike the word "he" and insert immediately thereafter the words "the applicant"

On page 4, line 1, overstrike the word "his" and insert immediately thereafter the words "the holder's"

On page 4, line 11, overstrike the word "his" and insert immediately thereafter the word "the"

On page 4, line 12, delete the word "property" and insert in lieu thereof the word "proper"

On page 4, line 13, overstrike the word "his" and insert immediately thereafter the word "the"

On page 4, line 22, overstrike the word "him" and insert immediately thereafter the words "the dentist"

On page 4, line 24, overstrike the word "he" and insert immediately thereafter the words "the dentist"

On page 4, line 26, overstrike the word "his" and insert immediately thereafter the words "the dentist's"

On page 4, line 29, overstrike the word "he" and insert immediately thereafter the words "the dentist"

On page 5, line 32, overstrike the word "he" and insert immediately thereafter the words "the accused"

On page 6, line 3, delete the word "must" and insert in lieu thereof the word "may"

On page 6, line 9, overstrike the word "his" and insert immediately thereafter the words "the dentist's"

On page 6, line 10, overstrike the word "he" and insert immediately thereafter the words "the dentist"

On page 6, line 11, overstrike the word "his" and insert immediately thereafter the word "the"

On page 6, line 13, overstrike the word "his" and insert immediately thereafter the word "the"

And renumber the lines and pages accordingly

SENATE AMENDMENTS TO HB 1539

On page 1, line 10, overstrike the words "A person"

On page 1, line 17, after the numerals "~~41-09-28~~" insert the words "An owner of property who creates a security interest in such property"

On page 1, line 20, after the word "to" insert the word "the"

And renumber the lines and pages accordingly

LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1203, HB 1274, HB 1403, HB 1471, HB 1560, HB 1580,  
HCR 3015

LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1077: Sens. Moore, Todd, Maixner

LEO LEIDHOLM, Secretary

SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the Senate does not concur in the House amendments to SB 2251 and SB 2470 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2251: Sens. Todd, Mutch, Krauter

SB 2470: Sens. Christensen, Stenehjem, Matchie

LEO LEIDHOLM, Secretary

MESSAGES TO THE SENATE

HOUSE CHAMBER

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

TUESDAY, MARCH 19, 1985

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SB 2037, SB 2173, SB 2183, SB 2196, SB 2262, SB 2311,  
SB 2359, SB 2395, SB 2406, SB 2446, SB 2463, SB 2488,  
SB 2499, SCR 4004, SCR 4006, SCR 4008, SCR 4009, SCR 4013,  
SCR 4017, SCR 4024, SCR 4030, SCR 4031, SCR 4034, SCR 4035,  
SCR 4036, SCR 4038, SCR 4042, SCR 4046, SCR 4047, SCR 4050,  
SCR 4052, SCR 4054, SCR 4055, SCR 4058, SCR 4062, SCR 4064,  
SCR 4065, SCR 4068

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

HB 1655

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

SB 2095, SB 2201, SB 2374, SCR 4007, SCR 4026, SCR 4053

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to return herewith the following which the House has failed to pass:

SB 2193, SB 2467, SCR 4048

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to inform you that the House does not concur in the Senate amendments to HB 1081, HB 1168, and HB 1233 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1081: Reps. Timm, Goetz, Schneider  
HB 1168: Reps. D. Olsen, Gates, DeMers  
HB 1233: Reps. Lang, Shaw, Dotzenrod

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM 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 2204: Reps. Hamerlik, Nalewaja, DeMers  
SB 2223: Reps. Timm, R. Anderson, Richard

ROY GILBREATH, Chief Clerk

## REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly enrolled:

HB 1014, HB 1040, HB 1047, HB 1063, HB 1144, HB 1235,  
 HB 1277, HB 1305, HB 1387, HB 1413, HB 1435, HB 1447,  
 HB 1451, HB 1512, HB 1532, HB 1619, HCR 3023, HCR 3028,  
 HCR 3059, HCR 3066

REP. HEDSTROM, Chairman

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

## REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly enrolled:

HB 1062, HB 1289, HB 1374, HB 1375, HB 1381, HB 1424,  
 HB 1428, HB 1600, HCR 3011, HCR 3026, HCR 3039, HCR 3049,  
 HCR 3060, HCR 3061, HCR 3063, HCR 3064, HCR 3073

REP. HEDSTROM, Chairman

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

## REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly enrolled:

HB 1370, HB 1555, HB 1561, HB 1569, HB 1623, HCR 3053

REP. HEDSTROM, Chairman

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

## REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly engrossed:

HB 1050, HB 1087, HB 1263

REP. HEDSTROM, Chairman

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

## REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly engrossed:

HB 1076, HB 1369, HB 1392, HCR 3068

REP. HEDSTROM, Chairman

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

## SECOND READING OF SENATE BILL

SB 2180: A BILL for an Act to adopt the Uniform Marital Property Act, relating to the legal ownership of property by and between spouses; to amend section 14-07-05 of the North Dakota Century Code, relating to rights and liabilities of married persons; to repeal sections 14-07-03, 14-07-04, 14-07-06, 14-07-07, and 14-07-08 of the North Dakota Century Code, relating to legal ownership of property by and between spouses; 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 36 YEAS, 65 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Brokaw; Cleveland; Conmy; DeMers; Frey; Gates; Graba; Hanson, L.; Haugland; Hoffner; Kelly; Knudson; Kretschmar; Larson; Linderman; Lindgren; Lloyd; Martin; Mertens; Moore; Nalewaja; Oban; Opedahl; Richard; Riehl; Rydell; Sauter; Schneider; Shockman; Stofferahn; Ushjem; Watne; Wentz; Williams, A.; Williams, W.; Winkelman

NAYS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Dalrymple; Dorso; Dotzenrod; Eckroth; Enget; Gertholz; Goetz; Gunsch; Halmrast; Hamerlik; Hanson, O.; Hausauer, A.; Hedstrom; Hill; Hughes; Keller; Kent; Kingsbury; Kloubec; Klundt; Koland; Kuchera; Lang; Laughlin; Lautenschlager; Martinson; Melby; Myrdal; Nicholas; Nowatzki; O'Connell; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Federson, R.; Retzer; Rice; Riley; Schindler; Schmidt; Shaw; Shide; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Strinden; Thompson; Timm; Tollefson; Ulmer; Vander Vorst; Wald; Whalen; Williams, C.; Wold; Speaker Hausauer, R.

ABSENT AND NOT VOTING: Gullickson; Lipsiea; Meyer; Murphy; Peterson, J.

SB 2180 was declared lost.

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MESSAGE FROM THE SENATE  
SENATE CHAMBER

MR. SPEAKER: I have the honor to request the return of HB 1645.  
LEO LEIDHOLM, Secretary

## MOTION

REP. STRINDEN MOVED that the House accede to the Senate's request for the return of HB 1645, and that HB 1645 be messaged to the Senate, which motion prevailed.

MESSAGE TO THE SENATE  
HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to return herewith the following which the Senate has requested:

HB 1645

ROY GILBREATH, Chief Clerk

## REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bill and find the same correctly enrolled:

HB 1005

REP. HEDSTROM, Chairman

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

## SIGNING OF BILLS AND RESOLUTIONS

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following:

HB 1005

ROY GILBREATH, Chief Clerk

MESSAGE TO THE SENATE  
HOUSE CHAMBER

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

HB 1005

ROY GILBREATH, Chief Clerk

## SECOND READING OF SENATE BILL

SB 2194: A BILL for an Act to create and enact two new sections to chapter 61-03 of the North Dakota Century Code, relating to inspection and removal of unsafe water works; and to amend and reenact section 61-16.1-38 of the North Dakota Century Code, relating to the state engineer's authority over unsafe or unauthorized works.

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 90 YEAS, 6 NAYS, 10 ABSENT AND NOT VOTING.

**YEAS:** Anderson, R.; Belter; Berg, G.; Berg, R.; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kloubec; Klundt; Knudson; Koland; Kretschmar; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Martin; Martinson; Melby; Mertens; Moore; Myrdal; Nalewaja; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Winkelman; Wold; Speaker Hausauer, R.

**NAYS:** Brokaw; Kingsbury; Shide; Shockman; Skjerven; Williams, W.

**ABSENT AND NOT VOTING:** Anderson, C.; Gullickson; Kuchera; Lipsiea; Meyer; Murphy; Nicholas; Nowatzki; Peterson, J.; Retzer

SB 2194 passed and the title was agreed to.

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#### FIRST READING OF A SENATE CONCURRENT RESOLUTION

Sen. Parker and Rep. Winkelman introduced:

(Approved by the Committee on Delayed Bills)

SCR 4069: A concurrent resolution to appoint an official photographer for the Forty-ninth Legislative Assembly, to set forth the photography order, and to authorize payment. Was read the first time.

#### MOTION

REP. WINKELMAN MOVED that the rules be suspended, that SCR 4069 not be printed, not be referred to committee, be printed in the Journal, and placed on tomorrow's calendar for second reading and final passage, which motion prevailed.

Sen. Parker and Rep. Winkelman introduced:

## SENATE CONCURRENT RESOLUTION NO. 4069

A concurrent resolution to appoint an official photographer for the Forty-ninth Legislative Assembly, to set forth the photography order, and to authorize payment.

WHEREAS, for historical purposes it has been the custom of all North Dakota Legislative Assemblies to have composite group pictures made for all members of such assemblies; and

WHEREAS, Dinger Photography offers to take five color proof photographs of each Senator, each Representative, the Lieutenant Governor, the Secretary of the Senate, the Assistant Secretary of the Senate, the Senate Desk Reporter, the Senate Sergeant-at-Arms, the Senate Bill Clerk, the Chief Clerk of the House, the Assistant Chief Clerk of the House, the House Desk Reporter, the House Sergeant-at-Arms, and the House Bill Clerk, and to retouch the final prints to compile a composite color picture of all Senate members and named employees, the Lieutenant Governor, and all House members and named employees, framed and ready to hang, and individual composite photographs to be furnished to each member; all the foregoing at a total cost of \$2,395;

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

That Dinger Photography of Bismarck, North Dakota, be and is hereby appointed official photographer for the Forty-ninth Legislative Assembly of the state of North Dakota; and

BE IT FURTHER RESOLVED, that Dinger Photography of Bismarck, North Dakota, is hereby awarded the sole privilege of photographing members of the Senate and the House of Representatives, the Lieutenant Governor, and the above-named legislative employees of the Forty-ninth Legislative Assembly, at the total cost of \$2,395 to be charged as a legislative expense; and

BE IT FURTHER RESOLVED, that the photographs shall be delivered pursuant to a contract entered into between Dinger Photography and the photography committees of the Senate and House of Representatives.

MESSAGE FROM THE SENATE  
SENATE CHAMBER

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

HB 1005

LEO LEIDHOLM, Secretary

## MOTION

REP. STRINDEN MOVED that the House request the return of HB 1645 from the Senate, which motion prevailed.

MESSAGE TO THE SENATE  
HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to inform you that the House respectfully requests the return of HB 1645.

ROY GILBREATH, Chief Clerk

MESSAGE FROM THE SENATE  
SENATE CHAMBER

MR. SPEAKER: I have the honor to return HB 1645 which the House has requested.

LEO LEIDHOLM, Secretary

## MOTION

REP. STRINDEN MOVED that the rules be suspended, and requested the unanimous consent of the House to withdraw HE 1645, which motion prevailed and request was granted.

SPEAKER R. HAUSAUER ANNOUNCED that HB 1645 was withdrawn.

## SECOND READING OF SENATE BILL

SB 2234: A BILL for an Act to amend and reenact sections 61-20-01, 61-20-02, and 61-20-03 of the North Dakota Century Code, relating to artesian wells.

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, 0 NAYS, 12 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gertholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Martin; Martinson; Melby; Mertens; Myrdal; Nicholas; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Hausauer, R.

NAYS: None

ABSENT AND NOT VOTING: Gullickson; Klundt; Lipsiea; Meyer; Moore; Murphy; Nalewaja; Nowatzki; Peterson, J.; Retzer; Unhjem; Wold

SB 2234 passed and the title was agreed to.

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MOTIONS

REP. KLOUBEC MOVED that the House reconsider its action whereby it concurred in the the Senate amendments to HB 1242 and placed HB 1242 on the Eleventh order of business, which motion prevailed.

REP. KLOUBEC MOVED that the House do not concur in the Senate amendments to HB 1242 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 1242:

Reps. Retzer, Whalen, Lloyd

SECOND READING OF SENATE BILLS

SB 2273: A BILL for an Act to amend and reenact sections 55-11-04, 55-11-05, and 55-11-10 of the North Dakota Century Code, relating to advisers to the state parks and recreation department on the nature preserve program and acquisition of nature preserves and natural areas.

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 72 YEAS, 25 NAYS, 9 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Berg, G.; Berg, R.; Cleveland; Conmy; DeMers; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Graba; Halmrast; Hamerlik; Hanson, L.; Haugland; Hedstrom; Hoffner; Kelly; Kingsbury; Kloubec; Klundt; Knudson; Kretschmar; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Martin; Martinson; Mertens; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; Payne; Richard; Riehl; Riley; Sauter; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Timm; Tollefson; Ulmer; Vander Vorst; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

**NAYS:** Anderson, R.; Belter; Brokaw; Dalrymple; Dorso; Goetz; Gunsch; Hanson, O.; Hausauer, A.; Hill; Hughes; Keller; Kent; Koland; Kuchera; Lang; Melby; O'Shea; Pederson, R.; Rice; Rydell; Schindler; Strinden; Thompson; Whalen

**ABSENT AND NOT VOTING:** Gullickson; Lipsiea; Meyer; Moore; Murphy; Peterson, J.; Retzer; Unhjem; Wald

SB 2273 passed and the title was agreed to.

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**SB 2313:** A BILL for an Act to amend and reenact section 13-01-14 of the North Dakota Century Code, relating to late payment charges on accounts receivable.

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 80 YEAS, 19 NAYS, 7 ABSENT AND NOT VOTING.

**YEAS:** Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Cleveland; Dalrymple; Dorso; Dotzenrod; Eckroth; Frey; Gates; Gerntholz; Goetz; Graba; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Kelly; Kent; Kloubec; Klundt; Knudson; Koland; Kretschmar; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Martin; Melby; Mertens; Moore; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Retzer; Rice; Riehl; Riley; Rydell; Sauter; Shaw; Shide; Skjerven; Smette; Starke; Stofferahn; Strinden; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Wald; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Hausauer, R.

**NAYS:** Brokaw; Conmy; DeMers; Enget; Gunsch; Hanson, O.; Keller; Kingsbury; Kuchera; Martinson; O'Connell; Schindler; Schneider; Shockman; Solberg, O.; Solberg, R.; Thompson; Whalen; Winkelman

**ABSENT AND NOT VOTING:** Gullickson; Lipsiea; Meyer; Murphy; Peterson, J.; Richard; Schmidt

SB 2313 passed and the title was agreed to.

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SB 2324: A BILL for an Act to amend and reenact subsection 5 of section 16.1-16-01 of the North Dakota Century Code, relating to election recount procedures.

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 98 YEAS, 0 NAYS, 8 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koiland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Martin; Martinson; Melby; Mertens; Moore; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Rice; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Strinden; Thompson; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: None

ABSENT AND NOT VOTING: Cullickson; Lipsiea; Meyer; Murphy; Peterson, J.; Retzer; Richard; Stofferahn

SB 2324 passed and the title was agreed to.

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SB 2338: A BILL for an Act to create and enact a new subsection to section 20.1-03-11 and a new subsection to chapter 20.1-08 of the North Dakota Century Code, relating to licenses issued to landowners to hunt elk and the governor's proclamation on the hunting of elk; and to provide an expiration 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 89 YEAS, 10 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dotzenrod; Eckroth; Enget; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lloyd; Martin; Martinson; Melby; Mertens; Moore; Nicholas; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; Pederson, R.; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Strinden; Thompson; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Hausauer, R.

NAYS: Dorso; Frey; Hedstrom; Lindgren; Myrdal; Nalewaja; Nowatzki; O'Shea; Payne; Wold

ABSENT AND NOT VOTING: Gullickson; Lipsiea; Meyer; Murphy; Peterson, J.; Retzer; Stofferahn

SB 2338 passed and the title was agreed to.

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SB 2345: A BILL for an Act to create and enact a new subsection to section 57-02-08 and two new sections to chapter 57-15 of the North Dakota Century Code, relating to an exemption from ad valorem taxes for certain athletic and recreational facilities and protection of property taxpayers and taxing districts and school district levy limit; 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 96 YEAS, 2 NAYS, 8 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kloubec; Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Martin; Martinson; Melby; Mertens; Moore; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Rice;

Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: Brokaw; Kingsbury

ABSENT AND NOT VOTING: Gullickson; Hanson, O.; Lipsiea; Meyer; Murphy; Pederson, R.; Peterson, J.; Retzer

SB 2345 passed and the title was agreed to.

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MOTION

REP. STRINDEN MOVED that the House stand in recess for twenty minutes, which motion prevailed.

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

MESSAGE FROM THE SENATE  
SENATE CHAMBER

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

SCR 4021, SCR 4071, SCR 4072

LEO LEIDHOLM, Secretary

REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly enrolled:

HB 1050, HB 1087, HB 1263

REP. HEDSTROM, Chairman

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

REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly enrolled:

HB 1076, HB 1369, HB 1392, HCR 3068

REP. HEDSTROM, Chairman

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

SECOND READING OF SENATE BILLS

SB 2355: A BILL for an Act to amend and reenact section 6-08-16.2 of the North Dakota Century Code, relating to issuing checks with insufficient funds or without an account; and to provide a penalty.

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 86 YEAS, 4 NAYS, 16 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, R.; Brokaw; Cleveland; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gertholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kloubec; Klundt; Knudson; Koland; Kretschmar; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Martin; Martinson; Melby; Moore; Myrdal; Nalewaja; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Payne; Pederson, R.; Rice; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Wald; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Hausauer, R.

NAYS: Conmy; Hanson, O.; Kingsbury; Kuchera

ABSENT AND NOT VOTING: Berg, G.; Gullickson; Haugland; Lipsiea; Mertens; Meyer; Murphy; Nicholas; Nowatzki; Opedahl; O'Shea; Peterson, J.; Retzer; Richard; Whalen; Wold

SB 2355 passed and the title was agreed to.

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SB 2360: A BILL for an Act to amend and reenact section 11-33-04 of the North Dakota Century Code, relating to membership on county zoning commissions.

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 96 YEAS, 0 NAYS, 10 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso;

Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz;  
 Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.;  
 Hanson, O.; Hausauer, A.; Hedstrom; Hill; Hoffner;  
 Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec;  
 Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang;  
 Larson; Laughlin; Lautenschlager; Linderman; Lindgren;  
 Lloyd; Martin; Martinson; Melby; Mertens; Moore;  
 Myrdal; Nalewaja; Oban; O'Connell; Olsen, D.;  
 Olson, A.; Olson, V.; Opedahl; O'Shea; Payne;  
 Pederson, R.; Retzer; Rice; Richard; Riehl; Riley;  
 Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw;  
 Shide; Shockman; Skjerven; Smette; Solberg, O.;  
 Solberg, R.; Starke; Stofferahn; Strinden; Timm;  
 Tollefson; Ulmer; Unhjem; Vander Vorst; Wald; Watne;  
 Wentz; Whalen; Williams, A.; Williams, C.;  
 Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: None

ABSENT AND NOT VOTING: Berg, G.; Gullickson; Haugland;  
 Lipsiea; Meyer; Murphy; Nicholas; Nowatzki;  
 Peterson, J.; Thompson

SB 2360 passed and the title was agreed to.

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SB 2444: A BILL for an Act to create and enact a new subsection to section 50-06-05.1 and a new subsection to section 54-12-01 of the North Dakota Century Code, relating to the powers and duties of the department of human services and the attorney general regarding administrative hearings.

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 98 YEAS, 0 NAYS, 8 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, R.;  
 Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso;  
 Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz;  
 Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.;  
 Hanson, O.; Hausauer, A.; Hedstrom; Hill; Hoffner;  
 Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec;  
 Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang;  
 Larson; Laughlin; Lautenschlager; Linderman; Lindgren;  
 Lloyd; Martin; Martinson; Melby; Mertens; Moore;  
 Myrdal; Nalewaja; Nowatzki; Oban; O'Connell; Olsen, D.;  
 Olson, A.; Olson, V.; Opedahl; O'Shea; Payne;  
 Pederson, R.; Retzer; Rice; Richard; Riehl; Riley;  
 Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw;  
 Shide; Shockman; Skjerven; Smette; Solberg, O.;

Solberg, R.; Starke; Stofferahn; Strinden; Thompson;  
Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Wald;  
Watne; Wentz; Whalen; Williams, A.; Williams, C.;  
Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: None

ABSENT AND NOT VOTING: Berg, G.; Gullickson; Haugland;  
Lipsiea; Meyer; Murphy; Nicholas; Peterson, J.

SB 2444 passed and the title was agreed to.

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SB 2464: A BILL for an Act to amend and reenact sections 44-11-02, 44-11-10, and 44-11-13 of the North Dakota Century Code, relating to the number of persons who must sign a complaint seeking the gubernatorial removal of a public official.

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 95 YEAS, 4 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.;  
Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers;  
Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates;  
Gertholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik;  
Hanson, L.; Haugland; Hausauer, A.; Hedstrom; Hill;  
Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury;  
Kloubec; Klundt; Knudson; Koland; Kretschmar; Lang;  
Larson; Laughlin; Lautenschlager; Linderman; Lindgren;  
Lloyd; Martin; Martinson; Melby; Mertens; Moore;  
Myrdal; Nalewaja; Nowatzki; Oban; O'Connell; Olsen, D.;  
Olson, A.; Olson, V.; Opedahl; O'Shea; Payne;  
Pederson, R.; Retzer; Rice; Richard; Riehl; Riley;  
Rydell; Sauter; Schindler; Schneider; Shaw; Shide;  
Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.;  
Starke; Stofferahn; Strinden; Timm; Tollefson; Ulmer;  
Unhjem; Vander Vorst; Wald; Watne; Wentz; Williams, A.;  
Williams, C.; Williams, W.; Winkelman; Wold;  
Speaker Hausauer, R.

NAYS: Kuchera; Schmidt; Thompson; Whalen

ABSENT AND NOT VOTING: Gullickson; Hanson, O.; Lipsiea;  
Meyer; Murphy; Nicholas; Peterson, J.

SB 2464 passed and the title was agreed to.

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SB 2471: A BILL for an Act to amend and reenact subsection 3 of section 38-08-14 and section 38-08-16 of the North Dakota Century Code, relating to the suspension of orders of the industrial commission and fixing the amount of supersedeas bonds and penalties imposed upon violators of rules, regulations, or orders of the industrial commission; and to declare an emergency.

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 97 YEAS, 0 NAYS, 9 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hedstrom; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Martin; Martinson; Melby; Mertens; Moore; Myrdal; Nalewaja; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: None

ABSENT AND NOT VOTING: Gullickson; Hanson, O.; Hill; Lipsiea; Meyer; Murphy; Nicholas; Peterson, J.; Wald

SB 2471 passed, the title was agreed to, and the emergency clause was declared carried.

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SB 2478: A BILL for an Act to create and enact two new sections to chapter 8-10 of the North Dakota Century Code, relating to interruption of telephone communications during a kidnap or hostage emergency, and to exemption from liability for making such an interruption; and to provide a penalty.

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 100 YEAS, 0 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Martin; Martinson; Melby; Mertens; Moore; Myrdal; Nalewaja; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: None

ABSENT AND NOT VOTING: Gullickson; Lipsiea; Meyer; Murphy; Nicholas; Peterson, J.

SB 2478 passed and the title was agreed to.

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## MOTION

REP. STRINDEN MOVED that the rules be suspended, and that all bills acted on favorably this afternoon be messaged to the Senate, which motion prevailed.

## SECOND READING OF SENATE BILLS

SB 2069: A BILL for an Act to create and enact a new section to chapter 16.1-15 of the North Dakota Century Code, relating to the canvass of votes following an election.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 94 YEAS, 2 NAYS, 10 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik;

Hanson, L.; Hanson, O.; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Martin; Martinson; Melby; Moore; Nalewaja; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: Pederson, R.; Schindler

ABSENT AND NOT VOTING: Gullickson; Haugland; Lipsiea; Mertens; Meyer; Murphy; Myrdal; Nicholas; Nowatzki; Paterson, J.

SB 2069 passed and the title was agreed to.

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SB 2070: A BILL for an Act to amend and reenact section 16.1-15-15 of the North Dakota Century Code, relating to the composition of the county canvassing board.

Which has been read.

#### ROLL CALL

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

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gertholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Martin; Martinson; Melby; Moore; Myrdal; Nalewaja; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: None

ABSENT AND NOT VOTING: Gullickson; Lipsiea; Mertens; Meyer; Murphy; Nicholas; Nowatzki; Peterson, J.

SB 2070 passed and the title was agreed to.

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#### MOTION

REP. KRETSCHMAR MOVED that the House waive the reading of the title to SB 2089, which motion prevailed.

SB 2089: A BILL for an Act to create and enact two new sections to chapter 37-15 of the North Dakota Century Code, relating to definitions and establishing priorities for admission to the veterans' home; and to amend and reenact sections 15-10-18.2, 21-10-06, subdivision w of subsection 1 of section 28-32-01, sections 37-01-40, 37-14-03.3, 37-14-04, 37-14-06, 37-15-01, 37-15-02, 37-15-03, 37-15-07, 37-15-08, 37-15-10, 37-15-11, 37-15-12, 37-15-13, 37-15-14, 37-15-14.1, 37-15-15, 37-15-16, 37-15-17, 37-15-19, 37-15-21, 37-18.1-03, 37-18.1-04, subsection 5 of section 37-19.1-01, and sections 54-23-01, 54-23-56, 54-23-59, and 57-36-24 of the North Dakota Century Code, relating to changing the name of the soldiers' home to the veterans' home, benefits available to peacetime veterans as well as to wartime veterans, the exclusion of the administrative committee on veterans' affairs from the Administrative Agencies Practice Act, and the powers and duties of the commandant of the veterans' home.

Which has been read.

#### ROLL CALL

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

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gertholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Martin; Martinson; Melby; Moore; Myrdal; Nalewaja; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.;

Williams, C.; Williams, W.; Winkelman; Wold;  
Speaker Hausauer, R.

NAYS: None

ABSENT AND NOT VOTING: Gullickson; Lipsiea; Mertens;  
Meyer; Murphy; Nicholas; Peterson, J.

SB 2089 passed and the title was agreed to.

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SB 2198: A BILL for an Act to amend and reenact section 61-04-24 of the North Dakota Century Code, relating to the forfeiture of water rights.

Which has been read.

ROLL CALL

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

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Martin; Martinson; Melby; Moore; Myrdal; Nalewaja; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Strinden; Thompson; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: Brokaw; O'Connell; Shockman; Stofferahn; Williams, W.

ABSENT AND NOT VOTING: Gullickson; Lipsiea; Mertens; Meyer; Murphy; Nicholas; Peterson, J.

SB 2198 passed and the title was agreed to.

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MOTION

REP. KRETSCHMAR MOVED that the House waive the reading of the title to SB 2259, which motion prevailed.

SB 2259: A BILL for an Act to amend and reenact sections 16.1-15-17, 16.1-15-22, 16.1-15-23, 16.1-15-25, 16.1-15-28, 16.1-15-29, 16.1-15-30, 16.1-15-35, 16.1-15-40, 16.1-15-44, 16.1-16-01, 16.1-16-04, and 16.1-16-10 of the North Dakota Century Code, relating to the canvassing and recount of election ballots.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 95 YEAS, 1 NAY, 10 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Martin; Martinson; Melby; Moore; Myrdal; Nalewaja; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Retzer; Rice; Richard; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: Brokaw

ABSENT AND NOT VOTING: Gullickson; Lipsiea; Mertens; Meyer; Murphy; Nicholas; Nowatzki; Peterson, J.; Riehl; Wald

SB 2259 passed and the title was agreed to.

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SB 2293: A BILL for an Act to amend and reenact section 40-57.3-04 of the North Dakota Century Code, relating to the payment, collection, and distribution of city lodging tax revenues.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 93 YEAS, 5 NAYS, 8 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Cleveland; Conmy; Dalrymple; DeMers; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Martin; Martinson; Melby; Mertens; Moore; Myrdal; Nalewaja; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Retzer; Rice; Richard; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Hausauer, R.

NAYS: Brokaw; Dorso; Hanson, O.; Whalen; Wold

ABSENT AND NOT VOTING: Gullickson; Lipsiea; Meyer; Murphy; Nicholas; Peterson, J.; Riehl; Wald

SB 2293 passed and the title was agreed to.

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SB 2308: A BILL for an Act to authorize the state board of higher education to issue and sell self-liquidating, tax-exempt bonds for the purpose of constructing, improving, or refinancing debt incurred in connection with the revenue-producing educational and airport facilities at the university of North Dakota; and to provide an appropriation.

Which has been read.

#### ROLL CALL

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

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Martin; Martinson; Melby; Mertens; Moore; Myrdal; Nalewaja; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Retzer; Rice;

Richard; Riehl; Riley; Rydell; Sauter; Schindler;  
 Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven;  
 Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn;  
 Strinden; Thompson; Timm; Tollefson; Ulmer; Unhjem;  
 Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.;  
 Williams, C.; Williams, W.; Winkelman; Wold;  
 Speaker Hausauer, R.

NAYS: None

ABSENT AND NOT VOTING: Gullickson; Lipsiea; Meyer;  
 Murphy; Nicholas; Nowatzki; Peterson, J.

SB 2308 passed and the title was agreed to.

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#### REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER: Your Committee on Enrollment and Engrossment respectfully report that the following bill was delivered to the Governor for his approval at the hour of 3:43 p.m., March 19, 1985:

HB 1005

REP. HEDSTROM, Chairman

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

#### MESSAGES TO THE SENATE HOUSE CHAMBER

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

SB 2065, SB 2075, SB 2194, SB 2234, SB 2273, SB 2313,  
 SB 2324, SB 2338, SB 2345, SB 2355, SB 2360, SB 2444,  
 SB 2464, SB 2471, SB 2478

ROY GILBREATH, Chief Clerk

#### HOUSE CHAMBER

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

SE 2443

ROY GILBREATH, Chief Clerk

#### SECOND READING OF SENATE BILLS

SB 2391: A BILL for an Act to establish a health care data committee as a standing committee of the state health council for the collection, analysis, and public distribution of information regarding the costs and prices charged for health care services in North Dakota, and to establish a health care data advisory council to advise the

health care data committee of the health council; and to provide a penalty.

Which has been read and has committee recommendation of DO NOT PASS.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 17 YEAS, 80 NAYS, 9 ABSENT AND NOT VOTING.

YEAS: Brokaw; Cleveland; Dorso; Frey; Hamerlik; Hanson, O.; Hausauer, A.; Hoffner; Klundt; Lloyd; Mertens; Oban; Payne; Pederson, R.; Sauter; Schneider; Stofferahn

NAYS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Conmy; Dalrymple; DeMers; Dotzenrod; Eckroth; Enget; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hanson, L.; Hedstrom; Hill; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Martin; Martinson; Melby; Moore; Myrdal; Nalewaja; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Retzer; Rice; Richard; Riehl; Riley; Rydell; Schindler; Schmidt; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Strinden; Thompson; Timm; Tollefson; Ulmer; Unhjem; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

ABSENT AND NOT VOTING: Cullickson; Haugland; Lipsiea; Meyer; Murphy; Nicholas; Nowatzki; Peterson, J.; Vander Vorst

SB 2391 was declared lost.

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SB 2398: A BILL for an Act to regulate the practice of denturistry; and to provide a penalty.

Which has been read.

ROLL CALL

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

YEAS: Anderson, C.; Belter; Dalrymple; Gates; Hamerlik; Haugland; Hausauer, A.; Hughes; Kretschmar; Larson; Lindgren; Martin; Moore; Nalewaja; Olsen, D.; Olson, A.; Retzer; Richard; Riley; Shide; Smette; Timm; Tollefson; Unhjem; Vander Vorst; Wentz; Speaker Hausauer, R.

NAYS: Anderson, R.; Berg, G.; Berg, R.; Brokaw;  
 Cleveland; Conmy; DeMers; Dorso; Dotzenrod; Eckroth;  
 Enget; Frey; Gerntholz; Goetz; Graba; Gunsch; Halmrast;  
 Hanson, L.; Hanson, O.; Hedstrom; Hill; Hoffner;  
 Keller; Kelly; Kingsbury; Kloubec; Klundt; Knudson;  
 Koland; Lang; Laughlin; Lautenschlager; Linderman;  
 Lloyd; Martinson; Melby; Mertens; Myrdal; Oban;  
 O'Connell; Olson, V.; Opedahl; O'Shea; Payne;  
 Pederson, R.; Rice; Riehl; Rydell; Sauter; Schindler;  
 Schmidt; Schneider; Shaw; Shockman; Skjerven;  
 Solberg, O.; Solberg, R.; Starke; Stofferahn; Thompson;  
 Ulmer; Wald; Watne; Whalen; Williams, A.; Williams, C.;  
 Williams, W.; Winkelman; Wold

ABSENT AND NOT VOTING: Gullickson; Kent; Kuchera;  
 Lipsia; Meyer; Murphy; Nicholas; Nowatzki;  
 Peterson, J.; Strinden

SB 2398 was declared lost.

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SB 2403: A BILL for an Act to create and enact a new section to chapter 28-32 of the North Dakota Century Code, to provide for the award of attorneys' fees and costs in proceedings involving administrative agencies.

Which has been read.

#### ROLL CALL

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

YEAS: Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw;  
 Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod;  
 Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba;  
 Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer, A.;  
 Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent;  
 Kloubec; Klundt; Knudson; Koland; Kretschmar; Larson;  
 Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd;  
 Martin; Martinson; Melby; Moore; Nalewaja; Oban;  
 O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl;  
 O'Shea; Payne; Pederson, R.; Retzer; Rice; Richard;  
 Riehl; Riley; Rydell; Sauter; Schindler; Schmidt;  
 Schneider; Shaw; Shide; Shockman; Skjerven; Smette;  
 Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden;  
 Thompson; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst;  
 Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.;  
 Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: Gunsch; Hanson, O.; Kingsbury; Myrdal

ABSENT AND NOT VOTING: Anderson, C.; Gullickson;  
Kuchera; Lang; Lipsiea; Mertens; Meyer; Murphy;  
Nicholas; Nowatzki; Peterson, J.

SB 2403 passed and the title was agreed to.

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SB 2449: A BILL for an Act to create and enact section 57-61-01.3 of the North Dakota Century Code, relating to a severance tax reduction on coal mined for certain users.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 92 YEAS, 4 NAYS, 10 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Eelter; Berg, R.;  
Brokaw; Cleveland; Conmy; Dalrymple; DeMars; Dorso;  
Dotzenrod; Eckroth; Enget; Frey; Gates; Gertholz;  
Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.;  
Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill;  
Hoffner; Keller; Kent; Kingsbury; Kloubec; Klundt;  
Knudson; Koland; Kretschmar; Lang; Larson; Laughlin;  
Lautenschlager; Linderman; Lindgren; Lloyd; Martin;  
Martinson; Melby; Moore; Myrdal; Nalewaja; Oban;  
O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl;  
O'Shea; Payne; Pederson, R.; Retzer; Rice; Richard;  
Riehl; Riley; Rydell; Sauter; Schindler; Schmidt;  
Schneider; Shaw; Shide; Shockman; Skjervan; Smette;  
Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden;  
Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Watne;  
Wentz; Whalen; Williams, A.; Williams, C.;  
Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: Hughes; Kelly; Kuchera; Thompson

ABSENT AND NOT VOTING: Berg, G.; Gullickson; Lipsiea;  
Mertens; Meyer; Murphy; Nicholas; Nowatzki;  
Peterson, J.; Wald

SB 2449 passed and the title was agreed to.

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SB 2452: A BILL for an Act to amend and reenact section 27-14-02 of the North Dakota Century Code, relating to causes for suspension or revocation of a certificate of admission to the bar.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 96 YEAS, 0 NAYS, 10 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Martinson; Melby; Moore; Myrdal; Nalewaja; Nicholas; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Retzer; Rice; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Slide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Umhjem; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: None

ABSENT AND NOT VOTING: Berg, G.; Gullickson; Lipsiea; Martin; Mertens; Meyer; Murphy; Nowatzki; Peterson, J.; Richard

SB 2452 passed and the title was agreed to.

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SB 2486: A BILL for an Act to create and enact a new section to chapter 50-11 of the North Dakota Century Code, relating to the licensing of foster care homes and facilities for children and adults; and to amend and reenact section 50-11-08 of the North Dakota Century Code, relating to the denial or revocation of a foster care license.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 89 YEAS, 4 NAYS, 13 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren;

Lloyd; Martinson; Melby; Moore; Myrdal; Nalewaja; Nicholas; Oban; O'Connell; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Vander Vorst; Wald; Watne; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

**NAYS:** Gunsch; Olsen, D.; Pederson, R.; Retzer

**ABSENT AND NOT VOTING:** Berg, G.; Gullickson; Haugland; Lipsiea; Martin; Mertens; Meyer; Murphy; Nowatzki; Peterson, J.; Unhjem; Wentz; Whalen

SB 2486 passed and the title was agreed to.

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**SB 2494:** A BILL for an Act to amend and reenact subsection 9 of section 10-04-06 of the North Dakota Century Code, relating to securities transactions exempt from registration requirements.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 87 YEAS, 8 NAYS, 11 ABSENT AND NOT VOTING.

**YEAS:** Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Cleveland; Conmy; DeMers; Dorso; Eckroth; Enget; Frey; Gates; Goetz; Graba; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Lautenschlager; Linderman; Lindgren; Lloyd; Martin; Melby; Moore; Nalewaja; Oban; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Wald; Watne; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

**NAYS:** Brokaw; Dalrymple; Dotzenrod; Gerntholz; Gunsch; Laughlin; O'Connell; Olsen, D.

**ABSENT AND NOT VOTING:** Gullickson; Lipsiea; Martinson; Mertens; Meyer; Murphy; Myrdal; Nicholas; Nowatzki; Peterson, J.; Wentz

SB 2494 passed and the title was agreed to.

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SECOND READING OF SENATE CONCURRENT RESOLUTIONS  
ON CONSENT CALENDAR

- SCR 4032: A concurrent resolution directing the Legislative Council to conduct a study of chemical manufacturing plants and storage facilities in the state near residential areas.
- SCR 4040: A concurrent resolution directing the Legislative Council to study existing state law enforcement agencies.
- SCR 4061: A concurrent resolution directing the Legislative Council to study state laws relating to the issuance, suspension, and revocation of drivers' licenses with specific emphasis on the efficient administration of those laws, the use of uniform terms in the relevant statutes, and the adequacy of drivers' education programs.
- SCR 4067: A concurrent resolution urging the Congress of the United States to appropriate funds for the restoration of the Fort Union fur trading post on the North Dakota-Montana border.

Which have been read.

ROLL CALL

The question being on the final adoption of the resolutions, the roll was called and there were 96 YEAS, 1 NAY, 9 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Martin; Martinson; Melby; Mertens; Moore; Myrdal; Nalewaja; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Wald; Watne; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: Hanson, O.

ABSENT AND NOT VOTING: Gullickson; Lipsiea; Meyer;  
Murphy; Nicholas; Nowatzki; Peterson, J.; Wentz; Whalen

So the resolutions were adopted.

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APPOINTMENT OF A CONFERENCE COMMITTEE  
THE SPEAKER APPOINTED as a Conference Committee on SB 2251:

Reps. Riley, Shide, Dotzenrod

MESSAGES FROM THE SENATE  
SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith HB 1070, HB 1078, HB 1378, HB 1493, HB 1521, HB 1565, HB 1571, HB 1574, HCR 3037, and HCR 3065 which the Senate has amended:

SENATE AMENDMENTS TO ENGROSSED HB 1070

On page 1 of the engrossed bill, line 4, delete the numerals "20.1-01-07,"

On page 2 of the engrossed bill, delete lines 6 through 31

On page 4 of the engrossed bill, line 28, delete the numeral "6" and insert in lieu thereof the numeral "5"

And renumber the lines, sections, and pages accordingly

On page 1 of the engrossed bill, line 5, after the third comma insert the numerals "20.1-01-26,"

On page 1 of the engrossed bill, line 12, after the word "violations" insert the words "and the suspension of hunting, trapping, or fishing privileges"

On page 3 of the engrossed bill, after line 33, insert the following new section:

"SECTION 6. AMENDMENT. Section 20.1-01-26 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-01-26. Suspension of hunting, trapping, or fishing privileges - Surrender and return of license. In addition to the penalty provided upon conviction under this title, the court may suspend the defendant's hunting, trapping, or fishing privileges for up to two years. Upon conviction for a violation of section 20.1-01-18, the court shall suspend the defendant's hunting, fishing, and trapping privileges for a period of six months to two years. At the time of the suspension, the court shall determine whether the defendant must successfully complete the course of

instruction provided for in section 20.1-03-01.1, as prescribed by the proper state or provincial natural resources or wildlife management agency, before the defendant may purchase a new or obtain the return of a valid hunting license.

Upon imposition of such suspension, the court shall take any hunting, trapping, or fishing license or permit held by the defendant and forward it, together with a certified copy of the suspension order, to the commissioner. Upon Except as otherwise provided in this section, upon expiration of the suspension, the commissioner shall return the defendant's person's license or permit if it is still valid. No person shall may purchase, or attempt to purchase, a hunting, trapping, or fishing license or permit during a suspension period. If the court so ordered, no person who has had a hunting license suspended may purchase or attempt to purchase a hunting license nor may the commissioner return a valid hunting license until the person has successfully completed the course of instruction provided for in section 20.1-03-01.1 and as prescribed by the proper state or provincial natural resources or wildlife management agency. A certificate of completion for a similar course issued by any other state or province of Canada is sufficient to meet this requirement. The person shall file proof of that completion with the court.

For the purpose of this section, the term "conviction" includes an admission or adjudication of a noncriminal violation."

And renumber the lines, sections, and pages accordingly

SENATE AMENDMENTS TO REENGROSSED HB 1078

On page 1 of the reengrossed bill, line 2, delete the word "and"

On page 1 of the reengrossed bill, line 3, after the word "compact" insert the words "; and to provide a contingent effective date"

On page 15 of the reengrossed bill, after line 2, insert the following new section:

"SECTION 3. EFFECTIVE DATE. This Act becomes effective on July 1, 1987, unless the state of South Dakota, pursuant to chapter 240, 1984 Session Laws of South Dakota, has ratified and approved the Dakota interstate low-level radioactive waste compact as created by, and in substantially form and substance as, House Bill No. 1077 as enacted by the forty-ninth legislative assembly of North Dakota, in which event this Act does not become effective."

And renumber the lines and pages accordingly

## SENATE AMENDMENTS TO ENGROSSED HB 1378

- On page 1 of the engrossed bill, line 1, after the word "enact" insert the words "a new section to chapter 39-04,"
- On page 1 of the engrossed bill, line 2, after the numeral "51-07" insert a comma, delete the words "subsection to section 57-40.3-04" and insert in lieu thereof the words "section to chapter 57-40.4"
- On page 1 of the engrossed bill, after line 8, insert the following new section:

"SECTION 1. A new section to chapter 39-04 of the North Dakota Century Code is hereby created and enacted to read as follows:

**Refund of registration fees.** Any owner of a motor vehicle, if such motor vehicle is returned to the manufacturer under the provisions of chapter 51-07, may claim a refund in the amount equal to the unused portion of the fee upon the vehicle, computed pro rata by the month, one-twelfth of the annual fee paid for each month of the registration period remaining after the month in which the vehicle was returned, provided the number plates and validation tabs issued for the vehicle are returned to the department."

- On page 1 of the engrossed bill, line 22, delete the comma and insert in lieu thereof the words "or a truck with registered gross weight of ten thousand pounds or less"
- On page 4 of the engrossed bill, delete lines 27 through 31 and insert the following new section:

"SECTION 9. A new section to chapter 57-40.4 of the North Dakota Century Code is hereby created and enacted to read as follows:

**Refund of tax on returned vehicles.** Any owner of a motor vehicle, if such motor vehicle is returned to the manufacturer under the provisions of chapter 51-07, may claim a refund of motor vehicle excise tax on the amount paid to the owner by the manufacturer."

And renumber the lines, sections, and pages accordingly

## SENATE AMENDMENTS TO HB 1493

- On page 1, line 3, after the word "process" insert the words ", and bankruptcy exemptions"
- On page 1, line 20, overstrike the word "Additional", and delete the word "absolute" and insert in lieu thereof the word "Bankruptcy"

On page 1, line 23, after the word "state" insert the words "who has filed for bankruptcy"

On page 1, line 24, after the word "select" insert the words "the following bankruptcy exemptions"

And renumber the lines and pages accordingly

SENATE AMENDMENTS TO HB 1521

On page 1, line 22, after the word "future" insert the words "or that a market for the gas is not available"

And renumber the lines accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1565

On page 1 of the engrossed bill, line 1, delete the words "create and enact a new section to chapter 65-05"

On page 1 of the engrossed bill, delete line 2

On page 1 of the engrossed bill, line 3, delete the words "workmen's compensation benefits; to"

On page 1 of the engrossed bill, line 4, delete the word "and" and insert in lieu thereof a comma, and after the numerals "65-05-17" insert the words ", and sections 65-05.2-01 and 65-05.2-02"

On page 1 of the engrossed bill, line 5, delete the word "and" and insert in lieu thereof a comma

On page 1 of the engrossed bill, line 6, delete the words "; to repeal chapter 65-05.2 of"

On page 1 of the engrossed bill, delete lines 7 and 8

On page 1 of the engrossed bill, line 9, delete the word "Act" and insert in lieu thereof the words "and to supplementary workmen's compensation benefits"

On page 1 of the engrossed bill, delete lines 12 through 28

On page 2 of the engrossed bill, delete lines 1 through 12

On page 3 of the engrossed bill, delete lines 21 through 25 and insert in lieu thereof the following two sections:

"SECTION 3. AMENDMENT. Section 65-05.2-01 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

65-05.2-01. Eligibility for supplementary benefits. Any workmen's compensation claimant who was receiving temporary total disability benefits, permanent total disability

benefits, or death benefits as of July 1, 1975 1980, and is receiving such benefits as of July 1, 1979 1985, is eligible for supplementary benefits. Eligibility for supplementary benefits starts on July 1, 1979 1985, and lasts for as long as the claimant is entitled to workmen's compensation benefits.

SECTION 4. AMENDMENT. Section 65-05.2-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

65-05.2-02. Supplementary benefits - Amount. If a claimant was eligible for the maximum permanent total disability or death benefits in effect at the time of injury, supplementary benefits are fifty percent of the difference between the amount of benefits which the claimant was originally receiving and the maximum amount of benefits in effect on July 1, 1975. Supplementary benefits for a claimant who was eligible for less than the maximum permanent total disability or death benefits in effect at the time of the injury shall be fifty percent of the difference between the amount of benefits the claimant was originally receiving and the benefits in effect on July 1, 1975, in the same proportion as the claimant's present benefits bear to the maximum benefits in effect at the time of injury. Claimants who are eligible for supplementary benefits and who are receiving temporary total disability benefits or permanent total disability benefits shall receive a weekly benefit in an amount not less than one hundred forty-three dollars per week. Claimants who are eligible for supplementary benefits and who are receiving death benefits shall receive a weekly benefit in an amount not less than eighty-four dollars per week."

And renumber the lines, sections, and pages accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1571

On page 1 of the engrossed bill, line 4, after the word "proceedings" insert the words "; and to declare an emergency"

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

"SECTION 3. 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

On page 1, line 1, delete the words "to create and enact section 12.1-10-04.1 of the"

On page 1, delete line 2

On page 1, line 3, delete the words "judicial process;"

On page 1, line 6, delete the words "; and to provide a"

On page 1, line 7, delete the word "penalty"

On page 1, delete lines 10 through 15

On page 1, line 24, after the word "trial" insert the words "or upon dismissal of the action"

And renumber the lines, sections, and pages accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1574

On page 1 of the engrossed bill, line 2, delete the words "the annual" and insert in lieu thereof the words "a temporary exemption from the"

On page 1 of the engrossed bill, line 10, delete the word "for"

On page 1 of the engrossed bill, line 13, delete the words and numerals "and prior to July 1, 2010, the tax", and after the word "be" insert the words "exempt from the tax imposed by this section for a period of five years from the date of first production from the facility. The operator of the facility shall certify to the tax commissioner the date of first production of the facility."

On page 1 of the engrossed bill, delete lines 14 through 19

And renumber the lines and pages accordingly

SENATE AMENDMENTS TO HCR 3037

On page 1, line 19, after the word "appeals" insert the words "or other methods of alleviating the workload of the Supreme Court"

And renumber the lines and pages accordingly

SENATE AMENDMENTS TO HCR 3065

On page 3, line 6, after the word "thereto" insert the following words "including the economic and other impacts of our drainage permit laws"

And renumber the lines and pages accordingly

LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1081: Sens. Wright, Moore, Satrom  
 HB 1168: Sens. Stenehjem, Christensen, Heinrich  
 HB 1233: Sens. Ingstad, Olson, Dotzenrod

LEO LEIDHOLM, Secretary

#### MOTIONS

REP. STRINDEN MOVED that the absent members be excused, which motion prevailed.

REP. STRINDEN MOVED that the House be on the Thirteenth order of business, and at the conclusion of the Thirteenth order, the House be on the Fifth order of business, and at the conclusion of the Fifth order, the House stand adjourned until 9:00 a.m., Wednesday, March 20, 1985, which motion prevailed.

#### FIRST READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4021: A concurrent resolution for the amendment of section 1 of article V of the Constitution of the State of North Dakota, or in the alternative for the amendment of the new section to the new article V of the Constitution of the State of North Dakota as created by section 4 of House Concurrent Resolution No. 3003, as approved by the forty-ninth legislative assembly, relating to the term of the governor and lieutenant governor.

Was read the first time and referred to the Committee on Joint Constitutional Revision.

SCR 4071: A concurrent resolution urging the Congress of the United States, the Secretary of Agriculture, and the board of directors of the Commodity Credit Corporation to allow rotation of commodities held as collateral on Commodity Credit Corporation loans at earlier dates.

Was read the first time and referred to the Committee on Agriculture.

#### REPORTS OF STANDING COMMITTEES

MR. SPEAKER: Your Committee on Appropriations to which was referred SB 2038 has had the same under consideration and recommends by a vote of 21 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. J. PETERSON, Chairman

SB 2038 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations to which was referred SB 2053 has had the same under consideration and recommends by a vote of 21 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. J. PETERSON, Chairman

SB 2053 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education to which was referred Engrossed SB 2062 has had the same under consideration and recommends by a vote of 18 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS and be rereferred to the Committee on Appropriations:

On page 1 of the engrossed bill, line 18, delete the word "seventy" and insert in lieu thereof the words "the full amount"

On page 1 of the engrossed bill, line 19, delete the word "percent"

And renumber the lines and pages accordingly

REP. KNUDSON, Chairman

Engrossed SB 2062 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations to which was rereferred SB 2063 has had the same under consideration and recommends by a vote of 21 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. J. PETERSON, Chairman

SB 2063 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Agriculture to which was referred Engrossed SB 2100 has had the same under consideration and recommends by a vote of 11 YEAS, 1 NAY, 5 ABSENT AND NOT VOTING that the same DO PASS.

REP. VANDER VORST, Vice Chairman

Engrossed SB 2100 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation to which was referred Engrossed SB 2167 has had the same under consideration and recommends by a vote of 12 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 18, delete the letter "A" and insert in lieu thereof the letter "B"

On page 1 of the engrossed bill, underscore line 23

On page 1 of the engrossed bill, line 24, underscore the words "alteration of odometers", and delete the words "or violating any state or federal"

On page 1 of the engrossed bill, line 25, delete the words "consumer fraud laws", and underscore the period

And renumber the lines and pages accordingly

REP. TIMM, Chairman

Engrossed SB 2167 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Finance and Taxation to which was referred SB 2186 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 1, after the word "reenact" insert the words and numerals "section 57-38-01.15 and"

On page 1, after line 6, insert the following section:

"SECTION 1. AMENDMENT. Section 57-38-01.15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-38-01.15. Itemization Proration and itemization of deductions and exemptions.

1. Any individual taxpayer Individual taxpayers filing a North Dakota income tax return returns pursuant to the provisions of this chapter, other than section 57-38-30.3, may itemize deductions in lieu of taking a standard the zero bracket amount deduction even though a standard the zero bracket amount deduction was used in determining federal taxable income; provided, that married persons filing separately for state income tax purposes must both either itemize or take the standard zero bracket amount deduction. This provision of law is effective for taxable years beginning on or after January 1, 1979- Itemized deductions must be apportioned between spouses in the proportion that the adjusted gross income of each bears to their combined gross income. Exemptions for themselves or their dependents are to be reported in the same way that they would have been reported in separate federal returns if separate federal returns had been filed.
2. If married persons file separate North Dakota income tax returns and one spouse elects to file pursuant to the provisions of section 57-38 30.3 and the other does not, the spouse that elects not to file pursuant to section 57-38-30.3 may either itemize or use the zero bracket amount

deduction. Itemized deductions must be apportioned between spouses in the proportion that the adjusted gross income of each bears to their combined gross income. The spouse not electing to file pursuant to section 57-38-30.3 is entitled to claim only one exemption."

On page 1, line 16, overstrike the word "and"

On page 1, overstrike line 17

On page 1, line 18, overstrike the words "dependents are" and insert immediately thereafter the word "is"

On page 1, line 19, overstrike the word "them" and insert immediately thereafter the word "it"

On page 2, delete lines 6 through 10

And renumber the lines, sections, and pages accordingly

REP. A. HAUSAUER, Chairman

SB 2186 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation to which was referred Engrossed SB 2214 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 24, overstrike the second comma, and delete the words "on a" and insert in lieu thereof the words "which may be collectable under any subsequent"

And renumber the lines accordingly

REP. TIMM, Chairman

Engrossed SB 2214 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Finance and Taxation to which was referred SB 2217 has had the same under consideration and recommends by a vote of 12 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING that the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION.

REP. A. HAUSAUER, Chairman

SB 2217 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary to which was referred SB 2245 has had the same under consideration and recommends by a vote of 10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING that the same BE

AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 12, after the period insert the following: "A project qualifies as a community service project if it promotes the common good, enhances the social welfare of the community, and benefits an indefinite number of persons. The specific goals of a community service project may be to provide jobs within the community, or to develop or promote public services in areas such as education, housing, transportation, recreation, crime prevention, fire protection and prevention, safety, and health. Uses that directly benefit a chamber of commerce do not qualify."

And renumber the lines and pages accordingly

REP. CONMY, Chairman

SB 2245 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Finance and Taxation to which was referred Engrossed SB 2250 has had the same under consideration and recommends by a vote of 15 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 15 of the engrossed bill, line 6, after the period insert the words "Gross receipts derived from the sale of a capital asset are not subject to the tax imposed by this subsection."

And renumber the lines and pages accordingly

REP. A. HAUSAUER, Chairman

Engrossed SB 2250 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor to which was referred Engrossed SB 2253 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. KLOUBEC, Chairman

Engrossed SB 2253 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary to which was referred Engrossed SB 2260 has had the same under consideration and recommends by a vote of 7 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 11, remove the overstrike over the word "~~twelve~~"

On page 1 of the engrossed bill, line 12, delete the word "nine"

On page 1 of the engrossed bill, line 21, remove the overstrike over the word "~~twelve~~", and delete the word "nine"

And renumber the lines accordingly

REP. CONMY, Chairman

Engrossed SB 2260 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Finance and Taxation to which was referred SB 2289 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. A. HAUSAUER, Chairman

SB 2289 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Finance and Taxation to which was referred Engrossed SB 2300 has had the same under consideration and recommends by a vote of 13 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 1, 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 first word "and" and delete the words and numerals "subsections 7, 8, and 9 of section"

On page 1 of the engrossed bill, line 5, delete the numerals and word "57-39.2-01, section" and insert in lieu thereof the word "sections", and delete the words and numeral ", subsection 2 of section" and insert in lieu thereof the word and numerals "and 57-40.2-02.1"

On page 1 of the engrossed bill, delete line 6

On page 1 of the engrossed bill, line 7, delete the words "tax and" and insert in lieu thereof the words "sales and use taxes on"

On page 1 of the engrossed bill, line 8, delete the words "the exemption of", after the word "used" insert the word "primarily", after the word "heating" insert the words "or cooling", and delete the words "from sales and use" and insert in lieu thereof the words "in residential or commercial buildings"

- On page 1 of the engrossed bill, line 9, delete the word "taxes"
- On page 1 of the engrossed bill, delete lines 12 through 28
- Delete pages 2 and 3 of the engrossed bill
- On page 4 of the engrossed bill, delete lines 1 through 15
- On page 6 of the engrossed bill, line 2, delete the word and numerals "December 31, 1985" and insert in lieu thereof the word and numerals "June 30, 1987"
- On page 6 of the engrossed bill, line 3, delete the word "three" and insert in lieu thereof the word "two", and delete the words and numeral "from January 1," and insert in lieu thereof the words and numerals "after June 30, 1987."
- On page 6 of the engrossed bill, delete lines 4 through 34 and insert in lieu thereof the following new section:

"SECTION 2. AMENDMENT. Section 57-40.2-02.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-40.2-02.1. Use tax imposed.

1. Except as otherwise expressly provided in subsection 2 for purchases of mobile homes used for residential or business purposes and for purchases of farm machinery and irrigation equipment used exclusively for agricultural purposes or in subsection 4 for sales of natural gas, an excise tax is imposed on the storage, use, or consumption in this state of tangible personal property purchased at retail for storage, use, or consumption in this state, at the rate of four percent of the purchase price of such property. Except as limited by section 57-40.2-11, an excise tax is imposed on the storage, use, or consumption in this state of tangible personal property not originally purchased for storage, use, or consumption in this state at the rate of four percent of the fair market value of such property at the time it was brought into this state.
2. An excise tax is imposed on the storage, use, or consumption in this state of mobile homes used for residential or business purposes, except as provided in subsection 19 of section 57-40.2-04, and of farm machinery and irrigation equipment used exclusively for agricultural purposes purchased at retail for storage, use, or consumption in this state at the rate of three

percent of the purchase price thereof. Except as limited by section 57-40.2-11, and except as provided in subsection 35 of section 57-39.2-04, an excise tax is imposed on the storage, use, or consumption in this state of mobile homes used for residential or business purposes and of farm machinery and irrigation equipment used exclusively for agricultural purposes not originally purchased for storage, use, or consumption in this state at the rate of three percent of the fair market value of such mobile homes used for residential or business purposes and of such farm machinery and irrigation equipment used exclusively for agricultural purposes at the time it was brought into this state.

3. In the case of a contract awarded for the construction of highways, roads, streets, bridges, and buildings prior to April 1, 1983, the contractor receiving the award shall be liable only for the sales or use tax at the rate of tax in effect on the date of contract.
4. There is hereby imposed a tax upon the storage, use, or consumption in this state of gas used primarily for the purpose of heating or cooling in residential or commercial buildings at the rate provided in this subsection.
  - a. The rate of the tax is four percent through June 30, 1987.
  - b. The rate of the tax is two percent after June 30, 1987."

On page 7 of the engrossed bill, delete lines 1 through 5

And renumber the lines, sections, and pages accordingly

REP. A. HAUSAUER, Chairman

SB 2300 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Agriculture to which was referred Engrossed SB 2316 has had the same under consideration and recommends by a vote of 12 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING that the same DO PASS.

REP. VANDER VORST, Vice Chairman

Engrossed SB 2316 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations to which was rereferred SB 2349 has had the same under consideration and recommends by a vote of 22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. J. PETERSON, Chairman

SB 2349 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government to which was referred Engrossed SB 2352 has had the same under consideration and recommends by a vote of 12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 1, delete the words "for a bill of rights for public" and insert in lieu thereof the words "a State and Political Subdivision Employees Relations Act"

On page 1 of the engrossed bill, line 2, delete the word "employees"

On page 1 of the engrossed bill, line 18, delete the second word "a" and insert in lieu thereof the following: "

a. A"

On page 1 of the engrossed bill, line 20, delete the word "or" and insert in lieu thereof the following: ";

b. A"

On page 1 of the engrossed bill, line 21, delete the period and insert in lieu thereof a semicolon

On page 1 of the engrossed bill, after line 21, insert the following:

"c. A person holding an appointive statutory office;

d. One deputy or principal assistant for each elected official or appointive statutory official;

e. One secretary for each elected or appointive statutory official; and

f. All members of the governor's staff."

On page 3 of the engrossed bill, line 18, after the word "law" insert the words "which pertains to matters of public concern"

And renumber the lines and pages accordingly

REP. MARTINSON, Chairman

Engrossed SB 2352 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Social Services and Veterans Affairs to which was referred Engrossed SB 2369 has had the same under consideration and recommends by a vote of 13 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

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

On page 1 of the engrossed bill, line 3, delete the words "of sociologists"

On page 1 of the engrossed bill, overstrike line 10

On page 1 of the engrossed bill, line 11, delete the word "sociologists," and overstrike the words "psychotherapists, attorneys, court"

On page 1 of the engrossed bill, overstrike line 12

On page 1 of the engrossed bill, line 13, overstrike the words "counselors, or members of the clergy" and insert immediately thereafter the words "any person"

On page 1 of the engrossed bill, line 14, overstrike the words "their professions" and insert immediately thereafter the words "that person's profession"

On page 1 of the engrossed bill, line 15, overstrike the word "callings" and insert immediately thereafter the word "calling", overstrike the words "they do not hold themselves out", and insert immediately thereafter the words "that the person does not present"

On page 1 of the engrossed bill, line 16, after the word "public" insert an underscored comma, and overstrike the words "as being"

On page 1 of the engrossed bill, line 17, overstrike the word "engaged" and insert immediately thereafter the words "that the person is engaging"

And renumber the lines and pages accordingly

REP. HAUGLAND, Chairman

Engrossed SB 2369 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government to which was referred Engrossed SB 2388 has had the same under consideration and recommends by a vote of 8 YEAS, 4 NAYS, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS and be rereferred to the Statutory Committee on Retirement:

On page 1 of the engrossed bill, line 23, delete the words "the state parole board,"

On page 1 of the engrossed bill, line 24, delete the words "the state parks and"

On page 1 of the engrossed bill, line 25, delete the words "recreation department," and delete the second comma and insert in lieu thereof the word "and"

On page 1 of the engrossed bill, line 26, delete the words "and staff members of the state"

On page 1 of the engrossed bill, delete line 27

On page 1 of the engrossed bill, line 28, delete the words "determined by the director of institutions" and insert in lieu thereof the words ", but not including agents of the state parole board, law enforcement personnel of the state parks and recreation department, or staff members of the state penitentiary"

And renumber the lines accordingly

REP. MARTINSON, Chairman

Engrossed SB 2388 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation to which was referred Engrossed SB 2413 has had the same under consideration and recommends by a vote of 10 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 9, delete the word "twenty" and insert in lieu thereof the word "twenty-five"

On page 1 of the engrossed bill, line 14, delete the words "Collector's item," as used"

On page 1 of the engrossed bill, line 15, delete the words "in this section, means a motor vehicle which" and insert in lieu thereof the words "A motor vehicle qualifies as a collector's item under this section only if it"

On page 1 of the engrossed bill, line 17, after the word "from" insert the words "active entry and participation in"

On page 1 of the engrossed bill, line 18, after the word "and" insert the words "to and from"

On page 2 of the engrossed bill, line 3, delete the word "forty-five" and insert in lieu thereof the words "one hundred"

And renumber the lines and pages accordingly

REP. TIMM, Chairman

Engrossed SB 2413 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary to which was referred Engrossed SB 2435 has had the same under consideration and recommends by a vote of 11 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 4, immediately after the word "veterans" insert the word "disability"

On page 2 of the engrossed bill, line 6, immediately after the word "Veteran's" insert the word "disability"

On page 2 of the engrossed bill, line 18, immediately after the word "veterans" insert the word "disability"

On page 4 of the engrossed bill, line 16, immediately after the word "veterans" insert the word "disability"

And renumber the lines and pages accordingly

REP. CONMY, Chairman

Engrossed SB 2435 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Natural Resources to which was referred Engrossed SB 2455 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 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 section to chapter 38-08 and a new section to chapter 64-02 of the North Dakota Century Code, relating to commingling of production from two or more oil or gas wells in a storage facility, metering of oil production, and testing of oil production meters.

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

SECTION 1. A new section to chapter 38-08 of the North Dakota Century Code is hereby created and enacted to read as follows:

Commingling of production - Central production facility - Metering of production - Testing of meters. A producer may not commingle production from two or more wells for oil or gas in a storage facility without prior approval of the commission. If the commingling of production is for the express purpose of separating, metering, holding, and marketing for production, the owner of the wells shall apply to the commission for approval of the proposed commingling of production at a storage facility. If wells producing into a centralized storage facility have diverse ownership, the production from each well must be measured by meters approved by the department of weights and measures or by some other method the department of weights and measures has approved after notice and hearing. If wells producing into a centralized storage facility have common ownership, including the common ownership of the working interest, the common ownership of the royalty ownership, and the common ownership of any overriding royalty owners, the production from each well need not be measured on meters approved by the department of weights and measures if the owner of the wells demonstrates to that department that the production from each well can be accurately determined at reasonable intervals by other means.

SECTION 2. A new section to chapter 64-02 of the North Dakota Century Code is hereby created and enacted to read as follows:

Duty of department to test accuracy of oil production meters. At least quarterly, the department shall test and calibrate the accuracy of meters used to measure oil production under section 1 of this Act. The department shall contract for the testing of meters. A contract made by the department to test meters may provide that the owner of the wells shall pay a fee for testing a meter and the costs incurred in testing the meter. The owner of a well shall replace or repair any meter that has a variance in excess of one percent. The department shall, in accordance with chapter 28-32, determine the fee to be charged for testing meters."

And renumber the lines and pages accordingly

REP. A. OLSON, Chairman

Engrossed SB 2455 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations to which was referred SB 2475 has had the same under consideration and recommends by a

vote of 19 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. J. PETERSON, Chairman

SB 2475 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary to which was referred Engrossed SB 2489 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 11, delete the word "shall" and insert in lieu thereof the word "may"

On page 1 of the engrossed bill, line 12, immediately after the word "two" insert the word "additional"

On page 1 of the engrossed bill, line 14, delete the word "must" and insert in lieu thereof the word "may"

And renumber the lines accordingly

REP. CONMY, Chairman

Engrossed SB 2489 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Finance and Taxation to which was referred SB 2491 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 10, remove the overstrike over the word "~~two~~", delete the word "fifteen", and remove the overstrike over the numeral "~~8~~"

On page 1, line 11, delete the numerals "6.07", and after the comma insert the words "exclusive of parking lots,"

And renumber the lines accordingly

REP. A. HAUSAUER, Chairman

SB 2491 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Agriculture to which was referred Engrossed SB 2495 has had the same under consideration and recommends by a vote of 12 YEAS, 1 NAY, 4 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 14, after the semicolon insert the words "agriculturally related businesses,"

And renumber the lines and pages accordingly  
 REP. VANDER VORST, Vice Chairman

Engrossed SB 2495 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

**MR. SPEAKER:** Your Committee on Natural Resources to which was referred Reengrossed SCR 4010 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 and BE PLACED ON THE CONSENT CALENDAR:

On page 2 of the reengrossed bill, line 4, after the comma insert the following: "that Lonetree Reservoir remain an authorized feature of the Project but that construction be deferred "pending a determination of need by the Secretary [of Interior] and satisfactory conclusion of consultations with Canada", "

On page 2 of the reengrossed bill, line 9, delete the second word "and"

On page 2 of the reengrossed bill, line 11, after the word "Dakota" insert the following: ", and that mitigation for project implementation losses be accomplished on an acre-for-acre basis, based on ecological equivalency"

On page 2 of the reengrossed bill, line 25, after the semicolon insert the following: "; and WHEREAS, the primary objective of North Dakota concerning the Garrison Diversion Unit is to divert Missouri River water eastward into the Sheyenne, Red, James, and Souris Rivers, and Devils Lake, to provide a long-term water supply for future generations for multiple uses, including irrigation, municipal, rural, industrial, recreation, wildlife, and other water uses;"

On page 3 of the reengrossed bill, after line 21, insert the following: "BE IT FURTHER RESOLVED, that the Legislative Assembly urges Congress to implement the Garrison Diversion Unit Commission final recommendations except for the municipal and industrial water supply portion, that the Legislative Assembly urges Congress to adopt the North Dakota alternative for municipal and industrial water instead of the Garrison Commission's municipal plan, because the North Dakota Plan is \$200 million cheaper, it requires a 25% state cost share instead of no cost share under the Commission recommendations, it would allow North Dakota to be responsible for configuration of projects, and water service contracts for repayment and operation and maintenance, it is more equitable, and the North Dakota

municipal and industrial plan would not provide for any change in Pick-Sloan hydro-power rates; and"

And renumber the lines and pages accordingly

REP. A. OLSON, Chairman

Reengrossed SCR 4010 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

**MR. SPEAKER:** Your Committee on Joint Constitutional Revision to which was referred SCR 4021 has had the same under consideration and recommends by a vote of 9 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS AS AMENDED by the Senate upon recommendation of the Committee on Joint Constitutional Revision:

On page 1, line 2, after the comma insert the words "or in the alternative for the amendment of the new section to the new article V of the Constitution of the State of North Dakota as created by section 4 of House Concurrent Resolution No. 3003, as approved by the forty-ninth legislative assembly,"

On page 1, line 3, after the word "governor" insert the words "and lieutenant governor"

On page 1, line 5, after the word "governor's" insert the words "and lieutenant governor's"

On page 1, line 6, delete the words "the governor's" and insert in lieu thereof the word "their"

On page 1, line 10, after the word "Dakota" insert the words "if House Concurrent Resolution No. 3003, as approved by the forty-ninth legislative assembly, having been submitted to the voters, is not approved in the primary election held in 1986, or the following proposed amendment to the new section to the new article V of the Constitution of the State of North Dakota if House Concurrent Resolution No. 3003 is approved at the primary election,"

On page 1, after line 22, insert the following section:

"SECTION 2. AMENDMENT. The new section to the new article V of the Constitution of the State of North Dakota as created by section 4 of House Concurrent Resolution No. 3003, as approved by the forty-ninth legislative assembly, is hereby amended and reenacted to read as follows:

The qualified electors shall choose the elected state officials at a time designated by the legislative assembly. The elected state officials shall serve until their successors are duly qualified. Terms of office are four years, except that terms of the public service commissioners are six years, so arranged that one of them

is elected every two years. The terms of the governor and the lieutenant governor begin on December fifteenth following their election.

If two or more candidates for any executive office receive an equal and highest number of votes, the legislative assembly in joint session shall choose one of them for the office."

And renumber the lines and pages accordingly

REP. MARTIN, Cochairman

SCR 4021 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary to which was referred SCR 4066 has had the same under consideration and recommends by a vote of 11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS and BE PLACED ON THE CONSENT CALENDAR:

On page 1, line 9, delete the word "blackjack" and insert in lieu thereof the word "twenty-one"

On page 2, line 10, immediately after the comma insert the words "the level of gaming tax assessed by the state and its purpose, the extent to which charitable gaming proceeds are returned to the state or the communities in which they are generated,"

On page 2, line 13, immediately after the word "Council" insert the words "seek the input of private citizens in this state, both proponents and opponents of gaming expansion, who have expertise and knowledge of the many facets of charitable gaming, and"

And renumber the lines and pages accordingly

REP. CONMY, Chairman

SCR 4066 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

The House stood adjourned pursuant to Representative Strinden's motion.

ROY GILBREATH, Chief Clerk