

JOURNAL OF THE HOUSE

Forty-ninth Legislative Assembly

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FIFTY-SECOND DAY

Bismarck, March 22, 1985

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

The prayer was offered by Reverend Bruce Adamson, Our Savior Lutheran Church, Sherwood, North Dakota.

ROLL CALL

The roll was called and all Representatives were present, except Representatives Dorso, Gullickson, Kelly, Kent, Lipsiea, Opedahl, Rice, Smette, Unhjem, 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 Fifty-first Day and finds the same to be correct.

REP. KENT, Chairman

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

REQUEST

REP. UNHJEM REQUESTED that the record show that Reps. Kelly, Opedahl, Rice, Unhjem, Lipsiea, Stofferahn, and Winkelman were absent from the roll call because of a meeting, but were present immediately after the roll call, which request was granted.

REPORTS OF CONFERENCE COMMITTEES

MR. SPEAKER: Your Conference Committee to which was referred Engrossed HB 1168 has had the same under consideration and recommends that the HOUSE ACCEDE to the amendments as found on pages 555 and 1662 of the House Journal.

For the Senate: Sens. Stenehjem, Christensen, Heinrich

For the House: Reps. D. Olsen, Gates, DeMers

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

Engrossed HB 1168 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Conference Committee to which was referred Engrossed HB 1204 has had the same under consideration and

recommends that the SENATE RECEDE from its amendments as found on pages 1613-1614 of the House Journal and that Engrossed HB 1204 be amended as follows:

That the Senate recede from its amendments as printed on page 949 of the Senate Journal and that Engrossed HB 1204 be amended as follows:

On page 1 of the engrossed bill, line 18, delete the words "fifty percent" and insert in lieu thereof the words "six thousand dollars excluding any interest charged by the body levying the special assessment"

On page 1 of the engrossed bill, line 19, delete the words "of the current true and full value of the property"

And renumber the lines and pages accordingly

For the Senate: Sens. Wright, Kilander, Dotzenrod (refused to sign)

For the House: Reps. Moore, Hughes, Schneider

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

Engrossed HB 1204 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Conference Committee to which was referred HB 1295 has had the same under consideration and recommends that the HOUSE ACCEDE to the amendments as found on pages 1999-2000 of the House Journal.

For the Senate: Sens. Holmberg, Olson, Maixner

For the House: Reps. Cleveland, Oban (refused to sign), A. Williams

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

HB 1295 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MESSAGES TO THE SENATE HOUSE CHAMBER

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

SB 2172, SB 2174, SB 2179, SB 2349

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 2056, SB 2109, SB 2304, SB 2343, SB 2485, SCR 4018
ROY GILBREATH, Chief Clerk

REPORT OF PROCEDURAL COMMITTEE

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

HCR 3097, HCR 3098

REP. STRINDEN, Chairman

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

FIRST READING OF A HOUSE CONCURRENT RESOLUTION

Reps. Kingsbury, Gunsch introduced:

(Approved by the Committee on Delayed Bills)

HCR 3097: A concurrent resolution directing the Legislative Council to study whether there is a need for a medical examiner system in this state, and the feasibility of implementing a medical examiner system that would include the use of a full-time forensic pathologist as chief medical examiner.

Was read the first time.

MOTION

REP. STRINDEN MOVED that the rules be suspended, that HCR 3097 not be referred to committee, be printed, and placed on the calendar for second reading and final passage, which motion prevailed.

Reps. Kingsbury, Gunsch introduced:

HOUSE CONCURRENT RESOLUTION NO. 3097

A concurrent resolution directing the Legislative Council to study whether there is a need for a medical examiner system in this state, and the feasibility of implementing a medical examiner system that would include the use of a full-time forensic pathologist as chief medical examiner.

WHEREAS, North Dakota has a county coroner system; and

WHEREAS, under this system each county appoints its own coroner, and in 13 of the state's 53 counties the coroner's position is filled by a funeral director or sheriff; and

WHEREAS, none of the counties with physicians as coroners has a forensic pathologist filling the coroner position; and

WHEREAS, forensic pathology is the study of material evidence and the study of the corpse at the scene of the death

and in the laboratory to determine from a medical standpoint the cause of death and whether the death may have resulted from criminal actions; and

WHEREAS, authorities estimate that of the approximately 5,500 annual deaths in this state, 1,000 are suspect and should be investigated, and 400 would probably require autopsies; and

WHEREAS, a medical examiner system would not only be concerned with criminal investigations, but also with suspect deaths including death by poison, sudden deaths of apparently healthy persons, deaths in state institutions or while in public custody, deaths from work-related disease, or deaths from diseases that may constitute public health threats; and

WHEREAS, the Forty-ninth Legislative Assembly considered, but did not pass, Senate Bill No. 2441, which would have created a comprehensive statewide medical examiner's system to replace the county coroner system;

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 existing county coroner system, whether a need exists for a statewide medical examiner system utilizing a forensic pathologist as a state medical examiner, and the feasibility and costs of implementing various forms of a statewide medical examiner system; 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.

SECOND READING OF A HOUSE CONCURRENT RESOLUTION

HCR 3097: A concurrent resolution directing the Legislative Council to study whether there is a need for a medical examiner system in this state, and the feasibility of implementing a medical examiner system that would include the use of a full-time forensic pathologist as chief medical examiner.

Which has been read.

ROLL CALL

The question being on the final adoption of the resolution, the roll was called and there were 93 YEAS, 4 NAYS, 9 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Conmy; Dalrymple; DeMers; Dotzenrod; Eckroth; Enget; Frey; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, O.; Haugland; Hausauer, A.;

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

NAYS: Cleveland; Gates; Hanson, L.; O'Connell

ABSENT AND NOT VOTING: Dorso; Gullickson; Klundt; Meyer; Murphy; Riehl; Schneider; Smette; Strinden

HCR 3097 was declared adopted.

FIRST READING OF A HOUSE CONCURRENT RESOLUTION

Reps. Wentz, Riley, Kretschmar and Sens. Olson, Redlin, Holmberg introduced:

(Approved by the Committee on Delayed Bills)

HCR 3098: A concurrent resolution directing the Legislative Council to study the Uniform Marital Property Act, existing marital property law in this state, and the marital property laws of other states.

Was read the first time.

MOTION

REP. KRETSCHMAR MOVED that the rules be suspended, that HCR 3098 not be referred to committee, be printed, and placed on the calendar for second reading and final passage, which motion prevailed.

Reps. Wentz, Riley, Kretschmar and Sens. Olson, Redlin, Holmberg introduced:

HOUSE CONCURRENT RESOLUTION NO. 3098

A concurrent resolution directing the Legislative Council to study the Uniform Marital Property Act, existing marital property law in this state, and the marital property laws of other states.

WHEREAS, it is a legislative responsibility to review existing laws to ensure that they are modern, understandable, and efficient, and that they properly address the problems they are intended to rectify; and

WHEREAS, many changes have occurred in our society's perception of the proper duties, rights, and obligations of marital relationships; and

WHEREAS, the laws on ownership and division of marital property have in recent years undergone considerable change in this and other states; and

WHEREAS, the Forty-ninth Legislative Assembly considered, but did not adopt, Senate Bill No. 2180, the Uniform Marital Property Act, based in part on questions about the present state of marital property law in this state, and the effect that enactment of the Uniform Marital Property Act would have on ownership and division of marital property in this state;

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 present marital property law in this and other states, and the desirability of adopting the Uniform Marital Property Act considered, but not adopted, by the Forty-ninth Legislative Assembly; 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.

SECOND READING OF A HOUSE CONCURRENT RESOLUTION

HCR 3098: A concurrent resolution directing the Legislative Council to study the Uniform Marital Property Act, existing marital property law in this state, and the marital property laws of other states.

Which has been read.

ROLL CALL

The question being on the final adoption of the resolution, 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.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dotzenrod; Enget; Frey; Gates; Gerntholz; Graba; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Kretschmar; Kuchera; Lang; Larson; Laughlin; Linderman; Lindgren; Lipsiea; Lloyd; Martin; Martinson; Mertens; Meyer; Moore; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olson, V.; Opedahl; O'Shea; Payne; Peterson, J.; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shockman; Skjerven;

Solberg, O.; Solberg, R.; Starke; Stofferahn; Ulmer;
 Unhjem; Watne; Wentz; Williams, A.; Williams, C.;
 Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: Eckroth; Goetz; Gunsch; Hanson, O.; Keller; Koland;
 Melby; Olsen, D.; Olson, A.; Pederson, R.; Retzer;
 Rice; Shide; Thompson; Timm; Tollefson; Vander Vorst;
 Wald; Whalen

ABSENT AND NOT VOTING: Dorso; Gullickson;
 Lautenschlager; Murphy; Richard; Smette; Strinden

HCR 3098 was declared adopted.

MOTION

REP. KRETSCHMAR MOVED that the rules be suspended and that HCR 3097 and HCR 3098 be messaged to the Senate immediately, which motion prevailed.

MESSAGE TO THE SENATE 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:

HCR 3097, HCR 3098

ROY GILBREATH, Chief Clerk

CONSIDERATION OF MESSAGE FROM SENATE

REP. J. PETERSON MOVED that the House do not concur in the Senate amendments to HB 1013 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 1013:

Reps. Kingsbury, Unhjem, Laughlin

CONSIDERATION OF MESSAGES FROM SENATE

REP. RYDELL MOVED that the House do concur in the Senate amendments to HB 1354, which motion prevailed.

HB 1354 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. TIMM MOVED that the House do concur in the Senate amendments to HB 1464, which motion prevailed.

HB 1464 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. HAMERLIK MOVED that the House do not concur in the Senate amendments to HB 1446 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 1446:

Reps. Hamerlik, Larson, DeMers

CONSIDERATION OF MESSAGES FROM SENATE

REP. CONMY MOVED that the House do concur in the Senate amendments to HB 1067, which motion prevailed.

HB 1067 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 1069, which motion prevailed.

HB 1069 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. J. PETERSON MOVED that the House do not concur in the Senate amendments to HB 1243 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 1243:

Reps. Kingsbury, Unhjem, Stofferahn

CONSIDERATION OF MESSAGE FROM SENATE

REP. J. PETERSON MOVED that the House do not concur in the Senate amendments to HB 1250 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 1250:

Reps. Kingsbury, Gunsch, Graba

CONSIDERATION OF MESSAGE FROM SENATE

REP. KNUDSON MOVED that the House do concur in the Senate amendments to HB 1625, which motion prevailed.

HB 1625 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

FRIDAY, MARCH 22, 1985

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MESSAGE TO THE SENATE
HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to inform you that the House does not concur in the Senate amendments to HB 1013, HB 1243, HB 1250, and HB 1446 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1013: Reps. Kingsbury, Unhjem, Laughlin
HB 1243: Reps. Kingsbury, Unhjem, Stofferahn
HB 1250: Reps. Kingsbury, Gunsch, Graba
HB 1446: Reps. Hamerlik, Larson, DeMers

ROY GILBREATH, Chief Clerk

MESSAGES FROM THE SENATE
SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the Senate has concurred in the House amendments to SB 2074, SB 2075, SB 2078, SB 2086, SB 2095, SB 2127, SB 2144, SB 2164, SB 2194, SB 2234, SB 2275, SB 2282, SB 2292, SB 2303, SB 2324, SB 2325, SB 2329, SB 2330, SB 2356, SB 2360, SB 2362, SB 2386, SB 2390, SB 2409, SB 2444, SB 2466, SB 2471, SB 2478, SB 2480, SCR 4007, SCR 4026 and SCR 4053 and subsequently passed the same.

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 1072: Sens. Parker, Todd, Krauter
HB 1287: Sens. Reiten, Mutch, Langley
HB 1327: Sens. Moore, Kilander, Satrom
HB 1493: Sens. Kilander, Moore, Waldera
HB 1574: Sens. Wright, Moore, Waldera

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 2065 and SB 2438 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2065: Sens. Peterson, Freborg, Heinrich
SB 2438: Sens. Stenehjem, Olson, Lashkowitz

LEO LEIDHOLM, Secretary

APPOINTMENTS OF CONFERENCE COMMITTEES

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2068:

Reps. Cleveland, Lindgren, Shockman

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2273:

Reps. Martinson, Kretschmar, W. Williams

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2338:

Reps. Riley, Murphy, L. Hanson

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2345:

Reps. Hughes, A. Hausauer, Watne

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2355:

Reps. Larson, Riley, Dotzenrod

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2313:

Reps. Whalen, Koland, Lloyd

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2464:

Reps. Dalrymple, Schmidt, Keller

MOTIONS

REP. RIEHL MOVED that the House reconsider its action whereby SB 2100 was passed, which motion prevailed.

REP. RIEHL MOVED that SB 2100 be rereferred to the Committee on Agriculture, which motion prevailed.

THE SPEAKER ANNOUNCED that SB 2100 was referred to the Committee on Agriculture.

MOTIONS

REP. CONMY MOVED that the House reconsider its action whereby the House concurred in the Senate amendments to HB 1069, which motion prevailed.

REP. CONMY MOVED that the House do not concur in the Senate amendments to HB 1069 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

REP. KRETSCHMAR MOVED that the House stand in recess until 12:30 p.m., which motion prevailed.

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

SIXTH ORDER OF BUSINESS

REP. J. PETERSON MOVED that the amendments to SB 2012 as recommended by the Committee on Appropriations as printed on pages 2189-2190 of the House Journal be adopted, and when so adopted, recommends that SB 2012 DO PASS, which motion prevailed.

SB 2012 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REP. J. PETERSON MOVED that the amendments to SB 2015 as recommended by the Committee on Appropriations as printed on page 2190 of the House Journal be adopted, and when so adopted, recommends that SB 2015 DO PASS, which motion prevailed.

SB 2015 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REP. J. PETERSON MOVED that the amendments to SB 2018 as recommended by the Committee on Appropriations as printed on pages 2191-2192 of the House Journal be adopted, and when so adopted, recommends that SB 2018 DO PASS, which motion prevailed.

SB 2018 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REP. J. PETERSON MOVED that the amendments to SB 2024 as recommended by the Committee on Appropriations as printed on pages 2192-2193 of the House Journal be adopted, and when so adopted, recommends that SB 2024 DO PASS, which motion prevailed.

SB 2024 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REP. J. PETERSON MOVED that the amendments to SB 2026 as recommended by the Committee on Appropriations as printed on page 2193 of the House Journal be adopted, and when so adopted, recommends that SB 2026 DO PASS, which motion prevailed.

SB 2026 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REP. J. PETERSON MOVED that the amendments to SB 2036 as recommended by the Committee on Appropriations as printed on pages 2194-2195 of the House Journal be adopted, and when so adopted, recommends that SB 2036 DO PASS, which motion prevailed.

SB 2036 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MOTION

REP. STRINDEN MOVED that SB 2160 be placed before SB 2159 on the Sixth order on the calendar, which motion prevailed.

SIXTH ORDER OF BUSINESS

REP. KLOUBEC MOVED that the amendments to SB 2160 as recommended by the Committee on Industry, Business and Labor as printed on pages 2100-2101 of the House Journal be adopted, and when so adopted, recommends that SB 2160 DO PASS.

REQUEST

REP. OBAN REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to SB 2160, which request was granted.

ROLL CALL

The question being on the motion to adopt the amendments to SB 2160, the roll was called and there were 64 YEAS, 40 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Cleveland; Conmy; Dalrymple; Dorso; Dotzenrod; Eckroth; Gates; Gertholz; Goetz; Gunsch; Hamerlik; Hanson, O.; Hausauer, A.; Hedstrom; Hughes; Kent; Kingsbury; Kloubec; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Lindgren; Lipsiea; Martin; Martinson; Melby; Moore; Myrdal; Nalewaja; Nicholas; Olsen, D.; Olson, A.; Olson, V.; Opedahl; Payne; Pederson, R.; Retzer; Rice; Riley; Rydell; Schindler; Schmidt; Shide; Skjerven; Strinden; Thompson; Timm; Tollefson; Vander Vorst; Wald; Whalen; Williams, A.; Williams, C.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: Brokaw; DeMers; Enget; Frey; Graba; Halmrast; Hanson, L.; Haugland; Hill; Hoffner; Keller; Kelly; Klundt; Laughlin; Lautenschlager; Linderman; Lloyd; Mertens; Meyer; Murphy; Nowatzki; Oban; O'Connell; O'Shea; Peterson, J.; Richard; Riehl; Sauter; Schneider; Shaw; Shockman; Solberg, O.; Solberg, R.; Starke; Stofferahn; Ulmer; Unhjem; Watne; Wentz; Williams, W.

ABSENT AND NOT VOTING: Gullickson; Smette

The motion to adopt the amendments to SB 2160 passed.

SB 2160 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SIXTH ORDER OF BUSINESS

REP. KLOUBEC MOVED that the amendments to SB 2159 as recommended by the Committee on Industry, Business and Labor as printed on page 2100 of the House Journal be adopted, and when so

adopted, recommends that SB 2159 DO PASS, which motion prevailed.

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

MOTIONS

REP. STRINDEN MOVED that the Divided Committee Report on SB 2257 be laid over one legislative day, which motion prevailed.

REP. MARTINSON MOVED that the House reconsider its action whereby the House did not concur in the Senate amendments to HB 1250, which motion prevailed.

REP. KINGSBURY MOVED that the House do not concur in the Senate amendments to HB 1250, and that a conference committee be appointed to meet with a like committee from the Senate.

REQUEST

REP. GUNSCH REQUESTED a recorded roll call vote on the motion that the House do not concur in the Senate amendments to HB 1250, and that a conference committee be appointed to meet with a like committee from the Senate, which request was granted.

ROLL CALL

The question being on the motion that the House do not concur in the Senate amendments to HB 1250 and that a conference committee be appointed to meet with a like committee from the Senate, the roll was called and there were 74 YEAS, 29 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Dalrymple; Dorso; Dotzenrod; Eckroth; Enget; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hanson, O.; Hill; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Lang; Larson; Laughlin; Linderman; Lindgren; Lipsiea; Lloyd; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Retzer; Rice; Riehl; Riley; Schindler; Schmidt; Shaw; Shide; Shockman; Skjerven; Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Unhjem; Vander Vorst; Wald; Whalen; Williams, A.; Wold

NAYS: Conmy; DeMers; Frey; Gates; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hedstrom; Hoffner; Kuchera; Lautenschlager; Martin; Martinson; Nalewaja; Oban; O'Connell; Peterson, J.; Richard; Rydell; Sauter; Schneider; Ulmer; Watne; Wentz; Williams, C.; Williams, W.; Winkelman; Speaker Hausauer, R.

ABSENT AND NOT VOTING: Gullickson; Kretschmar; Smette

So the motion that the House do not concur in the Senate amendments to HB 1250 and that a conference committee be appointed to meet with a like committee from the Senate prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a new Conference Committee on HB 1250:

Reps. Kingsbury, Martinson, Graba

SECOND READING OF HOUSE BILL

HB 1083: A BILL for an Act to provide for the establishment and operation of home rule in counties; and to amend and reenact sections 12.1-01-05 and 57-01-02.1 of the North Dakota Century Code, to provide that home rule counties' charters or ordinances may not supersede state laws defining crimes and to allow home rule counties to enter sales tax collection agreements with the tax commissioner.

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 93 YEAS, 6 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Halmrast; Hamerlik; 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; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Peterson, J.; Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: Gunsch; Hanson, O.; Klundt; Pederson, R.; Thompson; Whalen

ABSENT AND NOT VOTING: DeMers; Gullickson; Hanson, L.; Haugland; Lipsiea; Smette; Wald

HB 1083 passed and the title was agreed to.

REQUESTS

REP. O'CONNELL REQUESTED that the records show that he intended to vote "NAY" on HB 1083, which request was granted.

REP. O'SHEA REQUESTED that the records show that he intended to vote "NAY" on HB 1083, which request was granted.

SECOND READING OF HOUSE BILLS

HB 1290: A BILL for an Act to amend and reenact sections 44-08-01 and 44-08-02 of the North Dakota Century Code, relating to the preference to North Dakota contractors for public construction contracts; 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 98 YEAS, 0 NAYS, 8 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; 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; 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; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; 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: DeMers; Gullickson; Hanson, L.; Haugland; Lipsiea; Mertens; Smette; Wald

HB 1290 passed, the title was agreed to, and the emergency clause carried.

HB 1363: A BILL for an Act to create and enact a new subsection to section 39-04-12 of the North Dakota Century Code, relating to fleet registration of motor vehicles.

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; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; 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; 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; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Vander Vorst; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: None

ABSENT AND NOT VOTING: DeMers; Gullickson; Hanson, L.; Haugland; Lipsiea; Smette; Unhjem; Wald

HB 1363 passed and the title was agreed to.

HB 1378: A BILL for an Act to create and enact a new section to chapter 39-04, seven new sections to chapter 51-07, and a new section to chapter 57-40.4 of the North Dakota Century Code, relating to the duty of a manufacturer to repair a new motor vehicle under warranty or to refund the purchase price or replace the vehicle under certain circumstances; 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 98 YEAS, 0 NAYS, 8 ABSENT AND NOT VOTING.

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

Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kingsbury; Kloubec; Klundt; Knudson; Koland; 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; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; 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: Berg, G.; DeMers; Gullickson; Haugland; Kent; Lipsiea; Smette; Wald

HB 1378 passed and the title was agreed to.

HB 1537: A BILL for an Act to amend and reenact subsection 5 of section 43-28-06, and sections 43-28-11, 43-28-12, 43-28-12.1, 43-28-14, 43-28-16, 43-28-17, 43-28-20, 43-28-21, and 43-28-23 of the North Dakota Century Code, relating to powers of the state board of dental examiners, and to applications, examinations, fees, admissions, disciplinary actions, and costs.

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, R.; Brokaw; Cleveland; Conmy; Dalrymple; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Lautenschlager; Linderman; Lindgren; Lipsiea; 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; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; 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: Berg, G.; DeMers; Dorso;
 Gullickson; Haugland; Kent; Laughlin; Smette; Wald

HB 1537 passed and the title was agreed to.

MOTION

REP. LLOYD MOVED that the House reconsider its action whereby
 HB 1606 failed to pass.

REQUEST

REP. C. ANDERSON REQUESTED a recorded roll call vote on the
 motion to reconsider the action whereby HB 1606 failed to pass,
 which request was granted.

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

ROLL CALL

The question being on the motion to reconsider the action whereby
 HB 1606 failed to pass, the roll was called and there were
 62 YEAS, 40 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, R.; Berg, G.; Cleveland; Conmy; DeMers;
 Dotzenrod; Eckroth; Enget; Frey; Gates; Goetz; Gunsch;
 Halmrast; Hamerlik; Hanson, O.; Hausauer, A.; Hedstrom;
 Hoffner; Hughes; Keller; Kent; Kingsbury; Koland; Lang;
 Lautenschlager; Lipsiea; Lloyd; Mertens; Meyer; Murphy;
 Myrdal; O'Connell; Olsen, D.; Olson, A.; Opedahl;
 O'Shea; Retzer; Richard; Riehl; Rydell; Sauter;
 Schindler; Schneider; Shaw; Shide; Shockman; Skjerven;
 Solberg, O.; Starke; Stofferahn; Thompson; Tollefson;
 Ulmer; Unhjem; Vander Vorst; Wald; Whalen;
 Williams, A.; Williams, C.; Williams, W.; Winkelman;
 Speaker Hausauer, R.

NAYS: Anderson, C.; Belter; Berg, R.; Brokaw; Dalrymple;
 Dorso; Gerntholz; Graba; Hanson, L.; Haugland; Hill;
 Kelly; Kloubec; Klundt; Kretschmar; Kuchera; Larson;
 Laughlin; Linderman; Lindgren; Martin; Melby; Moore;
 Nalewaja; Nicholas; Nowatzki; Oban; Olson, V.; Payne;
 Pederson, R.; Peterson, J.; Rice; Riley; Schmidt;
 Solberg, R.; Strinden; Timm; Watne; Wentz; Wold

ABSENT AND NOT VOTING: Gullickson; Knudson; Martinson;
 Smette

So the motion to reconsider the action whereby HB 1606 failed to pass prevailed.

SECOND READING OF HOUSE BILL

HB 1606: A BILL for an Act to create and enact a new section to chapter 20.1-08 of the North Dakota Century Code, relating to the governor's proclamation for a season for underwater spearfishing.

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

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 60 YEAS, 42 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, R.; Berg, G.; Berg, R.; Cleveland; Conmy; DeMers; Dotzenrod; Eckroth; Enget; Frey; Gates; Goetz; Gunsch; Halmrast; Hamerlik; Hanson, O.; Hausauer, A.; Hedstrom; Hoffner; Hughes; Keller; Kent; Kingsbury; Koland; Lang; Lipsiea; Lloyd; Meyer; Murphy; Myrdal; Nalewaja; O'Connell; Olsen, D.; Opedahl; O'Shea; Retzer; Rice; Richard; Riehl; Rydell; Sauter; Schindler; Shaw; Shide; Shockman; Skjerven; Solberg, O.; Solberg, R.; Starke; Stofferahn; Thompson; Timm; Tollefson; Ulmer; Unhjem; Wald; Whalen; Williams, C.; Winkelman; Speaker Hausauer, R.

NAYS: Anderson, C.; Belter; Brokaw; Dalrymple; Dorso; Gerntholz; Graba; Hanson, L.; Haugland; Hill; Kelly; Kloubec; Klundt; Kretschmar; Kuchera; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Martin; Melby; Mertens; Moore; Nicholas; Nowatzki; Oban; Olson, A.; Olson, V.; Payne; Pederson, R.; Peterson, J.; Riley; Schmidt; Schneider; Strinden; Vander Vorst; Watne; Wentz; Williams, A.; Williams, W.; Wold

ABSENT AND NOT VOTING: Gullickson; Knudson; Martinson; Smette

HB 1606 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2111: A BILL for an Act to amend and reenact section 63-05-03 of the North Dakota Century Code, relating to penalties for failure to cut weeds and grasses.

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

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 16 YEAS, 85 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Cleveland; Graba; Halmrast; Hanson, O.; Kent; Kretschmar; Kuchera; Laughlin; Lipsiea; Myrdal; O'Connell; Pederson, R.; Retzer; Rydeil; Vander Vorst; Winkelman

NAYS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Gunsch; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kingsbury; Kloubec; Klundt; Koland; Lang; Larson; Lautenschlager; Linderman; Lindgren; Lloyd; Martin; Melby; Mertens; Meyer; Moore; Murphy; Nalewaja; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Fayne; Peterson, J.; Rice; Richard; Riehl; Riley; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Tollefson; Ulmer; Unhjem; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Hausauer, R.

ABSENT AND NOT VOTING: Gullickson; Knudson; Martinson; Smette; Timm

SB 2111 was declared lost.

RECOGNITION

THE SPEAKER ANNOUNCED that a former Representative was in the chambers, and requested that the House recognize former Representative Art Raymond, and Representative Raymond was thereupon introduced to the House.

MOTION

REP. KRETSCHMAR MOVED that the House waive the reading of the title to SB 2178, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2178: A BILL for an Act to adopt the Uniform Unclaimed Property Act, relating to the disposition of abandoned and unclaimed property in this state; to create and enact a new section to chapter 15-02 of the North Dakota Century Code, relating to appointment of an administrator of this Act; to amend and reenact sections 6-07-46, 9-12-29, and subdivision v of subsection 1 of section 28-32-01 of the North Dakota Century Code, relating to the disposition of unclaimed moneys of an insolvent bank, the claim of moneys

deposited by a debtor with the county treasurer when the creditor cannot be located, and exclusion from the Administrative Agencies Practice Act; to repeal chapter 47-30 of the North Dakota Century Code, relating to the disposition of abandoned and unclaimed property in this state; 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 76 YEAS, 26 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, R.; Belter; Berg, R.; Cleveland; Conmy; Dalrymple; Dorso; Dotzenrod; Gates; Gertholz; Goetz; Gunsch; Halmrast; Hamerlik; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hughes; Kelly; Kent; Kingsbury; Kloubec; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lindgren; Lipsiea; Lloyd; Martin; Melby; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Oban; Olsen, D.; Olson, A.; Olson, V.; Payne; Pederson, R.; Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shide; Shockman; Skjerven; Solberg, O.; Solberg, R.; Stofferahn; Strinden; Thompson; Timm; Tollefson; Unhjem; Vander Vorst; Wald; Wentz; Whalen; Williams, A.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: Anderson, C.; Berg, G.; Brokaw; DeMers; Eckroth; Enget; Frey; Graba; Hanson, L.; Hill; Hoffner; Keller; Klundt; Linderman; Martinson; Mertens; Nowatzki; O'Connell; Opedahl; O'Shea; Shaw; Starke; Ulmer; Watne; Williams, C.; Williams, W.

ABSENT AND NOT VOTING: Gullickson; Lautenschlager;
Peterson, J.; Smette

SB 2178 passed and the title was agreed to.

RECOGNITION

THE SPEAKER ANNOUNCED that a former Representative was in the chambers, and requested that the House recognize former Representative L. E. Berger, and Representative Berger was thereupon introduced to the House.

MESSAGE FROM THE SENATE
SENATE CHAMBER

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

HB 1282, HB 1314, HB 1316

LEO LEIDHOLM, Secretary

MESSAGES TO THE SENATE
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 2068: Reps. Cleveland, Lindgren, Shockman
SB 2273: Reps. Martinson, Kretschmar, W. Williams
SB 2313: Reps. Whalen, Koland, Lloyd
SB 2338: Reps. Riley, Murphy, L. Hanson

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 2345: Reps. Hughes, A. Hausauer, Watne
SB 2355: Reps. Larson, Riley, Dotzenrod
SB 2464: Reps. Dalrymple, Schmidt, Keller

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 1069 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1069: Reps. Lindgren, Dalrymple, R. Solberg

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to inform you that the House has reconsidered its action whereby it did not concur in the Senate amendments to HB 1250, and consequently did not concur in the Senate amendments to HB 1250, and the Speaker has appointed as a new conference committee to meet with a like committee from the Senate, the following:

HB 1250: Reps. Kingsbury, Martinson, Graba

ROY GILBREATH, Chief Clerk

MOTION

REP. KRETSCHMAR MOVED that the House waive the reading of the title to SB 2197, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2197: A BILL for an Act to amend and reenact subsections 14 and 17 of section 52-01-01, subsection 1 of section 52-03-07, subsections 1 and 2 of section 52-04-06, sections 52-04-08, 52-04-09, 52-04-22, 52-06-16, and 52-06-32 of the North Dakota Century Code, relating to unemployment compensation definitions, administrative use of Reed Act moneys, and contribution rates, transfer experience rates, classification of employers to determine contributions, federal advance interest repayment fund, and representation of employers.

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; Klubec; Klundt; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lipsiea; Lloyd; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; 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; 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; Kingsbury; Knudson; Nowatzki; Peterson, J.; Smette

SB 2197 passed and the title was agreed to.

MOTION

REP. KRETSCHMAR MOVED that the House waive the reading of the title to SB 2274, which motion prevailed.

SB 2274: A BILL for an Act to create and enact nine new sections to chapter 26-17.1 of the North Dakota Century Code, or in the alternative to create and enact nine new sections to

chapter 26.1-26 of the North Dakota Century Code as created in Senate Bill No. 2078. as approved by the forty-ninth legislative assembly, relating to prelicensure and continuing education for insurance agents; and to provide an appropriation.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 75 YEAS, 25 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Belter; Berg, G.; Berg, R.; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Hamerlik; Hanson, L.; Haugland; Hedstrom; Hill; Hoffner; Keller; Kelly; Kent; Kloubec; Klundt; Koland; Kuchera; Larson; Lautenschlager; Linderman; Lindgren; Lipsia; Lloyd; Martin; Martinson; Mertens; Moore; Myrdal; Nalewaja; Nicholas; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; Payne; Rice; Riehl; Rydell; Sauter; Schneider; Shaw; Shide; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Unhjem; Wald; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: Anderson, R.; Brokaw; Gunsch; Halmrast; Hanson, O.; Hausauer, A.; Hughes; Kingsbury; Kretschmar; Lang; Laughlin; Melby; Murphy; O'Shea; Pederson, R.; Retzer; Richard; Riley; Schindler; Schmidt; Shockman; Skjerven; Solberg, O.; Vander Vorst; Watne

ABSENT AND NOT VOTING: Gullickson; Knudson; Meyer; Nowatzki; Peterson, J.; Smette

SB 2274 passed and the title was agreed to.

SB 2352: A BILL for an Act to provide a state and Political Subdivision Employees Relations Act; 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 52 YEAS, 51 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Berg, R.; Brokaw; Cleveland; Conmy; DeMers; Frey; Gates; Graba; Halmrast; Hamerlik; Hanson, L.; Haugland;

Hausauer, A.; Hill; Hoffner; Keller; Kelly; Kingsbury; Klundt; Kretschmar; Lautenschlager; Linderman; Lloyd; Martin; Martinson; Mertens; Meyer; Nalewaja; Nowatzki; Oban; O'Connell; Opedahl; O'Shea; Richard; Riehl; Rydell; Sauter; Schneider; Shaw; Shockman; Skjerven; Solberg, O.; Starke; Stofferahn; Ulmer; Unhjem; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Winkelman

NAYS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Dalrymple; Dorso; Dotzenrod; Eckroth; Enget; Gertholz; Goetz; Gunsch; Hanson, O.; Hedstrom; Hughes; Kent; Kloubec; Knudson; Koland; Kuchera; Lang; Larson; Laughlin; Lindgren; Lipsiea; Melby; Moore; Murphy; Myrdal; Nicholas; Olsen, D.; Olson, A.; Olson, V.; Payne; Pederson, R.; Retzer; Rice; Riley; Schindler; Schmidt; Shide; Solberg, R.; Strinden; Thompson; Timm; Tollefson; Vander Vorst; Wald; Whalen; Wold; Speaker Hausauer, R.

ABSENT AND NOT VOTING: Gullickson; Peterson, J.; Smette

SB 2352 was declared lost for want of a Constitutional majority.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on HB 1069:

Reps. Lindgren, Dalrymple, R. Solberg

MOTION

REP. KRETSCHMAR MOVED that the House waive the reading of the title to SB 2373, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2373: A BILL for an Act to create and enact a new subsection to section 39-06-32 of the North Dakota Century Code, relating to sanctions for administrative motor vehicle operator's license sanctions of other states; and to amend and reenact sections 39-06-35, 39-06-36, 39-06-42, subdivision b of subsection 3 and subsection 3.1 of section 39-06.1-10, subsection 2 of section 39-06.1-11, subsection 3 of section 39-06.1-13, subsection 5 of section 39-08-01, sections 39-16.1-01, 39-16.1-07, 39-20-01, 39-20-02, 39-20-03.1, 39-20-03.2, 39-20-04, 39-20-04.1, 39-20-05, 39-20-06, 39-20-07, 39-20-13, 39-20-14, and 40-18-12 of the North Dakota Century Code, relating to law enforcement, judicial, and administrative procedures, sanctions, and penalties for driving or being in actual physical control of a motor vehicle while under the influence of alcohol or a controlled substance.

Which has been read.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Gullickson; Hausauer, A.; Nalewaja; Payne; Peterson, J.; Smette; Whalen

SB 2373 passed and the title was agreed to.

SB 2411: A BILL for an Act to create and enact a new section to chapter 12.1-30 of the North Dakota Century Code, relating to a severability clause for the chapter; to amend and reenact sections 12.1-30-01, 12.1-30-02, and 12.1-30-03 of the North Dakota Century Code, relating to businesses and occupations permitted to operate on Sunday; 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 94 YEAS, 6 NAYS, 6 ABSENT AND NOT VOTING.

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

Hanson, O.; Haugland; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lipsiea; Lloyd; Martin; Martinson; Melby; Mertens; Meyer; Moore; Myrdal; Malewaja; Nicholas; 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; Shide; Shockman; Skjerven; Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden; Timm; Tollefson; Unhjem; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: Brokaw; Conmy; Kretschmar; Murphy; Shaw; Ulmer

ABSENT AND NOT VOTING: Gullickson; Hausauer, A.; Peterson, J.; Riehl; Smette; Thompson

SB 2411 passed, the title was agreed to, and the emergency clause was declared carried.

MESSAGE FROM THE SENATE
SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith HB 1015, HB 1020, HB 1025, HB 1195, HB 1285, HB 1588, and HB 1615 which the Senate has amended:

SENATE AMENDMENTS TO ENGROSSED HB 1015

- On page 1 of the engrossed bill, line 15, delete the numerals "1,080" and insert in lieu thereof the numerals "1,780"
- On page 1 of the engrossed bill, line 16, delete the numerals "1,080" and insert in lieu thereof the numerals "1,780"
- On page 1 of the engrossed bill, line 22, delete the numerals "31,957" and insert in lieu thereof the numerals "34,457"
- On page 1 of the engrossed bill, line 23, delete the numerals "1,849,547" and insert in lieu thereof the numerals "1,852,047"
- On page 1 of the engrossed bill, line 24, delete the numerals "1,850,627" and insert in lieu thereof the numerals "1,853,827"

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Pardon Board

The operating expenses line item is increased by \$700 from the general fund to provide sufficient travel expenses.

Parole and Probation Office

The salaries and wages line item provides for the continuation of a 5.5 percent increase the first year of the biennium (\$50/month minimum) and a four percent increase the second year of the biennium (\$50/month minimum).

The equipment line item is increased by \$2,500 from the general fund for equipment for the two new Parole Agent II positions.

SENATE AMENDMENTS TO ENGROSSED HB 1020

On page 1 of the engrossed bill, line 15, delete the numerals "1,325,067" and insert in lieu thereof the numerals "1,355,067"

On page 1 of the engrossed bill, line 19, delete the numerals "2,837,967" and insert in lieu thereof the numerals "2,867,967"

On page 1 of the engrossed bill, line 21, delete the numerals "1,379,739" and insert in lieu thereof the numerals "1,409,739"

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

"SECTION 4. LEGISLATIVE INTENT. It is the intent of the legislative assembly that \$30,000 of operating expenses appropriated in section 1 of this Act be used by the economic development commission for the purpose of attracting a federal aviation administration management training program and facility to the university of North Dakota."

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Economic Development Commission

The salaries and wages line item provides for the continuation of a 5.5 percent increase the first year of the biennium (\$50/month minimum) and a four percent increase the second year of the biennium (\$50/month minimum).

The operating expenses line item is increased by \$30,000 from the general fund for the purpose of attracting a Federal Aviation

Administration management training program and facility to the University of North Dakota. A section is added to express the legislative intent for the expenditure of those funds.

SENATE AMENDMENTS TO ENGROSSED HB 1025

On page 2 of the engrossed bill, line 11, delete the numerals "498,787" and insert in lieu thereof the numerals "513,907"

On page 2 of the engrossed bill, line 16, delete the numerals "2,844,659" and insert in lieu thereof the numerals "2,859,779"

On page 2 of the engrossed bill, line 33, delete the numerals "6,991,271" and insert in lieu thereof the numerals "7,006,391"

On page 2 of the engrossed bill, line 34, delete the numerals "6,991,271" and insert in lieu thereof the numerals "7,006,391"

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

State Wheat Commission

The salaries and wages line item allows funds to continue the cost of average salary increases of 5.5 percent for the first year and to provide average salary increases of four percent for the second year of the biennium, with funds to provide a minimum increase of \$50 per month for each year of the biennium.

In addition, the salaries and wages line item is increased \$15,120 from other funds to allow Wheat Commission board members to receive \$62.50 per day compensation; the same compensation as members of the legislative council.

Sunflower Council

The salaries and wages line item allows funds to continue the cost of average salary increases of 5.5 percent for the first year and to provide average salary increases of four percent for the second year of the biennium, with funds to provide a minimum increase of \$50 per month for each year of the biennium.

State Barley Council

The salaries and wages line item allows funds to continue the cost of average salary increases of 5.5 percent for the first year and to provide average salary increases of four percent for the second year of the biennium, with funds to provide a minimum increase of \$50 per month for each year of the biennium.

Agricultural Products Utilization Commission

The salaries and wages line item allows funds to continue the cost of average salary increases of 5.5 percent for the first year and to provide average salary increases of four percent for the second year of the biennium, with funds to provide a minimum increase of \$50 per month for each year of the biennium.

SENATE AMENDMENTS TO ENGROSSED HB 1195

- On page 1 of the engrossed bill, line 1, delete the word "a" and insert in lieu thereof the word "two", delete the word "section" and insert in lieu thereof the word "sections", and delete the numerals "14-05" and insert in lieu thereof the numerals "14-09"
- On page 1 of the engrossed bill, line 2, delete the words "and a new section to chapter 50-09"
- On page 1 of the engrossed bill, line 3, delete the word "notification" and insert in lieu thereof the word "enforcement", and delete the words "enforcement agency in" and insert in lieu thereof the word "orders"
- On page 1 of the engrossed bill, delete line 4
- On page 1 of the engrossed bill, line 5, delete the words "credit reporting agencies", and delete the words and numerals "section 14-08-03 and"
- On page 1 of the engrossed bill, line 6, after the numerals "14-08-07" insert the words and numerals "and subsections 1, 2, and 3 of section 14-09-09.1"
- On page 1 of the engrossed bill, line 8, after the word "orders" insert the words ", and to wage assignments for child support"
- On page 1 of the engrossed bill, delete lines 11 through 28
- On page 2 of the engrossed bill, delete lines 1 through 34
- On page 3 of the engrossed bill, delete lines 1 and 2
- On page 3 of the engrossed bill, after line 19, insert the following three new sections:

"SECTION 2. A new section to chapter 14-09 of the North Dakota Century Code is hereby created and enacted to read as follows:

Out-of-state wage withholding orders - Filing requirements. A copy of an order for the withholding of income or wages to satisfy a child support obligation issued by a state other than this state or by a court of the United States may be filed in the office of the clerk

of any district court of any county in this state upon all of the following conditions:

1. The order is authenticated in accordance with the statutes of this state.
2. The obligor under the order resides or is employed in the county of filing.
3. The person or agency seeking to file the order establishes by affidavit that the child support obligation is in arrears at least twenty days.
4. A copy of the order and accompanying documents have been sent to the child support enforcement unit of the department of human services.

SECTION 3. A new section to chapter 14-09 of the North Dakota Century Code is hereby created and enacted to read as follows:

Effect of filing out-of-state wage withholding order. Upon the filing of the order described in section 2 of this Act, the clerk of court shall treat the order in the same manner as a child support wage assignment order of a district court under section 14-09-09.1.

SECTION 4. Subsections 1, 2, and 3 of section 14-09-09.1 of the 1983 Supplement to the North Dakota Century Code are hereby amended and reenacted to read as follows:

1. Each judgment containing child support provisions and each order for child support issued by a district court of this state shall include an order directing the obligor to assign such salary currently due or to be due in the future from the obligor's employer or successor employers to the clerk of the court where the judgment is granted or the order issued, in such amount as will be sufficient to meet the child support payments imposed by the court. The order must include a sum to be applied toward the satisfaction of any support arrearages. This wage assignment shall take effect upon application of the person receiving payments or any person or public agency designated to receive such payments, when the requirements of this section have been met. The application shall be a sworn statement which states that the obligor has failed the obligor's failure to make a child support payment in full within twenty days of the due date of such payment. This section does not authorize a clerk of court who receives child support payments as

- trustee under section 14-08-07 to make such application:
2. The clerk of court, upon application of an authorized person or agency, shall send a notice by certified first-class mail to the last known address of any obligor who has failed to make the required child support payment within twenty days of its due date. The notice shall be postmarked no later than ten days after the date on which the application was filed and shall inform the obligor of the amount of money that will be withheld from wages and that the wage assignment shall go into effect ten days after the date on which the notice was sent. The obligor may, within that ten-day period, request a hearing on the issue of whether the wage assignment should take effect is based upon a mistake of fact, in which case the wage assignment shall be held in abeyance pending the outcome of the hearing. The district court or its referee shall hold a hearing requested under this section within ten working days after the date of the request.
 3. If at the hearing the obligor establishes that extraordinary circumstances prevented fulfillment of the child support obligation and that such circumstances are beyond the control of the obligor, the court may direct that the wage assignment be delayed until such time, within twelve months, as another month's payment is missed. If such a delay is granted, the wage assignment shall, upon application, go into effect if, within the following twelve months, the obligor fails to make in full any payment within twenty days of its due date there has been a mistake in the identity of the obligor or an overstatement of the amount of support stated to be owed by the obligor, the court may order that no wage assignment take effect. In the absence of a showing by the obligor that there has been a mistake of fact, the court shall order that the wage withholding proceed."

On page 3 of the engrossed bill, delete lines 20 through 26

And renumber the lines, sections, and pages accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1285

On page 1 of the engrossed bill, line 10, after the word "county," insert the words "and proper notice has been given to the debtor"

And renumber the lines accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1588

- On page 1 of the engrossed bill, line 3, delete the words "and venue"
- On page 1 of the engrossed bill, line 9, overstrike the second hyphen
- On page 1 of the engrossed bill, line 10, delete the word "Venue"
- On page 1 of the engrossed bill, line 19, remove the overstrike over the words "~~if the~~"
- On page 1 of the engrossed bill, remove the overstrike over line 20
- On page 1 of the engrossed bill, line 21, remove the overstrike over the words "~~a partnership; the proceedings shall be commenced~~"
- On page 1 of the engrossed bill, line 22, delete the underscored comma
- On page 1 of the engrossed bill, line 23, delete the words "The defendant may" and insert in lieu thereof the words "An action for collection of a check written without sufficient funds or without an account may be brought in the county where the check was passed, or in the county of the defendant's residence or place of business. A copy of the check must be attached to the plaintiff's claim affidavit"
- On page 1 of the engrossed bill, delete line 24
- On page 1 of the engrossed bill, line 25, delete the words "defendant's county of residence"
- And renumber the lines and pages accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1615

- 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 amend and reenact subsection 5 of section 12.1-27.1-01 of the North Dakota Century Code, relating to dissemination of obscene material.

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

SECTION 1. AMENDMENT. Subsection 5 of section 12.1-27.1-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

5. As used in this chapter, ~~the term~~ "disseminate" means to sell, lease, rent, advertise, broadcast,

transmit, exhibit, or distribute for pecuniary gain. "Disseminate" includes any transmission of visual material shown on a cable television system, whether or not accompanied by a sound track, and any sound recording played on a cable television system."

And renumber the lines and pages accordingly

LEO LEIDHOLM, Secretary

MOTIONS

REP. MERTENS MOVED that the House reconsider its action whereby SB 2151 was passed, which motion prevailed on a verification vote.

REP. STRINDEN MOVED that SB 2151 be laid over one legislative day, which motion prevailed.

REP. STRINDEN MOVED that SCR 4044 be placed immediately before SCR 4051 on the Fourteenth order on the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2414: A BILL for an Act to provide for a small business loan fund; and to repeal section 6-09-15.4 of the North Dakota Century Code, relating to loans to businessmen.

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

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 39 YEAS, 58 NAYS, 9 ABSENT AND NOT VOTING.

YEAS: Berg, G.; Brokaw; DeMers; Enget; Frey; Gerntholz; Graba; Halmrast; Hanson, L.; Hanson, O.; Hill; Hoffner; Kelly; Kingsbury; Klundt; Laughlin; Lautenschlager; Lloyd; Mertens; Myrdal; Nicholas; Nowatzki; Oban; O'Connell; Olson, A.; O'Shea; Pederson, R.; Richard; Sauter; Schneider; Shockman; Skjerven; Solberg, R.; Starke; Stofferahn; Ulmer; Watne; Williams, A.; Williams, W.

NAYS: Anderson, C.; Anderson, R.; Belter; Berg, R.; Cleveland; Conny; Dalrymple; Dorso; Dotzenrod; Eckroth; Gates; Goetz; Gunsch; Hamerlik; Haugland; Hedstrom; Hughes; Keller; Kent; Kloubec; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Linderman; Lindgren; Lipsiea; Martinson; Melby; Moore; Murphy; Nalewaja; Olsen, D.; Olson, V.; Opedahl; Payne; Peterson, J.; Retzer; Rice; Riley; Rydell; Schindler; Schmidt; Shaw; Shide; Solberg, O.; Strinden; Thompson; Timm;

Tollefson; Vander Vorst; Wald; Wentz; Winkelman; Wold;
Speaker Hausauer, R.

ABSENT AND NOT VOTING: Gullickson; Hausauer, A.; Martin;
Meyer; Riehl; Smette; Unhjem; Whalen; Williams, C.

SB 2414 was declared lost.

MESSAGE FROM THE SENATE
SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith HB 1408 which
the Senate has amended:

SENATE AMENDMENTS TO HB 1408

On page 1, line 10, delete the first word "To" and insert in lieu
thereof the words "Upon approval of two-thirds of the
members of the legislative council, to"

And renumber the lines accordingly

LEO LEIDHOLM, Secretary

SECOND READING OF SENATE BILLS

SB 2424: A BILL for an Act to create and enact a new subsection
to section 11-11-14, a new section to chapter 36-21, and a
new subsection to section 58-06-01 of the North Dakota
Century Code, relating to control of dogs by counties and
townships, and liability of owners of vicious dogs.

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

ROLL CALL

The question being on the final passage of the bill, as amended,
the roll was called and there were 43 YEAS, 55 NAYS, 8 ABSENT AND
NOT VOTING.

YEAS: Anderson, R.; Belter; Dalrymple; Dotzenrod;
Eckroth; Enget; Frey; Hill; Hoffner; Hughes; Keller;
Kelly; Kent; Klundt; Knudson; Koland; Kretschmar;
Larson; Lautenschlager; Linderman; Martin; Melby;
Mertens; Murphy; Nalewaja; Oban; Olson, A.; O'Shea;
Pederson, R.; Rice; Richard; Schneider; Shaw; Shockman;
Skjerven; Solberg, O.; Solberg, R.; Starke; Timm;
Tollefson; Vander Vorst; Watne; Williams, A.

NAYS: Anderson, C.; Berg, G.; Berg, R.; Brokaw;
Cleveland; Conmy; DeMers; Dorso; Gates; Gerntholz;
Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.;
Hanson, O.; Haugland; Hedstrom; Kingsbury; Kloubec;
Kuchera; Lang; Laughlin; Lindgren; Lipsiea; Lloyd;
Martinson; Myrdal; Nicholas; Nowatzki; O'Connell;
Olsen, D.; Olson, V.; Opedahl; Payne; Peterson, J.;

Retzer; Rydell; Sauter; Schindler; Schmidt; Shide;
Stofferahn; Strinden; Thompson; Ulmer; Unhjem; Wald;
Wentz; Whalen; Williams, W.; Winkelman; Wold;
Speaker Hausauer, R.

ABSENT AND NOT VOTING: Gullickson; Hausauer, A.; Meyer;
Moore; Riehl; Riley; Smette; Williams, C.

SB 2424 was declared lost.

SB 2436: A BILL for an Act to amend and reenact sections
46-02-04 and 46-02-09 of the North Dakota Century Code,
relating to the classes and definitions of printing and
duplicating public documents.

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 60 YEAS, 37 NAYS, 9 ABSENT AND
NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.;
Berg, R.; Cleveland; Conmy; Dalrymple; Dorso;
Dotzenrod; Eckroth; Frey; Gates; Gerntholz; Goetz;
Hamerlik; Hanson, O.; Hedstrom; Hoffner; Hughes; Kent;
Kingsbury; Kloubec; Knudson; Koland; Kretschmar; Lang;
Larson; Lindgren; Lipsiea; Martinson; Melby; Murphy;
Myrdal; Nalewaja; Nicholas; Oban; Olsen, D.; Olson, V.;
Payne; Pederson, R.; Peterson, J.; Retzer; Rice;
Rydell; Schindler; Schmidt; Shaw; Shide; Shockman;
Skjerven; Thompson; Timm; Tollefson; Unhjem; Whalen;
Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: Brokaw; DeMers; Enget; Graba; Gunsch; Halmrast;
Hanson, L.; Haugland; Hill; Keller; Kelly; Klundt;
Kuchera; Laughlin; Lautenschlager; Linderman; Lloyd;
Martin; Mertens; Nowatzki; O'Connell; Olson, A.;
Opedahl; O'Shea; Richard; Sauter; Schneider;
Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden;
Ulmer; Vander Vorst; Watne; Wentz; Williams, A.

ABSENT AND NOT VOTING: Gullickson; Hausauer, A.; Meyer;
Moore; Riehl; Riley; Smette; Wald; Williams, C.

SB 2436 passed and the title was agreed to.

SB 2468: A BILL for an Act to amend and reenact subsection 4 of
section 26.1-08-01 and section 26.1-08-12 of the North
Dakota Century Code, relating to eligibility qualifications

and eligibility requirements for applicants for insurance coverage from the comprehensive health association of North Dakota.

Which has been read.

ROLL CALL

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

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

NAYS: Conmy

ABSENT AND NOT VOTING: Gullickson; Hanson, O.; Hausauer, A.; Meyer; Olson, A.; Riehl; Riley; Rydell; Smette; Williams, C.

SB 2468 passed and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4044: A concurrent resolution citing the existence of certain conditions of mutual concern confronting reservation and nonreservation residents of North Dakota, and urging the Congress of the United States to exercise responsibility and authority in resolving them.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4044 was declared adopted on a voice vote.

SCR 4051: A concurrent resolution directing the Legislative Council, with the assistance of citizen advisers, to study issues of concern to the state and persons living within the boundaries of the Fort Berthold Reservation.

Which has been read.

ROLL CALL

The question being on the final adoption of the resolution, 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, 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; Hedstrom; Hill; Hughes; Keller; Kelly; Kent; Kingsbury; Klundt; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lipsiea; Lloyd; Martin; Martinson; Melby; Mertens; 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; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shide; Shockman; Skjerven; Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: None

ABSENT AND NOT VOTING: Gullickson; Hausauer, A.; Hoffner; Kloubec; Knudson; Meyer; Riehl; Shaw; Smette; Williams, C.

SCR 4051 was declared adopted.

MOTIONS

REP. STRINDEN MOVED that the rules be suspended and that SCR 4051 be messaged to the Senate immediately, which motion prevailed.

REP. STRINDEN MOVED that the rules be suspended and that SB 2178, SB 2197, SB 2274, SB 2373, SB 2411, SB 2436, and SB 2468 be messaged to the Senate immediately, which motion prevailed.

FRIDAY, MARCH 22, 1985

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MESSAGE TO THE SENATE
HOUSE CHAMBER

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

SB 2178, SB 2197, SB 2274, SB 2373, SB 2411, SB 2436,
SB 2468

ROY GILBREATH, Chief Clerk

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2065:

Reps. Schindler, D. Olsen, Halmrast

SECOND READING OF SENATE BILL

SB 2016: A BILL for an Act making an appropriation for defraying the expenses of the securities commissioner of the state of North Dakota.

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

NAYS: Murphy

ABSENT AND NOT VOTING: Gullickson; Hausauer, A.; Kent; Kloubec; Knudson; Melby; Meyer; Riehl; Smette; Williams, C.

SB 2016 passed and the title was agreed to.

REPORT OF PROCEDURAL COMMITTEE

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

HB 1661, HCR 3099

REP. STRINDEN, Chairman

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

MESSAGES TO THE SENATE
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 2065: Reps. Schindler, D. Olsen, Halmrast

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

SCR 4051

ROY GILBREATH, Chief Clerk

MOTIONS

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

REP. STRINDEN MOVED that the House be on the Ninth order of business, and at the conclusion of the Ninth 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., Monday, March 25, 1985, which motion prevailed.

FIRST READING OF HOUSE BILL

Rep. Mertens introduced:

(Approved by the Committee on Delayed Bills)

HB 1661: A BILL for an Act to provide for a contingent sales, use, and motor vehicle excise tax increase if general fund revenue receipts fall below a specified level; and to provide an expiration date.

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

REPORTS OF STANDING COMMITTEES

MR. SPEAKER: Your Committee on Appropriations to which was referred SB 2001 has had the same under consideration and recommends by a vote of 20 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 15, delete the numerals "1,843,988" and insert in lieu thereof the numerals "3,360,636"

On page 1, line 16, delete the numerals "2,723,592" and insert in lieu thereof the numerals "1,868,407"

On page 1, line 19, delete the numerals "4,672,074" and insert in lieu thereof the numerals "5,333,537"

On page 1, line 22, delete the numerals "2,285,288" and insert in lieu thereof the numerals "2,216,900"

On page 1, line 23, delete the numerals "1,404,979" and insert in lieu thereof the numerals "1,425,939"

On page 1, line 25, delete the numerals "3,701,354" and insert in lieu thereof the numerals "3,653,926"

On page 1, line 26, delete the numerals "8,373,428" and insert in lieu thereof the numerals "8,987,463"

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

49th and 50th Legislative Assemblies	Salaries and Wages	Operating Expenses	Equipment	NCSL	Total
SB 2001 as introduced	\$1,843,988	\$2,723,592	\$32,640	\$71,854	\$4,672,074

Add:

Estimated deficiency for 49th Legislative Assembly (1985) for operating expenses		24,968			24,968
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Adjustment for
SCR 4029 -
legislative
employees
pay increases:

1985 session	39,777				39,777
1987 session	47,391				47,391

Change in
legislator
compensation
(HB 1243):

1985 session	748,175	(400,025)			348,150
1987 session	848,864	(408,714)			440,150
Increase leadership compensation (HB 1243)		12,680			12,680
Reduction relating to 65-day session	(167,559)	(84,094)			(251,653)
Total adjustments to Legislative Assembly appropriation in SB 2001	\$1,516,648	\$ (855,185)	\$ 0	\$ 0	\$ 661,463
Legislative Assembly - SB 2001 as amended	\$3,360,636	\$ 1,868,407	\$32,640	\$71,854	\$5,333,537

Legislative Council

The salaries and wages line item is reduced by \$68,388 from the general fund. This will allow funds to continue average salary increases of 5.5 percent the first year of the biennium and average salary increases of four percent the second year of the biennium. Funds are allowed to provide a minimum increase of \$50 per month for each year of the biennium. The salary increases are to be based on merit, performance, or equity adjustments, and are not intended to be across-the-board salary increases.

The operating expenses line item is increased by \$20,960 to add funds necessary for increasing lodging reimbursement to \$35/night as proposed in engrossed House Bill No. 1250.

REP. J. PETERSON, Chairman

SB 2001 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 2053 has had the same under consideration and recommends by a vote of 17 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING that the same DO 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 Appropriations to which was rereferred Engrossed SB 2371 has had the same under consideration and recommends by a vote of 19 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 5 of the engrossed bill, delete lines 16 through 23

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The general fund appropriation of \$100,000 for the prevention of child abuse and neglect is deleted.

REP. J. PETERSON, Chairman

Engrossed SB 2371 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 SB 2445 has had the same under consideration and recommends by a vote of 12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

REP. CONMY, Chairman

SB 2445 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 SCR 4071 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 1, line 3, delete the word "allow" and insert in lieu thereof the words "consider allowing"

On page 1, line 16, delete the word "should" and insert in lieu thereof the word "could"

On page 1, line 20, delete the word "should" and insert in lieu thereof the word "could"

On page 2, line 6, delete the word "authorize" and insert in lieu thereof the words "investigate the possibility of authorizing"

And renumber the lines and pages accordingly

REP. NICHOLAS, Chairman

SCR 4071 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