

JOURNAL OF THE HOUSE

Forty-ninth Legislative Assembly

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THIRTY-SECOND DAY

Bismarck, February 20, 1985

The House convened at 12:30 p.m., with Acting Speaker Conmy presiding.

The prayer was offered by Pastor Vern Prugh, Dayspring Baptist Church, Bismarck, North Dakota.

ROLL CALL

The roll was called and all Representatives were present, except Representatives Dalrymple, Gullickson, Winkelman, R. Hausauer.

A quorum was declared by the Acting 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 Thirty-first Day and finds the same to be correct.

REP. KENT, Chairman

REP. MELBY 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 1080, HB 1083, HB 1089, HB 1202, HB 1244, HB 1299,
HB 1341, HB 1370, HB 1386, HB 1399, HB 1426, HB 1439,
HB 1444, HB 1465, HB 1473, HB 1503, HB 1508, HB 1511,
HB 1538, HB 1547, HB 1555, HB 1567, HB 1569, HB 1578,
HB 1623

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 bill and find the same correctly engrossed:

HB 1639

REP. HEDSTROM, Chairman

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

REQUEST

REP. STRINDEN REQUESTED that the members of the budget section be excused, which request was granted.

MOTIONS

REP. LARSON MOVED that the House reconsider its action whereby HB 1293 was placed on the Sixth order of business on the calendar, which motion prevailed.

REP. LARSON MOVED that HB 1293 be rereferred to the Committee on Social Services and Veterans Affairs, which motion prevailed.

THE ACTING SPEAKER ANNOUNCED that HB 1293 was referred to the Committee on Social Services and Veterans Affairs.

MOTIONS

REP. A. HAUSAUER MOVED that the House reconsider its action whereby HB 1327 was placed on the Sixth order of business on the calendar, which motion prevailed.

REP. A. HAUSAUER MOVED that HB 1327 be rereferred to the Committee on Finance and Taxation, which motion prevailed.

THE ACTING SPEAKER ANNOUNCED that HB 1327 was referred to the Committee on Finance and Taxation.

MESSAGES 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 2056, SB 2075, SB 2181, SB 2343, SB 2351, SB 2390,
SB 2445, SB 2449, SB 2452, SB 2470, SB 2479, SB 2485
LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1090, HB 1109, HB 1141, HB 1177, HB 1201, HCR 3013
LEO LEIDHOLM, Secretary

SIXTH ORDER OF BUSINESS

REP. CONMY MOVED that the amendments to HB 1069 as recommended by the Committee on Judiciary as printed on pages 1087-1101 of the House Journal be adopted, and when so adopted, recommends that HB 1069 DO PASS, 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 amendments to HB 1078 as recommended by the Committee on Appropriations as printed on pages 1101-1102 of the House Journal be adopted, and when so adopted, recommends that HB 1078 DO PASS, which motion prevailed.

HB 1078 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. CONMY MOVED that the amendments to HB 1218 as recommended by the Committee on Judiciary as printed on page 1102 of the House Journal be adopted, and when so adopted, recommends that HB 1218 DO PASS, which motion prevailed.

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

REP. TIMM MOVED that the amendments to HB 1271 as recommended by the Committee on Transportation as printed on pages 1103-1105 of the House Journal be adopted, and when so adopted, recommends that HB 1271 DO PASS, which motion prevailed.

HB 1271 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. A. HAUSAUER MOVED that the amendments to HB 1392 as recommended by the Committee on Finance and Taxation as printed on page 1119 of the House Journal be adopted, and when so adopted, recommends that HB 1392 DO PASS, which motion prevailed.

HB 1392 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. TIMM MOVED that the amendments to HB 1425 as recommended by the Committee on Transportation as printed on pages 1119-1121 of the House Journal be adopted, and when so adopted, recommends that HB 1425 DO PASS, which motion prevailed.

HB 1425 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. HAUGLAND MOVED that the amendments to HB 1446 as recommended by the Committee on Social Services and Veterans Affairs as printed on pages 1121-1122 of the House Journal be adopted, and when so adopted, recommends that HB 1446 DO PASS, which motion prevailed.

HB 1446 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. TIMM MOVED that the amendments to HB 1464 as recommended by the Committee on Transportation as printed on pages 1122-1128 of the House Journal be adopted, and when so adopted, recommends that HB 1464 DO PASS, which motion prevailed.

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

REP. TIMM MOVED that the amendments to HB 1480 as recommended by the **Committee on Transportation** as printed on pages 1128-1129 of the House Journal be adopted, and when so adopted, recommends that HB 1480 DO PASS, which motion prevailed.

HB 1480 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. CONMY MOVED that the amendments to HB 1509 as recommended by the **Committee on Judiciary** as printed on page 1130 of the House Journal be adopted, and when so adopted, recommends that HB 1509 DO PASS, which motion prevailed.

HB 1509 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. TIMM MOVED that the amendments to HB 1528 as recommended by the **Committee on Transportation** as printed on pages 1130-1133 of the House Journal be adopted, and when so adopted, recommends that HB 1528 DO PASS, which motion prevailed.

HB 1528 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. A. HAUSAUER MOVED that the amendments to HB 1574 as recommended by the **Committee on Finance and Taxation** as printed on page 1133 of the House Journal be adopted, and when so adopted, recommends that HB 1574 BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, which motion prevailed.

HB 1574 was placed on the Eleventh order of business on the calendar without recommendation for the succeeding legislative day.

REP. CONMY MOVED that the amendments to HB 1588 as recommended by the **Committee on Judiciary** as printed on pages 1133-1134 of the House Journal be adopted, and when so adopted, recommends that HB 1588 DO PASS, which motion prevailed.

HB 1588 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. KLOUBEC MOVED that the amendments to HB 1616 as recommended by the **Committee on Industry, Business and Labor** as printed on pages 1134-1135 of the House Journal be adopted, and when so adopted, recommends that HB 1616 DO PASS, which motion prevailed.

HB 1616 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. A. OLSON MOVED that the amendments to HB 1627 as recommended by the Committee on Natural Resources as printed on pages 1135-1136 of the House Journal be adopted, and when so adopted, recommends that HB 1627 DO PASS and be rereferred to the Committee on Appropriations, which motion prevailed.

HB 1627 was rereferred to the Committee on Appropriations.

REP. CONMY MOVED that the amendments to HB 1631 as recommended by the Committee on Judiciary as printed on page 1136 of the House Journal be adopted, and when so adopted, recommends that HB 1631 BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, which motion prevailed.

HB 1631 was placed on the Eleventh order on the calendar for the succeeding legislative day without recommendation.

REP. A. OLSON MOVED that the amendments to HB 1635 as recommended by the Committee on Natural Resources as printed on page 1137 of the House Journal be adopted, and when so adopted, recommends that HB 1635 DO PASS, which motion prevailed.

HB 1635 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. A. HAUSAUER MOVED that the amendments to HB 1638 as recommended by the Committee on Finance and Taxation as printed on page 1137 of the House Journal be adopted, and when so adopted, recommends that HB 1638 DO PASS, which motion prevailed.

HB 1638 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. A. HAUSAUER MOVED that the amendments to HB 1646 as recommended by the Committee on Finance and Taxation as printed on page 1138 of the House Journal be adopted, and when so adopted, recommends that HB 1646 DO PASS, which motion prevailed.

HB 1646 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. TIMM MOVED that the amendments to SB 2223 as recommended by the Committee on Transportation as printed on page 1140 of the House Journal be adopted, and when so adopted, recommends that SB 2223 DO PASS, which motion prevailed.

SB 2223 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MOTION

REP. STRINDEN MOVED that the House stand in recess until 1:30 p.m., which motion prevailed.

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

REQUEST

REP. STRINDEN REQUESTED that the members of the Committee on Appropriations be excused to meet in their respective sections, which request was granted.

MOTION

REP. STRINDEN MOVED that the House waive the reading of the titles to all bills and resolutions on the calendar today, which motion prevailed.

REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER: Your Committee on Enrollment and Engrossment respectfully report that the following bills were delivered to the Governor for his approval at the hour of 1:29 p.m., February 20, 1985:

HB 1090, HB 1109, HB 1141, HB 1177, HB 1201

REP. HEDSTROM, Chairman

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

REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER: Your Committee on Enrollment and Engrossment respectfully report that the following bill was delivered to the Secretary of State for his filing at the hour of 1:31 p.m., February 20, 1985:

HCR 3013

REP. HEDSTROM, Chairman

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

MOTION

REP. STRINDEN MOVED that HB 1080 be placed at the bottom of the calendar, which motion prevailed.

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 section 12.1-01-05 of the North Dakota Century Code, to provide that home rule counties' charters or ordinances may not supersede state laws defining crimes.

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 62 YEAS, 27 NAYS, 17 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Erokaw; Cleveland; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Frey; Gates; Goetz; Halmrast; Hamerlik; Hanson, L. Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kent; Kloubec; Koland; Kretschmar; Kuchera; Larson; Linderman; Lindgren; Martinson; Melby; Mertens; Moore; Nalewaja; Nicholas; Oban; Olson, V.; Payne; Retzer; Riley; Rydell; Sauter; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Strinden; Timm; Tollefson; Ulmer; Wentz; Williams, C.; Williams, W.; Winkelman; Wold; Acting Speaker Conny

NAYS: Enget; Hanson, O.; Klundt; Knudson; Lang; Lloyd; Martin; Meyer; Murphy; Myrdal; Nowatzki; O'Connell; Olsen, D.; Olson, A.; O'Shea; Pederson, R.; Richard; Riehl; Schindler; Solberg, R.; Starke; Thompson; Vander Vorst; Wald; Watne; Whalen; Williams, A.;

ABSENT AND NOT VOTING: Gerntholz; Graba; Gullickson; Gunsch; Kelly; Kingsbury; Laughlin; Lautenschlager; Lipsiea; Opedahl; Peterson, J.; Rice; Smette; Solberg, O.; Stofferahn; Unhjem; Speaker Hausauer, R.

HB 1083 passed and the title was agreed to.

MOTION

REP. STRINDEN MOVED that HB 1089 be placed at the foot of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1145: A BILL for an Act to adopt the Uniform Transfers to Minors Act, relating to transfer of property to custodians for the benefit of minors; to amend and reenact subsection 45 of section 30.1-01-06 of the North Dakota Century Code, relating to definition of trusts under the Uniform Probate Code; and to repeal chapter 47-24 of the North Dakota Century Code, relating to the Uniform Gifts to Minors Act.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 77 YEAS, 5 NAYS, 24 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Brokaw; Cleveland; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget;

Frey; Gates; Goetz; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kent; Kloubec; Klundt; Knudson; Koland; Kretschmar; Lang; Larson; Linderman; Lindgren; Lloyd; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Oban; O'Connell; Olson, V.; O'Shea; Payne; Pederson, R.; Retzer; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schneider; Shaw; Shide; Shockman; Skjerven; Solberg, R.; Starke; Strinden; Timm; Tollefson; Ulmer; Vander Vorst; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Acting Speaker Conmy

NAYS: Belter; Berg, R.; Olsen, D.; Olson, A.; Schmidt;

ABSENT AND NOT VOTING: Berg, G.; Gerntholz; Graba; Gullickson; Gunsch; Hanson, O.; Kelly; Kingsbury; Kuchera; Laughlin; Lautenschlager; Lipsiea; Nowatzki; Opedahl; Peterson, J.; Rice; Smette; Solberg, O.; Stofferahn; Thompson; Unhjem; Wald; Wold; Speaker Hausauer, R.

HB 1145 passed and the title was agreed to.

HB 1202: A BILL for an Act to create and enact a new section to chapter 60-02 of the North Dakota Century Code, relating to a lien in favor of receipt holders of a public grain warehouseman; and to amend and reenact sections 60-02-01, 60-02-07, 60-02-09, 60-02-09.1, 60-02-10.1, 60-02-11, 60-02-19.1, 60-02-23, 60-02-25, 60-02-37, 60-02-40, and 60-02-41 of the North Dakota Century Code, relating to the licensing, bonding, and operation of public grain warehouses.

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, 2 NAYS, 24 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, R.; Brokaw; Cleveland; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Goetz; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kent; Kloubec; Klundt; Knudson; Koland; Kretschmar; Lang; Larson; Linderman; Lindgren; Lloyd; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Pederson, R.; Retzer; Richard; Riehl; Riley;

Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw;
 Shide; Skjerven; Solberg, R.; Starke; Strinden; Timm;
 Tollefson; Vander Vorst; Watne; Wentz; Whalen;
 Williams, A.; Williams, C.; Williams, W.; Winkelman;
 Acting Speaker Conmy

NAYS: Shockman; Ulmer

ABSENT AND NOT VOTING: Berg, G.; Gerntholz; Graba;
 Gullickson; Gunsch; Hanson, O.; Kelly; Kingsbury;
 Kuchera; Laughlin; Lautenschlager; Lipsiea; Nowatzki;
 Opedahl; Peterson, J.; Rice; Smette; Solberg, O.;
 Stofferahn; Thompson; Unhjem; Wald; Wold;
 Speaker Hausauer, R.

HB 1202 passed and the title was agreed to.

HB 1244: A BILL for an Act to amend and reenact sections 40-27-06, 40-27-11, and 40-27-13 of the North Dakota Century Code, relating to refunding special assessment warrants or bonds.

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 74 YEAS, 7 NAYS, 25 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, R.;
 Brokaw; Cleveland; Dalrymple; DeMers; Dorso; Dotzenrod;
 Eckroth; Enget; Frey; Gates; Goetz; Halmrast; Hamerlik;
 Hanson, L.; Haugland; Hausauer, A.; Hedstrom; Hill;
 Hughes; Kent; Kloubec; Klundt; Knudson; Koland;
 Kretschmar; Lang; Larson; Linderman; Lindgren; Lloyd;
 Martin; Martinson; Melby; Meyer; Moore; Murphy; Myrdal;
 Nalewaja; Nicholas; Olsen, D.; Olson, A.; Olson, V.;
 O'Shea; Payne; Pederson, R.; Retzer; Riehl; Riley;
 Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw;
 Shide; Shockman; Skjerven; Solberg, R.; Starke;
 Strinden; Timm; Tollefson; Ulmer; Vander Vorst; Watne;
 Wentz; Whalen; Williams, A.; Williams, C.;
 Acting Speaker Conmy

NAYS: Hoffner; Keller; Mertens; Oban; O'Connell; Richard;
 Williams, W.

ABSENT AND NOT VOTING: Berg, G.; Gerntholz; Graba;
 Gullickson; Gunsch; Hanson, O.; Kelly; Kingsbury;
 Kuchera; Laughlin; Lautenschlager; Lipsiea; Nowatzki;
 Opedahl; Peterson, J.; Rice; Smette; Solberg, O.;

Stofferahn; Thompson; Unhjem; Wald; Winkelman; Wold; Speaker Hausauer, R.

HB 1244 passed and the title was agreed to.

MOTION

REP. STRINDEN MOVED that HB 1299 be placed at the bottom of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1336: A BILL for an Act to amend and reenact section 39-03-02 of the North Dakota Century Code, relating to the appointment and removal of the state highway patrol superintendent.

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 1 YEA, 80 NAYS, 25 ABSENT AND NOT VOTING.

YEAS: Hamerlik

NAYS: Anderson, C.; Anderson, R.; Belter; Berg, R.; Brokaw; Cleveland; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Goetz; Halmrast; Hanson, L.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kent; Kloubec; Klundt; Knudson; Koland; Kretschmar; Lang; Larson; Linderman; Lindgren; Lloyd; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Pederson, R.; Retzer; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Solberg, R.; Starke; Strinden; Timm; Tollefson; Ulmer; Vander Vorst; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Acting Speaker Conmy

ABSENT AND NOT VOTING: Berg, G.; Gerntholz; Graba; Gullickson; Gunsch; Hanson, O.; Kelly; Kingsbury; Kuchera; Laughlin; Lautenschlager; Lipslea; Nowatzki; Opedahl; Peterson, J.; Rice; Smette; Solberg, O.; Stofferahn; Thompson; Unhjem; Wald; Winkelman; Wold; Speaker Hausauer, R.

HB 1336 was declared lost.

HB 1341: A BILL for an Act to create and enact a new subdivision to subsection 5 of section 27-20-02 of the North Dakota Century Code, relating to the definition of "deprived child"; and to amend and reenact subdivision h of subsection 1 of section 27-20-06, subsection 1 of section 27-20-13, subdivision a of subsection 1 of section 27-20-15, section 27-20-16, subsections 1 and 2 of section 27-20-17, and subsection 1 of section 27-20-22 of the North Dakota Century Code, relating to juvenile courts and detention and shelter care children.

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, 0 NAYS, 26 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, R.; Brokaw; Cleveland; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Goetz; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kloubec; Klundt; Knudson; Koland; Kretschmar; Lang; Larson; Linderman; Lindgren; Lloyd; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Pederson, R.; Retzer; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Solberg, R.; Starke; Strinden; Timm; Tollefson; Ulmer; Vander Vorst; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Acting Speaker Conmy

NAYS: None

ABSENT AND NOT VOTING: Berg, G.; Gerntholz; Graba; Gullickson; Gunsch; Hanson, O.; Kelly; Kent; Kingsbury; Kuchera; Laughlin; Lautenschlager; Lipsiea; Nowatzki; Opedahl; Peterson, J.; Rice; Smette; Solberg, O.; Stofferahn; Thompson; Unhjem; Wald; Winkelman; Wold; Speaker Hausauer, R.

HB 1341 passed and the title was agreed to.

MOTION

REP. STRINDEN MOVED that HB 1344 and HB 1347 be placed at the bottom of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1370: A BILL for an Act to amend and reenact sections 12-44.1-09 and 12-44.1-10 of the North Dakota Century Code,

relating to housing of and restrictions on inmates of jails; and to repeal subsection 4 of section 12-44.1-08 and section 32-22-39 of the North Dakota Century Code, relating to employment of additional jailers for federal prisoners and to liability of jailers for failing to provide to a prisoner a copy of the commitment order.

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 79 YEAS, 1 NAY, 26 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, R.; Brokaw; Cleveland; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Goetz; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kent; Kloubec; Klundt; Koland; Kretschmar; Lang; Larson; Linderman; Lindgren; Lloyd; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Pederson, R.; Retzer; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Shaw; Shide; Shockman; Skjerven; Solberg, R.; Starke; Strinden; Timm; Tollefson; Ulmer; Vander Vorst; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Acting Speaker Conmy

NAYS: Schneider

ABSENT AND NOT VOTING: Berg, G.; Gerntholz; Graba; Gullickson; Gunsch; Hanson, O.; Kelly; Kingsbury; Knudson; Kuchera; Laughlin; Lautenschlager; Lipsiea; Nowatzki; Opedahl; Peterson, J.; Rice; Smette; Solberg, O.; Stofferahn; Thompson; Unhjem; Wald; Winkelman; Wold; Speaker Hausauer, R.

HB 1370 passed and the title was agreed to.

HB 1386: A BILL for an Act to authorize the state board of higher education to transfer approximately 3.29 acres of land to the city of Dickinson, North Dakota.

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 10 YEAS, 69 NAYS, 27 ABSENT AND NOT VOTING.

YEAS: Cleveland; Goetz; Hamerlik; Hedstrom; Kent; Martin; O'Connell; O'Shea; Pederson, R.; Vander Vorst

NAYS: Anderson, C.; Anderson, R.; Belter; Berg, R.; Brokaw; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Halmrast; Hanson, L.; Haugland; Hausauer, A.; Hill; Hoffner; Hughes; Keller; Kloubec; Klundt; Koland; Kretschmar; Lang; Larson; Linderman; Lindgren; Lloyd; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Oban; Olsen, D.; Olson, V.; Payne; Retzer; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Solberg, R.; Starke; Strinden; Timm; Tollefson; Ulmer; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Acting Speaker Conmy

ABSENT AND NOT VOTING: Berg, G.; Gerntholz; Graba; Gullickson; Gunsch; Hanson, O.; Kelly; Kingsbury; Knudson; Kuchera; Laughlin; Lautenschlager; Lipsiea; Nowatzki; Olson, A.; Opedahl; Peterson, J.; Rice; Smette; Solberg, O.; Stofferahn; Thompson; Unhjem; Wald; Winkelman; Wold; Speaker Hausauer, R.

HB 1386 was declared lost.

HB 1399: A BILL for an Act to amend and reenact sections 38-08.1-06 and 38-08.1-06.1 of the North Dakota Century Code, relating to the plugging of drill holes for subsurface mineral exploration; 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 80 YEAS, 0 NAYS, 26 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, R.; Brokaw; Cleveland; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Goetz; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kent; Kloubec; Klundt; Koland; Kretschmar; Lang; Larson; Linderman; Lindgren; Lloyd; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne;

Federson, R.; Retzer; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Solberg, R.; Starke; Strinden; Timm; Tollefson; Ulmer; Vander Vorst; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Acting Speaker Conmy

NAYS: None

ABSENT AND NOT VOTING: Berg, G.; Gerntholz; Graba; Gullickson; Gunsch; Hanson, O.; Kelly; Kingsbury; Knudson; Kuchera; Laughlin; Lautenschlager; Lipsiea; Nowatzki; Opedahl; Peterson, J.; Rice; Smette; Solberg, O.; Stofferahn; Thompson; Unhjem; Wald; Winkelman; Wold; Speaker Hausauer, R.

HB 1399 passed and the title was agreed to.

HB 1426: A BILL for an Act to limit liability for gratuitous health care provided amateur athletes.

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, 0 NAYS, 26 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, R.; Brokaw; Cleveland; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Goetz; Halmrast; Hamerlik; Hanson, L.; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kent; Kloubec; Klundt; Knudson; Koland; Kretschmar; Lang; Larson; Linderman; Lindgren; Lloyd; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Pederson, R.; Retzer; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Solberg, R.; Starke; Strinden; Timm; Tollefson; Ulmer; Vander Vorst; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Acting Speaker Conmy

NAYS: None

ABSENT AND NOT VOTING: Berg, G.; Gerntholz; Graba; Gullickson; Gunsch; Hanson, O.; Haugland; Kelly; Kingsbury; Kuchera; Laughlin; Lautenschlager; Lipsiea; Nowatzki; Opedahl; Peterson, J.; Rice; Smette; Solberg, O.; Stofferahn; Thompson; Unhjem; Wald; Winkelman; Wold; Speaker Hausauer, R.

HB 1426 passed and the title was agreed to.

HB 1439: A BILL for an Act to create and enact a new subsection to section 38-08-08 of the North Dakota Century Code, relating to the imposition of a risk penalty against a nonparticipating lessee in the pooling of fractional tracts of oil and gas interests in a drilling unit.

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 44 YEAS, 37 NAYS, 25 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Belter; Berg, R.; Brokaw; Cleveland; Dalrymple; Dotzenrod; Eckroth; Gates; Goetz; Haugland; Hughes; Keller; Koland; Kretschmar; Lang; Larson; Lindgren; Meyer; Murphy; Myrdal; Nalewaja; Nicholas; O'Connell; Olsen, D.; Olson, A.; Pederson, R.; Retzer; Riehl; Riley; Schindler; Schmidt; Shaw; Shide; Shockman; Solberg, R.; Strinden; Timm; Tollefson; Vander Vorst; Wentz; Williams, A.; Williams, C.; Acting Speaker Conmy

NAYS: Anderson, R.; DeMers; Dorso; Enget; Frey; Halmrast; Hamerlik; Hanson, L.; Hausauer, A.; Hedstrom; Hill; Hoffner; Kent; Kloubec; Klundt; Knudson; Linderman; Lloyd; Martin; Martinson; Melby; Mertens; Moore; Oban; Olson, V.; O'Shea; Payne; Richard; Rydell; Sauter; Schneider; Skjerven; Starke; Ulmer; Watne; Whalen; Williams, W.

ABSENT AND NOT VOTING: Berg, G.; Gerntholz; Graba; Gullickson; Gunsch; Hanson, O.; Kelly; Kingsbury; Kuchera; Laughlin; Lautenschlager; Lipsiea; Nowatzki; Opedahl; Peterson, J.; Rice; Smette; Solberg, O.; Stofferahn; Thompson; Unhjem; Wald; Winkelman; Wold; Speaker Hausauer, R.

HB 1439 was declared lost for want of a Constitutional majority.

MOTIONS

REP. STRINDEN MOVED that HB 1465 be laid over one legislative day, which motion prevailed.

REP. STRINDEN MOVED that HB 1578 be placed at the bottom of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1444: A BILL for an Act to amend and reenact section 28-22-17 of the North Dakota Century Code, relating to allowable bankruptcy exemptions.

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 56 YEAS, 24 NAYS, 26 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Berg, R.; Cleveland; Dotzenrod; Eckroth; Enget; Frey; Gates; Goetz; Halmrast; Hamerlik; Hanson, L.; Haugland; Hedstrom; Hughes; Keller; Kloubec; Klundt; Knudson; Koland; Lang; Larson; Linderman; Lindgren; Lloyd; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Olsen, D.; Olson, A.; Olson, V.; Pederson, R.; Retzer; Riehl; Riley; Sauter; Schmidt; Shaw; Shide; Starke; Tollefson; Ulmer; Vander Vorst; Wentz; Williams, A.; Williams, C.; Williams, W.; Acting Speaker Conmy

NAYS: Belter; Brokaw; Dalrymple; DeMers; Dorso; Hausauer, A.; Hill; Hoffner; Kent; Kretschmar; Oban; O'Connell; O'Shea; Payne; Richard; Rydell; Schindler; Schneider; Shockman; Skjerven; Solberg, R.; Timm; Watne; Whalen

ABSENT AND NOT VOTING: Berg, G.; Gertholz; Graba; Gullickson; Gunsch; Hanson, O.; Kelly; Kingsbury; Kuchera; Laughlin; Lautenschlager; Lipsiea; Nowatzki; Opedahl; Peterson, J.; Rice; Smette; Solberg, O.; Stofferahn; Strinden; Thompson; Unhjem; Wald; Winkelman; Wold; Speaker Hausauer, R.

HB 1444 passed and the title was agreed to.

HB 1473: A BILL for an Act to create and enact a new subsection to section 53-06.1-01 and a new section to chapter 53-06.1 of the North Dakota Century Code, relating to the conduct of certain games of chance using electronic video equipment; to amend and reenact subsection 1 of section 53-04-01 and section 53-06.1-07 of the North Dakota Century Code, relating to the definition of amusement games and authority to conduct games of chance using electronic video equipment; and to provide an effective date and expiration date.

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 28 YEAS, 52 NAYS, 26 ABSENT AND NOT VOTING.

YEAS: Anderson, R.; Dalrymple; DeMers; Dorso; Dotzenrod; Gates; Halmrast; Hanson, L.; Kloubec; Koland; Kretschmar; Melby; Meyer; Nalewaja; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Payne; Riehl; Riley; Sauter; Schneider; Skjerven; Timm; Ulmer; Whalen

NAYS: Anderson, C.; Belter; Berg, R.; Brokaw; Cleveland; Eckroth; Enget; Frey; Goetz; Hamerlik; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kent; Klundt; Knudson; Lang; Larson; Linderman; Lindgren; Lloyd; Martin; Martinson; Mertens; Moore; Murphy; Myrdal; O'Shea; Pederson, R.; Retzer; Richard; Rydell; Schindler; Schmidt; Shaw; Shide; Shockman; Solberg, R.; Starke; Strinden; Tollefson; Vander Vorst; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Acting Speaker Conmy

ABSENT AND NOT VOTING: Berg, G.; Gerntholz; Graba; Gullickson; Gunsch; Hanson, O.; Kelly; Kingsbury; Kuchera; Laughlin; Lautenschlager; Lipsiea; Nicholas; Nowatzki; Opedahl; Peterson, J.; Rice; Smette; Solberg, O.; Stofferahn; Thompson; Unhjem; Wald; Winkelman; Wold; Speaker Hausauer, R.

HB 1473 was declared lost.

MOTION

REP. KRETSCHMAR MOVED that HB 1503, HB 1505, and HB 1511 be placed at the bottom of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1508: A BILL for an Act to amend and reenact section 20.1-03-17 of the North Dakota Century Code, relating to the issuance of hunting and fishing licenses.

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 3 YEAS, 75 NAYS, 28 ABSENT AND NOT VOTING.

YEAS: Olson, V.; Riehl; Whalen

NAYS: Anderson, C.; Anderson, R.; Belter; Berg, R.; Brokaw; Cleveland; Dalrymple; DeMers; Dorso; Dotzenrod;

Eckroth; Enget; Frey; Gates; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kent; Kloubec; Klundt; Knudson; Koland; Kretschmar; Lang; Larson; Linderman; Lindgren; Lloyd; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Oban; O'Connell; Olsen, D.; Olson, A.; O'Shea; Payne; Pederson, R.; Retzer; Richard; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Solberg, R.; Starke; Timm; Tollefson; Ulmer; Vander Vorst; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Acting Speaker Conmy

ABSENT AND NOT VOTING: Berg, G.; Gerntholz; Goetz; Graba; Gullickson; Gunsch; Hanson, O.; Kelly; Kingsbury; Kuchera; Laughlin; Lautenschlager; Lipsiea; Nicholas; Nowatzki; Opedahl; Peterson, J.; Rice; Smette; Solberg, O.; Stofferahn; Strinden; Thompson; Unhjem; Wald; Winkelman; Wold; Speaker Hausauer, R.

HB 1508 was declared lost.

HB 1538: A BILL for an Act to amend and reenact subsection 2 of section 19-18-03 of the North Dakota Century Code, relating to economic poisons; 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 79 YEAS, 0 NAYS, 27 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, R.; Brokaw; Cleveland; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Goetz; Halmrast; Hamerlik; Hanson, L.; Haugland; Hedstrom; Hill; Hoffner; Hughes; Keller; Kent; Kloubec; Klundt; Knudson; Koland; Kretschmar; Lang; Larson; Linderman; Lindgren; Lloyd; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Pederson, R.; Retzer; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Solberg, R.; Starke; Timm; Tollefson; Ulmer; Vander Vorst; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Acting Speaker Conmy

NAYS: None

ABSENT AND NOT VOTING: Berg, G.; Gerntholz; Graba; Gullickson; Gunsch; Hanson, O.; Hausauer, A.; Kelly; Kingsbury; Kuchera; Laughlin; Lautenschlager; Lipsiea; Nowatzki; Opedahl; Peterson, J.; Rice; Smette; Solberg, O.; Stofferahn; Strinden; Thompson; Unhjem; Wald; Winkelman; Wold; Speaker Hausauer, R.

HB 1538 passed, the title was agreed to, and the emergency clause was declared carried.

MOTION

REP. KRETSCHMAR MOVED that HB 1539 and HB 1567 be placed at the bottom of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1547: A BILL for an Act to amend and reenact section 10-06-01 of the North Dakota Century Code, relating to disposal of agricultural land and mineral interests by certain corporations.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 71 YEAS, 5 NAYS, 30 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, R.; Brokaw; Cleveland; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Goetz; Halmrast; Hamerlik; Hanson, L.; Haugland; Hedstrom; Hill; Hoffner; Hughes; Keller; Kent; Kloubec; Klundt; Knudson; Koland; Kretschmar; Lang; Larson; Linderman; Lindgren; Lloyd; Martin; Martinson; Melby; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Pederson, R.; Retzer; Richard; Riehl; Rydell; Sauter; Schindler; Schmidt; Shaw; Shide; Shockman; Skjerven; Solberg, R.; Starke; Tollefson; Ulmer; Vander Vorst; Wentz; Whalen; Williams, A.; Williams, W.

NAYS: Hausauer, A.; O'Connell; Riley; Watne; Acting Speaker Conmy

ABSENT AND NOT VOTING: Berg, G.; Gerntholz; Graba; Gullickson; Gunsch; Hanson, O.; Kelly; Kingsbury; Kuchera; Laughlin; Lautenschlager; Lipsiea; Mertens; Nowatzki; Opedahl; Peterson, J.; Rice; Schneider; Smette; Solberg, O.; Stofferahn; Strinden; Thompson; Timm; Unhjem; Wald; Williams, C.; Winkelman; Wold; Speaker Hausauer, R.

HB 1547 passed and the title was agreed to.

HB 1555: A BILL for an Act to create and enact a new section to chapter 23-06 of the North Dakota Century Code, relating to the authority of counties concerning endangered gravesites; 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 75 YEAS, 2 NAYS, 29 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, R.; Brokaw; Cleveland; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Goetz; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hedstrom; Hill; Hughes; Keller; Kent; Kloubec; Klundt; Knudson; Koland; Kretschmar; Lang; Larson; Linderman; Lindgren; Lloyd; Martinson; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Pederson, R.; Retzer; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Solberg, R.; Starke; Timm; Tollefson; Ulmer; Vander Vorst; Watne; Wentz; Whalen; Williams, A.; Williams, W.; Acting Speaker Conmy

NAYS: Hoffner; O'Connell

ABSENT AND NOT VOTING: Berg, G.; Gerntholz; Graba; Gullickson; Gunsch; Hanson, O.; Kelly; Kingsbury; Kuchera; Laughlin; Lautenschlager; Lipsiea; Martin; Melby; Nowatzki; Opedahl; Peterson, J.; Rice; Smette; Solberg, O.; Stofferahn; Strinden; Thompson; Unhjem; Wald; Williams, C.; Winkelman; Wold; Speaker Hausauer, R.

HB 1555 passed, the title was agreed to, and the emergency clause was declared carried.

RECOGNITION

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

SECOND READING OF HOUSE BILL

HB 1569: A BILL for an Act to create and enact a new section to chapter 38-16 of the North Dakota Century Code, relating to the reclamation of lands affected by certain gravel and sand surface mining operations; 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 75 YEAS, 5 NAYS, 26 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, R.; Brokaw; Cleveland; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Goetz; Halmrast; Hamerlik; Hanson, L.; Haugland; Hedstrom; Hill; Hoffner; Hughes; Keller; Kent; Kloubec; Klundt; Knudson; Kretschmar; Lang; Larson; Linderman; Lindgren; Lloyd; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Oban; Olsen, D.; Olson, V.; O'Shea; Payne; Pederson, R.; Retzer; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjervan; Solberg, R.; Starke; Strinden; Tollefson; Ulmer; Vander Vorst; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Acting Speaker Conmy

NAYS: Hausauer, A.; Koland; O'Connell; Olson, A.; Timm

ABSENT AND NOT VOTING: Berg, G.; Gerntholz; Graba; Gullickson; Gunsch; Hanson, O.; Kelly; Kingsbury; Kuchera; Laughlin; Lautenschlager; Lipsiea; Martin; Nowatzki; Opedahl; Peterson, J.; Rice; Smette; Solberg, O.; Stofferahn; Thompson; Unhjem; Wald; Winkelman; Wold; Speaker Hausauer, R.

HB 1569 passed and the title was agreed to.

MOTION

REP. STRINDEN MOVED that HB 1575 be placed at the bottom of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1576: A BILL for an Act to amend and reenact sections 39-03-08.1, 39-03-08.2, and 54-44.4-05 of the North Dakota Century Code, relating to public bids for state purchasing contracts.

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 2 YEAS, 74 NAYS, 30 ABSENT AND NOT VOTING.

YEAS: Brokaw; Hoffner

NAYS: Anderson, C.; Anderson, R.; Belter; Berg, R.; Cleveland; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Goetz; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hedstrom; Hill; Hughes; Keller; Kent; Kloubec; Klundt; Knudson; Koland; Kretschmar; Larson; Linderman; Lindgren; Lloyd; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Oban; O'Connell; Olson, A.; Olson, V.; O'Shea; Payne; Pederson, R.; Retzer; Richard; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Solberg, R.; Starke; Timm; Tollefson; Ulmer; Vander Vorst; Watne; Whalen; Williams, A.; Williams, C.; Williams, W.; Acting Speaker Conny

ABSENT AND NOT VOTING: Berg, G.; Gerntholz; Graba; Gullickson; Cunsch; Hanson, O.; Kelly; Kingsbury; Kuchera; Lang; Laughlin; Lautenschlager; Lipsiea; Nowatzki; Olsen, D.; Opedahl; Peterson, J.; Rice; Riehl; Smette; Solberg, O.; Stofferahn; Strinden; Thompson; Unhjem; Wald; Wentz; Winkelman; Wold; Speaker Hausauer, R.

HB 1576 was declared lost.

MOTION

REP. KRETSCHMAR MOVED that HB 1639 and all bills that follow it and HCR 3057 be moved to the head of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1639: A BILL for an Act to provide a statement of legislative intent relating to wetlands; to provide for a conditional property tax exemption for wetlands, for payment to counties by the state of the amount of tax exempted, and an authorization for receipt of funds; to amend and reenact sections 61-16.1-41, 61-31-01, and 61-31-10 of the North Dakota Century Code, relating to drainage permits, declaration of legislative intent concerning wetlands, and receipt of funds for the waterbank program; to provide a standing and continuing appropriation; 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 71 YEAS, 7 NAYS, 28 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, R.; Brokaw; Cleveland; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Goetz; Hamerlik; Hausauer, A.; Hedstrom; Hill; Hughes; Keller; Kent; Kloubec; Klundt; Knudson; Koland; Kretschmar; Larson; Linderman; Lindgren; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Pederson, R.; Retzer; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Solberg, R.; Starke; Timm; Tollefson; Vander Vorst; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Acting Speaker Conmy

NAYS: Halmrast; Hanson, L.; Hoffner; Lloyd; Oban; O'Connell; Ulmer

ABSENT AND NOT VOTING: Berg, G.; Gerntholz; Graba; Gullickson; Gunsch; Hanson, O.; Haugland; Kelly; Kingsbury; Kuchera; Lang; Laughlin; Lautenschlager; Lipsiea; Nowatzki; Opedahl; Peterson, J.; Rice; Smette; Solberg, O.; Stofferahn; Strinden; Thompson; Unhjem; Wald; Winkelman; Wold; Speaker Hausauer, R.

HB 1639 passed and the title was agreed to.

HB 1642: A BILL for an Act to amend and reenact subsection 6 of section 27-20-07 of the North Dakota Century Code, relating to the findings and recommendations of juvenile court referees.

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 1 YEA, 79 NAYS, 26 ABSENT AND NOT VOTING.

YEAS: Vander Vorst

NAYS: Anderson, C.; Anderson, R.; Belter; Berg, R.; Brokaw; Cleveland; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Goetz; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kent; Kloubec; Klundt; Knudson; Koland; Kretschmar; Lang; Larson; Linderman;

Lindgren; Lloyd; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Pederson, R.; Retzer; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Solberg, R.; Strinden; Timm; Tollefson; Ulmer; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Acting Speaker Conmy

ABSENT AND NOT VOTING: Berg, G.; Gerntholz; Graba; Gullickson; Gunsch; Hanson, O.; Kelly; Kingsbury; Kuchera; Laughlin; Lautenschlager; Lipsiea; Nowatzki; Opedahl; Peterson, J.; Rice; Smette; Solberg, O.; Starke; Stofferahn; Thompson; Unhjem; Wald; Winkelman; Wold; Speaker Hausauer, R.

HB 1642 was declared lost.

HB 1647: A BILL for an Act to amend and reenact section 6-09-10 of the North Dakota Century Code, relating to requirement of federal deposit insurance corporation insurance for Bank of North Dakota deposits.

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 11 YEAS, 68 NAYS, 27 ABSENT AND NOT VOTING.

YEAS: Hamerlik; Hausauer, A.; Hughes; Kloubec; Koland; Moore; Nalewaja; Olson, A.; Payne; Riley; Timm

NAYS: Anderson, C.; Anderson, R.; Belter; Berg, R.; Brokaw; Cleveland; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Halmrast; Hanson, L.; Haugland; Hedstrom; Hill; Hoffner; Keller; Kent; Klundt; Knudson; Kretschmar; Lang; Larson; Linderman; Lindgren; Lloyd; Martin; Martinson; Melby; Meyer; Murphy; Myrdal; Nicholas; Oban; O'Connell; Olsen, D.; Olson, V.; O'Shea; Pederson, R.; Retzer; Richard; Riehl; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Solberg, R.; Starke; Strinden; Tollefson; Ulmer; Vander Vorst; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Acting Speaker Conmy

ABSENT AND NOT VOTING: Berg, G.; Gerntholz; Goetz; Graba; Gullickson; Gunsch; Hanson, O.; Kelly; Kingsbury; Kuchera; Laughlin; Lautenschlager; Lipsiea; Mertens; Nowatzki; Opedahl; Peterson, J.; Rice; Smette;

Solberg, O.; Stofferahn; Thompson; Unhjem; Wald; Winkelman; Wold; Speaker Hausauer, R.

HB 1647 was declared lost.

HB 1650: A BILL for an Act to create and enact a new subsection to section 40-05-01 of the North Dakota Century Code, relating to the power of cities to accept certain moneys and to fund arts programs.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 78 YEAS, 0 NAYS, 28 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, R.; Brokaw; Cleveland; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Goetz; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kent; Kloubec; Klundt; Knudson; Koland; Kretschmar; Lang; Larson; Linderman; Lindgren; Lloyd; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Pederson, R.; Retzer; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Solberg, R.; Starke; Strinden; Timm; Tollefson; Ulmer; Vander Vorst; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Acting Speaker Conmy

NAYS: None

ABSENT AND NOT VOTING: Berg, G.; Gerntholz; Graba; Gullickson; Gunsch; Hanson, O.; Kelly; Kingsbury; Kuchera; Laughlin; Lautenschlager; Lipsiea; Nicholas; Nowatzki; Opedahl; Peterson, J.; Rice; Richard; Skjerven; Smette; Solberg, O.; Stofferahn; Thompson; Unhjem; Wald; Winkelman; Wold; Speaker Hausauer, R.

HB 1650 passed and the title was agreed to.

MOTIONS

REP. KRETSCHMAR MOVED that HCR 3057 be placed on the Consent Calendar, which motion prevailed.

REP. STRINDEN MOVED that the House stand at recess until 5:00 p.m., which motion prevailed.

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

MOTION

REP. STRINDEN MOVED that HB 1539 be placed at the head of the calendar, which motion prevailed.

COMMUNICATION

State of North Dakota
EXECUTIVE OFFICE
Bismarck

February 18, 1985

The Honorable Roy Hausauer
Speaker of the House
House Chambers
State Capitol
Bismarck, North Dakota 58505

Dear Mr. Speaker:

This is to inform you that on February 15, 1985, I signed the following:

HB 1214, HB 1248.

On February 18, 1985, I signed the following:

HB 1219.

Sincerely,

GEORGE A. SINNER
Governor

MOTION

REP. KRETSCHMAR MOVED that HB 1575 be placed immediately behind HB 1585 on the calendar, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1539: A BILL for an Act to amend and reenact section 12.1-23-08 of the North Dakota Century Code, relating to defrauding secured creditors and theft of secured property.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 66 YEAS, 37 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Berg, R.; Dorso;
Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz;

Goetz; Gunsch; Hamerlik; Hanson, L.; Hanson, O.;
 Haugland; Hedstrom; Hill; Hoffner; Hughes; Keller;
 Kent; Kingsbury; Kloubec; Knudson; Koland; Lang;
 Larson; Laughlin; Linderman; Lindgren; Lloyd; Melby;
 Moore; Murphy; Nalewaja; Nicholas; Oban; Olsen, D.;
 Olson, A.; Olson, V.; O'Shea; Payne; Pederson, R.;
 Retzer; Rice; Richard; Riley; Shaw; Shide; Skjerven;
 Smette; Solberg, R.; Starke; Strinden; Thompson; Timm;
 Tollefson; Unhjem; Vander Vorst; Wald; Wentz; Whalen;
 Williams, A.; Williams, C.; Williams, W.

NAYS: Belter; Brokaw; Cleveland; Dalrymple; DeMers;
 Graba; Halmrast; Hausauer, A.; Kelly; Klundt;
 Kretschmar; Kuchera; Lautenschlager; Lipsiea; Martin;
 Martinson; Mertens; Meyer; Myrdal; Nowatzki; O'Connell;
 Opedahl; Peterson, J.; Riehl; Rydell; Sauter;
 Schindler; Schmidt; Schneider; Shockman; Solberg, O.;
 Stofferahn; Ulmer; Watne; Winkelman; Wold;
 Acting Speaker Conmy

ABSENT AND NOT VOTING: Berg, G.; Gullickson;
 Speaker Hausauer, R.

HB 1539 passed and the title was agreed to.

HB 1585: A BILL for an Act to amend and reenact section
 12.1-23-08 of the North Dakota Century Code, relating to
 defrauding secured creditors.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was
 called and there were 82 YEAS, 19 NAYS, 5 ABSENT AND NOT VOTING.

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

NAYS: Dorso; Enget; Gates; Gunsch; Hanson, O.; Haugland; Kloubec; Linderman; Lindgren; Lipsiea; Lloyd; Melby; Pederson, R.; Solberg, R.; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.

ABSENT AND NOT VOTING: Berg, G.; Gullickson; Olson, A.; Unhjem; Speaker Hausauer, R.

HB 1585 passed and the title was agreed to.

HB 1575: A BILL for an Act to place Bismarck junior college under the jurisdiction of the university of North Dakota; and to amend and reenact section 15-10-01 of the North Dakota Century Code, relating to institutions administered by the state board of higher education.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 43 YEAS, 61 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, R.; Cleveland; Dalrymple; Gates; Halmrast; Hamerlik; Hanson, O.; Hausauer, A.; Hedstrom; Hughes; Kent; Kingsbury; Kloubec; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Lindgren; Lipsiea; Martin; Martinson; Melby; Moore; Nicholas; Olson, A.; Peterson, J.; Riley; Schindler; Schmidt; Shide; Smette; Strinden; Timm; Tollefson; Unhjem; Wentz; Whalen; Acting Speaker Conmy

NAYS: Berg, G.; Brokaw; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gertholz; Goetz; Graba; Gunsch; Hanson, L.; Haugland; Hill; Hoffner; Keller; Kelly; Klundt; Laughlin; Lautenschlager; Linderman; Lloyd; Mertens; Meyer; Murphy; Myrdal; Nalewaja; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Retzer; Rice; Richard; Riehl; Rydell; Sauter; Schneider; Shaw; Shockman; Skjerven; Solberg, O.; Solberg, R.; Starke; Stofferahn; Thompson; Ulmer; Vander Vorst; Wald; Watne; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold

ABSENT AND NOT VOTING: Gullickson; Speaker Hausauer, R.

HB 1575 was declared lost.

RECOGNITION

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

MOTION

REP. WOLD MOVED that the House reconsider its action whereby HB 1546 was lost.

REQUEST

REP. D. OLSEN REQUESTED a recorded roll call vote on the motion to reconsider the action whereby HB 1546 was lost, which request was granted.

ROLL CALL

The question being on the motion to reconsider the action whereby HB 1546 was lost, the roll was called and there were 58 YEAS, 42 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Belter; Berg, R.; Brokaw; Cleveland; Dalrymple; DeMers; Eckroth; Enget; Frey; Gates; Gerntholz; Graba; Halmrast; Hanson, L.; Haugland; Hedstrom; Hill; Hoffner; Keller; Knudson; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Martin; Moore; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Payne; Pederson, R.; Peterson, J.; Retzer; Richard; Sauter; Schneider; Shaw; Shide; Smette; Solberg, R.; Stofferahn; Ulmer; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Wold; Acting Speaker Conmy

NAYS: Anderson, C.; Anderson, R.; Berg, G.; Dorso; Dotzenrod; Goetz; Gunsch; Hamerlik; Hanson, O.; Hausauer, A.; Hughes; Kelly; Kent; Kingsbury; Kloubec; Klundt; Koland; Kretschmar; Lipsiea; Melby; Mertens; Meyer; Murphy; Myrdal; Opedahl; O'Shea; Rice; Riehl; Riley; Schmidt; Shockman; Skjerven; Solberg, O.; Starke; Thompson; Timm; Tollefson; Unhjem; Vander Vorst; Wald; Whalen; Winkelman

ABSENT AND NOT VOTING: Gullickson; Martinson; Rydell; Schindler; Strinden; Speaker Hausauer, R.

So the motion to reconsider the action whereby HB 1546 was lost prevailed.

SECOND READING OF HOUSE BILL

HB 1546: A BILL for an Act to create and enact a new section to chapter 50-25.1 of the North Dakota Century Code, relating to department of human services caseload standards and reimbursement to counties.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 57 YEAS, 46 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Belter; Berg, R.; Brokaw; Cleveland; Dalrymple; DeMers; Eckroth; Enget; Frey; Gates; Gerntholz; Graba; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Keller; Knudson; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Martin; Martinson; Moore; Nalewaja; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, V.; O'Shea; Payne; Peterson, J.; Retzer; Richard; Rydell; Sauter; Schneider; Shaw; Shide; Solberg, R.; Stofferahn; Ulmer; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Wold; Acting Speaker Conmy

NAYS: Anderson, C.; Anderson, R.; Berg, G.; Dorso; Dotzenrod; Goetz; Gunsch; Hanson, O.; Hughes; Kelly; Kent; Kingsbury; Kloubec; Klundt; Koland; Kretschmar; Kuchera; Lang; Lipsiea; Melby; Mertens; Meyer; Murphy; Myrdal; Nicholas; Olson, A.; Opedahl; Pederson, R.; Rice; Riehl; Riley; Schindler; Schmidt; Shockman; Skjerven; Smette; Solberg, O.; Starke; Thompson; Timm; Tollefson; Unhjem; Vander Vorst; Wald; Whalen; Winkelman

ABSENT AND NOT VOTING: Gullickson; Strinden;
Speaker Hausauer, R.

HB 1546 passed and the title was agreed to.

MOTION

REP. STOFFERAHN MOVED that the House reconsider the action whereby HB 1560 failed to pass for want of a Constitutional majority.

REQUEST

REP. STOFFERAHN REQUESTED a recorded roll call vote on the motion to reconsider the action whereby HB 1560 failed to pass for want of a Constitutional majority, which request was granted.

ROLL CALL

The question being on the motion to reconsider the action whereby HB 1560 failed to pass for want of a Constitutional majority, the roll was called and there were 70 YEAS, 33 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Brokaw; Dalrymple; Dotzenrod; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Kelly; Kent; Kingsbury; Klundt; Kuchera; Lang;

Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lipsiea; Lloyd; Martin; Martinson; Mertens; Meyer; Murphy; Myrdal; Nowatzki; Oban; O'Connell; Olson, A.; Olson, V.; Opedahl; O'Shea; Peterson, J.; Retzer; Richard; Riehl; Rydell; Sauter; Schindler; Shaw; Shockman; Skjerven; Smette; Solberg, O.; Starke; Stofferahn; Thompson; Timm; Ulmer; Watne; Whalen; Williams, A.; Williams, C.; Williams, W.

NAYS: Berg, R.; Cleveland; DeMers; Dorso; Eckroth; Enget; Hamerlik; Keller; Kloubec; Koland; Kretschmar; Melby; Moore; Nalewaja; Nicholas; Olsen, D.; Payne; Pederson, R.; Rice; Riley; Schmidt; Schneider; Shide; Solberg, R.; Strinden; Tollefson; Unhjem; Vander Vorst; Wald; Wentz; Winkelman; Wold; Acting Speaker Conny

ABSENT AND NOT VOTING: Gullickson; Knudson; Speaker Hausauer, R.

So the motion to reconsider the action whereby HB 1560 failed to pass for want of a Constitutional majority prevailed.

SECOND READING OF HOUSE BILLS

HB 1560: A BILL for an Act to create and enact a new chapter to title 35 of the North Dakota Century Code, relating to agricultural commodity dealer liens; and to amend and reenact section 11-18-14 of the North Dakota Century Code, relating to crop lien records.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 71 YEAS, 32 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Brokaw; Dalrymple; DeMers; Dotzenrod; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Kent; Kingsbury; Klundt; Knudson; Kuchera; Lang; Laughlin; Lautenschlager; Linderman; Lindgren; Lipsiea; Martin; Martinson; Mertens; Meyer; Murphy; Myrdal; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Opedahl; O'Shea; Peterson, J.; Retzer; Richard; Riehl; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shockman; Skjerven; Smette; Solberg, O.; Starke; Stofferahn; Thompson; Timm; Ulmer; Watne; Whalen; Williams, A.; Williams, C.; Williams, W.

NAYS: Berg, R.; Cleveland; Dorso; Eckroth; Enget; Hamerlik; Keller; Kelly; Kloubec; Koland; Kretschmar; Larson; Lloyd; Melby; Moore; Nalewaja; Nicholas; Olson, V.; Payne; Pederson, R.; Rice; Riley; Shide;

Solberg, R.; Strinden; Tollefson; Unhjem; Vander Vorst;
Wentz; Winkelman; Wold; Acting Speaker Conmy

ABSENT AND NOT VOTING: Gullickson; Wald;
Speaker Hausauer, R.

HB 1560 passed and the title was agreed to.

HB 1623: A BILL for an Act to amend and reenact subsection 13 of section 20.1-02-05 of the North Dakota Century Code, relating to the issuance of resident deer hunting licenses for members of the United States armed forces.

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, 24 NAYS, 10 ABSENT AND NOT VOTING.

YEAS: Anderson, R.; Berg, G.; Brokaw; DeMers; Dorso; Dotzenrod; Eckroth; Frey; Gates; Halmrast; Hanson, L.; Hanson, O.; Haugland; Hedstrom; Hill; Hughes; Kelly; Kent; Kloubec; Klundt; Knudson; Kuchera; Lang; Larson; Lautenschlager; Linderman; Lindgren; Lloyd; Martin; Martinson; Melby; Mertens; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki; O'Connell; Olsen, D.; Olson, A.; Opedahl; O'Shea; Payne; Pederson, R.; Peterson, J.; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schneider; Shaw; Shide; Shockman; Skjerven; Solberg, R.; Starke; Stofferahn; Ulmer; Unhjem; Vander Vorst; Wald; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Acting Speaker Conmy

NAYS: Anderson, C.; Belter; Berg, R.; Cleveland; Dalrymple; Enget; Hamerlik; Hausauer, A.; Hoffner; Keller; Koland; Kretschmar; Lipsiea; Meyer; Oban; Olson, V.; Retzer; Schmidt; Strinden; Thompson; Timm; Tollefson; Watne; Wentz

ABSENT AND NOT VOTING: Gerntholz; Goetz; Graba;
Gullickson; Gunsch; Kingsbury; Laughlin; Smette;
Solberg, O.; Speaker Hausauer, R.

HB 1623 passed and the title was agreed to.

MOTIONS

REP. STRINDEN MOVED that HB 1080, HB 1299, HB 1578, and HB 1630 be laid over one legislative day, which motion prevailed.

REP. STRINDEN MOVED that HB 1089 be laid over one legislative day, which motion prevailed.

REP. KRETSCHMAR MOVED that the House reconsider its action whereby HB 1543 failed to pass for want of a Constitutional majority, which motion lost on a verification vote.

SECOND READING OF HOUSE BILLS

HB 1344: A BILL for an Act to amend and reenact section 57-02-08.3 of the North Dakota Century Code, to eliminate the homestead credit for special assessments and retain the lien for the homestead credit for special assessments allowed prior to the effective date of this Act; and to provide a contingent 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 0 YEAS, 101 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: None

NAYS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; 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; Laughlin; 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.; Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Acting Speaker Conmy

ABSENT AND NOT VOTING: Gullickson; Gunsch; Peterson, J.; Solberg, O.; Speaker Hausauer, R.

HB 1344 was declared lost.

HB 1347: A BILL for an Act to create and enact a new subdivision to subsection 1 of section 57-38-01.2 of the North Dakota

Century Code, relating to adjustments to taxable income for education tuition, textbook, and other expenses.

Which has been read.

MOTION

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

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 71 YEAS, 30 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Berg, G.; Berg, R.; Brokaw; Dorso; Dotzenrod; Eckroth; Goetz; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Koland; Kretschmar; Kuchera; Lang; Larson; Lindgren; Lipsiea; Lloyd; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Retzer; Rice; Riehl; Riley; Rydell; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Starke; Stofferahn; Timm; Ulmer; Unhjem; Vander Vorst; Wald; Watne; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Acting Speaker Conmy

NAYS: Belter; Cleveland; Dalrymple; DeMers; Enget; Frey; Gates; Gerntholz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Kingsbury; Kloubec; Klundt; Laughlin; Lautenschlager; Linderman; Moore; Oban; O'Connell; Richard; Sauter; Solberg, O.; Solberg, R.; Strinden; Thompson; Tollefson; Wentz

ABSENT AND NOT VOTING: Gullickson; Knudson; Meyer; Peterson, J.; Speaker Hausauer, R.

HB 1347 passed and the title was agreed to.

MOTIONS

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

REP. STRINDEN MOVED that the House be on the Fifth order of business, and at the conclusion of the Fifth order, the House be on the Ninth order of business, and at the conclusion of the Ninth order, the House be on the Thirteenth order of business, and at the conclusion of the Thirteenth order, the House stand adjourned until 10:00 a.m., Thursday, February 21, 1985, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER: Your Committee on Appropriations to which was rereferred HB 1307 has had the same under consideration and recommends by a vote of 23 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. J. PETERSON, Chairman

HB 1307 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Finance and Taxation to which was referred HB 1327 has had the same under consideration and recommends by a vote of 11 YEAS, 6 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, line 3, delete the words "and confectionary products"

On page 1, line 4, after the word "beverages" insert the words "; and to provide a statement of legislative intent"

On page 1, line 17, overstrike the third word "and"

On page 1, line 18, overstrike the words "confectionary products", remove the overstrike over the first comma, and delete the first word "and"

On page 1, line 24, delete the words "and confectionary products"

On page 2, line 11, overstrike the third word "and"

On page 2, line 12, overstrike the word "confectionary products", remove the overstrike over the first comma, and delete the first word "and"

On page 2, after line 21, insert the following section:

"SECTION 3. INTENT. It is the intention of the legislative assembly that the increased revenues generated by this Act to the state general fund are deemed the first moneys withdrawn for purposes of parks and recreation department leadership and facilities grants through the appropriation provided in House Bill No. 1267, as approved by the forty-ninth legislative assembly."

And renumber the lines and pages accordingly

REP. A. HAUSAUER, Chairman

HB 1327 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 HB 1328 has had the same under consideration and recommends by a vote of 14 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING

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

On page 2, line 34, after the period, insert the following new sentence: "The royalty owner's share of the first fifty barrels, or any lesser amount, of the average daily production of oil that is produced during each calendar day from any well that is owned by a royalty owner or owners is exempt from the tax imposed by this section."

On page 8, line 29, delete the word "five" and insert in lieu thereof the word "six"

On page 8, line 30, delete the word "three-fourths" and insert in lieu thereof the word "one-fourth"

On page 8, line 32, delete the word "five" and insert in lieu thereof the word "six"

On page 9, line 1, delete the word "four" and insert in lieu thereof the word "five"

On page 9, line 2, delete the word "one-fourth" and insert in lieu thereof the word "three-fourths"

On page 9, after line 3, insert the following:

5. From July 1, 1989, through June 30, 1990, five and one-half percent of the gross value at the well of the oil extracted.
6. From July 1, 1990 through June 30, 1991, five and one-fourth percent of the gross value at the well of the oil extracted.
7. From July 1, 1991, through June 30, 1992, five percent of the gross value at the well of the oil extracted.
8. From July 1, 1992, through June 30, 1993, four and three-fourths percent of the gross value at the well of the oil extracted.
9. From July 1, 1993, through June 30, 1994, four and one-half percent of the gross value of the well of the oil extracted.
10. From July 1, 1994, through June 30, 1995, four and one-fourth percent of the gross value at the well of the oil extracted.
11. From July 1, 1995, through June 30, 1996, four percent of the gross value at the well of the oil extracted.

12. From July 1, 1996, through June 30, 1997, three and three-fourths percent of the gross value at the well of the oil extracted."

On page 9, line 14, remove the overstrike over the words "~~net otherwise exempt~~"

On page 9, line 15, remove the overstrike over the words "~~that is owned by a royalty owner or royalty~~"

On page 9, line 16, remove the overstrike over the words "~~owners in the first~~", after the overstruck word "~~hundred~~" insert the word "fifty", and remove the overstrike over the words "~~barrels, or any lesser~~"

On page 9, remove the overstrike over line 17

On page 9, line 18, remove the overstrike over the words "~~produced during each calendar day~~", and after the word "well" insert the following: ". "

4. The activity of extracting from the earth the oil from any well"

On page 9, line 27, delete the numerals "1989" and insert in lieu thereof the numerals "1997"

And renumber the lines and pages accordingly

REP. A. HAUSAUER, Chairman

HB 1328 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 HB 1356 has had the same under consideration and recommends by a vote of 23 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. J. PETERSON, Chairman

HB 1356 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor to which was referred HB 1372 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 4, after the first comma insert the words "the Bank of North Dakota,"

On page 1, line 21, after the word "state" insert the words "by the Bank of North Dakota, and"

On page 2, line 3, after the word "deposit" insert a comma

On page 2, line 4, after the word "and" insert the words "which are", and after the word "or" insert the words "under the Federal Credit Union Act, and whose accounts are insured by the"

On page 2, line 5, delete the word "having", delete the words "insurance of accounts", and after the comma insert the words "except that the requirement for insurance of accounts for the North Dakota central credit union may be waived under section 6-06-40,"

And renumber the lines and pages accordingly

REP. KLOUBEC, Chairman

HB 1372 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 HB 1398 has had the same under consideration and recommends by a vote of 8 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2, line 11, immediately after the word "judges" insert the words "in cities of over two thousand in population"

On page 6, line 22, overstrike the word "qualifications" and insert immediately thereafter the word "conduct"

And renumber the lines and pages accordingly

REP. CONMY, Chairman

HB 1398 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 HB 1416 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 1, after the word "amend" insert the words "and reenact"

On page 1, line 23, overstrike the words "on licensed premises as may be"

On page 2, line 3, delete the letter "A" and insert in lieu thereof the letter "B"

And renumber the lines and pages accordingly

REP. KLOUBEC, Chairman

HB 1416 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 HB 1430 has had the same under consideration and recommends by a vote of 11 YEAS, 1 NAY, 5 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, delete the words "establish a tree expert examining board; to" and insert in lieu thereof the word "certify"

On page 1, line 2, delete the words "license and regulate"

On page 1, line 7, after the word "the" insert the word "advisory", and delete the word "examining"

On page 1, line 8, after the numeral "2." insert the words "'Certificate" means a document issued by the state forester indicating that the holder of the certificate has met the requirements of this Act. 3.", delete the word "Commissioner" and insert in lieu thereof the words "State forester", and delete the words "commissioner of agriculture" and insert in lieu thereof the words "state forester designated under section 4-19-01"

On page 1, line 9, delete the numeral "3" and insert in lieu thereof the numeral "4", and delete the word "profit" and insert in lieu thereof the words "a fee"

On page 1, line 16, delete the word "Tree" and insert in lieu thereof the words "Advisory tree", and delete the word "examination"

On page 1, line 17, delete the words "There is established a" and insert in lieu thereof the words "The state forester may appoint an advisory", delete the word "examining", delete the period, and delete the words "The board is"

On page 1, line 18, delete the words "appointed by the commissioner"

On page 1, line 23, delete the words "an elected member of", after the word "state" insert the word and period "forester.", and delete the words "soil conservation"

On page 1, delete lines 24 through 28

On page 2, delete lines 1 through 3

- On page 2, line 4, delete the word "board" and insert in lieu thereof the words "state forester"
- On page 2, line 7, delete the word "License" and insert in lieu thereof the word "Certification"
- On page 2, line 8, after the word "expert" insert the words "after December 31, 1985,", delete the word "licensed" and insert in lieu thereof the word "certified", and delete the word "license" and insert in lieu thereof the word "certificate"
- On page 2, line 9, delete the word "commissioner" and insert in lieu thereof the words "state forester"
- On page 2, line 10, after the word "office" insert the words "or vehicle"
- On page 2, line 12, delete the word "licensable" and insert in lieu thereof the word "certifiable"
- On page 2, line 13, delete the word "license" and insert in lieu thereof the word "certificate"
- On page 2, line 14, delete the word "license" and insert in lieu thereof the word "certificate"
- On page 2, line 17, delete the word "licensed" and insert in lieu thereof the word "certified"
- On page 2, line 18, delete the word "License" and insert in lieu thereof the word "Certificate", and delete the word "license" and insert in lieu thereof the word "certificate"
- On page 2, line 19, delete the word "must" and insert in lieu thereof the word "may"
- On page 2, line 21, delete the word "twenty-one" and insert in lieu thereof the word "eighteen"
- On page 2, line 25, delete the word "licensed" and insert in lieu thereof the word "certified"
- On page 2, line 27, delete the word "licensed" and insert in lieu thereof the word "certified"
- On page 2, line 28, after the first period insert the word "Training -", and after the second period insert the following sentence: "The state forester with cooperation of the extension division of the North Dakota state university of agriculture and applied science shall provide training through workshops, home study kits, or both, for persons desiring to become tree experts."

- On page 2, line 29, delete the word "licensure" and insert in lieu thereof the word "certification"
- On page 2, line 30, delete the word "board" and insert in lieu thereof the words "state forester"
- On page 2, line 32, delete the words "ability to" and insert in lieu thereof the words "knowledge of"
- On page 2, line 33, delete the words "Identify common trees found in the region in the summer" and insert in lieu thereof the words "Tree trimming and removal;"
- On page 2, delete line 34
- On page 3, line 1, delete the words "Describe the normal, healthy form of the tree and its" and insert in lieu thereof the words "Tree fertilization;"
- On page 3, delete lines 2 and 3
- On page 3, line 4, delete the words "State the factors involved in maintaining the tree in good" and insert in lieu thereof the words "Insects, diseases, and their control; or"
- On page 3, delete lines 5 and 6
- On page 3, line 7, delete the words "Describe the function of various parts of a tree such as" and insert in lieu thereof the words "Any other areas deemed necessary by the state forester after consultation with the board."
- On page 3, delete lines 8 through 34
- On page 4, delete lines 1 and 2
- On page 4, line 4, delete the word "licensure" and insert in lieu thereof the word "certification"
- On page 4, line 7, delete the word "licensure" and insert in lieu thereof the word "certification"
- On page 4, delete lines 9 through 19
- On page 4, line 20, delete the word "licensure" and insert in lieu thereof the word "certification"
- On page 4, line 21, delete the word "commissioner" and insert in lieu thereof the words "state forester"
- On page 4, line 22, delete the words "commissioner, must be notarized" and insert in lieu thereof the words "state forester"

- On page 4, line 24, delete the word "commissioner" and insert in lieu thereof the words "state forester"
- On page 4, line 29, delete the word "licensed" and insert in lieu thereof the word "certified"
- On page 4, line 30, delete the word "License" and insert in lieu thereof the word "Certificate", delete the word "license" and insert in lieu thereof the word "certificate", and delete the word "one" and insert in lieu thereof the word "two"
- On page 4, line 31, delete the first word "year" and insert in lieu thereof the word "years", and after the word "for" insert the words "one year in addition to"
- On page 4, line 32, delete the word "licensure" and insert in lieu thereof the word "certification", delete the word "Licenses" and insert in lieu thereof the word "Certificates", and after the word "renewed" insert the words "by the end of the period for which they are valid"
- On page 4, line 34, delete the word "license" and insert in lieu thereof the word "certificate"
- On page 4, line 35, delete the word "licenses" and insert in lieu thereof the word "certificates"
- On page 5, line 1, delete the word "commissioner" and insert in lieu thereof the words "state forester", delete the words "commissioner, must be" and insert in lieu thereof the words "state forester"
- On page 5, line 2, delete the word "notarized"
- On page 5, line 3, delete the word "commissioner" and insert in lieu thereof the words "state forester"
- On page 5, line 5, delete the word "license" and insert in lieu thereof the word "certificate"
- On page 5, line 7, delete the first word "license" and insert in lieu thereof the word "certificate", and delete the second word "license" and insert in lieu thereof the word "certificate"
- On page 5, line 9, delete the word "license" and insert in lieu thereof the word "certificate"
- On page 5, line 10, delete the word "license" and insert in lieu thereof the word "certificate"
- On page 5, line 11, delete the word "Licensing" and insert in lieu thereof the word "Certification", delete the word "board" and insert in lieu thereof the words "state

forester", and delete the words "the following" and insert in lieu thereof the words "fair and reasonable fees to be used to cover certification and recertification expenses."

On page 5, delete lines 12 through 35

On page 6, delete lines 1 through 5

On page 6, line 6, delete the word "license" and insert in lieu thereof the word "certificate"

On page 6, line 9, delete the word "license" and insert in lieu thereof the word "certificate"

On page 6, line 13, delete the word "license" and insert in lieu thereof the word "certificate"

On page 6, line 17, delete the words "commissioner through the"

And renumber the lines, sections, and pages accordingly

REP. NICHOLAS, Chairman

HB 1430 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 HB 1463 has had the same under consideration and recommends by a vote of 20 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. J. PETERSON, Chairman

HB 1463 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations to which was referred HB 1477 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 NOT PASS.

REP. J. PETERSON, Chairman

HB 1477 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government to which was referred HB 1523 has had the same under consideration and recommends by a vote of 8 YEAS, 5 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 2, after the word "approval" insert the words "prior to construction"

On page 1, line 3, delete the word "certain" and insert in lieu thereof the word "hydroelectric", and delete the words

"originating outside this state" and insert in lieu thereof the words "which transmit hydroelectric power produced outside the United States"

- On page 1, line 8, delete the word "certain" and insert in lieu thereof the word "hydroelectric"
- On page 1, line 10, after the word "any" insert the word "hydroelectric", and delete the words "originate and terminate outside" and insert in lieu thereof the words "transmits hydroelectric power produced outside the United States"
- On page 1, line 11, delete the words "this state", and after the second word "state" insert a comma
- On page 1, line 13, after the word "a" insert the word "hydroelectric"
- On page 1, line 14, delete the words "originates and terminates outside this state" and insert in lieu thereof the words "transmits hydroelectric power produced outside the United States"

And renumber the lines and pages accordingly

REP. MARTINSON, Chairman

HB 1523 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 HB 1525 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

HB 1525 was placed on the Eleventh 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 HB 1542 has had the same under consideration and recommends by a vote of 15 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

- On page 3, line 34, delete the comma, delete the second word "a" and insert in lieu thereof the words "the state", and delete the word "pursuant"
- On page 3, delete line 35
- On page 4, delete lines 1 through 8 and insert in lieu thereof the words "protect and advocate the rights of persons with developmental disabilities; or"

And renumber the lines and pages accordingly

REP. HAUGLAND, Chairman

HB 1542 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 HB 1552 has had the same under consideration and recommends by a vote of 8 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

- On page 1, line 3, delete the word "recommendations" and insert in lieu thereof the word "duties"
- On page 1, line 4, delete the words "to the legislative assembly", and delete the words "appropriations for"
- On page 1, line 6, delete the words "subsection 1 of", and delete the numerals "57-62-02,"
- On page 1, line 7, delete the words and numerals "sections 57-62-04, 57-62-05, and"
- On page 1, line 9, delete the words "; and to provide an effective date"
- On page 1, delete lines 12 through 28
- Delete page 2
- On page 3, delete lines 1 through 4
- On page 3, line 8, delete the words "legislative assembly, at its organizational" and insert in lieu thereof the words "budget section of the legislative council each biennium"
- On page 3, line 9, delete the word "session," and delete the words "and recommendations for legislative" and insert in lieu thereof the words "on energy development impact office"
- On page 3, line 10, delete the words "appropriations for"
- On page 3, line 12, delete the word "following" and insert in lieu thereof the word "current", and delete the words "The report and"
- On page 3, delete lines 13 through 15
- On page 3, line 19, remove the overstrike over the words "~~te,~~
and"

On page 3, line 20, remove the overstrike over the words "~~distributed by, the energy development impact office~~"

On page 3, line 23, after the period insert the following sentence: "As used in this section, "basic governmental services" includes only necessary services or facilities relating to law enforcement, education, health, transportation, and water and sewer service."

On page 3, line 26, after the comma insert the words "housing, services or facilities whose primary purpose is recreational, local administrative or planning services,"

On page 3, delete lines 30 through 32

And renumber the lines, sections, and pages accordingly
 REP. MARTINSON, Chairman

HB 1552 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 HB 1563 has had the same under consideration and recommends by a vote of 9 YEAS, 7 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 1, after the word "Act" insert the words "to create and enact a new subsection to section 57-02-27 of the North Dakota Century Code, relating to assessment of property of oil refineries;"

On page 2, line 10, remove the overstrike over the words "~~and~~"

On page 2, line 12, after the word "sites" insert the words: "and not including machinery and equipment used or intended for use in any process of refining products from oil which is installed after December 31, 1984"

On page 2, after line 12, insert the following new section:

"SECTION 2. A new subsection to section 57-02-27 of the North Dakota Century Code is hereby created and enacted to read as follows:

All oil refinery property to be valued at nine percent of assessed value."

And renumber the lines, sections, and pages accordingly
 REP. A. HAUSAUER, Chairman

HB 1563 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 HB 1565 has had the same under consideration and recommends by a vote of 8 YEAS, 7 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

- On page 1, line 3, after the word "reenact" insert the words and numerals "section 65-05-09.1 and"
- On page 1, line 4, after the word "to" insert the words "the social security offset and to"
- On page 1, line 14, delete the word "and"
- On page 1, line 15, delete the words "shall then compute a new current minimum benefit"
- On page 1, line 22, delete the word "that" and insert in lieu thereof the word "the", and after the word "benefit" insert the words "determined under section 65-05-09 or 65-05-17"
- On page 1, line 23, after the word "assumptions" insert an underscored comma
- On page 1, line 24, delete the word "pay" and insert in lieu thereof the words "actuarially assure payment of", after the first word "benefit" insert the words "from year to year", and delete the word "current" and insert in lieu thereof the word "adjusted"
- On page 2, line 1, delete the word "pay" and insert in lieu thereof the words "actuarially assure payment of", and delete the word "current" and insert in lieu thereof the word "adjusted"
- On page 2, line 2, delete the word "current" and insert in lieu thereof the word "adjusted"
- On page 2, line 8, delete the word "The" and insert in lieu thereof the words "Neither the employers of this state nor the", and delete the word "not"
- On page 2, line 9, delete the word "current" and insert in lieu thereof the word "adjusted"
- On page 2, after line 9, insert the following new section:

"SECTION 3. AMENDMENT. Section 65-05-09.1 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

65-05-09.1. Social security offset. When an injured employee, spouse or dependent of an injured employee, is eligible for and is receiving permanent total or temporary

total disability benefits under section 65-05-09, and is also eligible for, is receiving, or will receive, benefits under Title II of the Social Security Act [42 U.S.C. 423], the aggregate benefits payable under section 65-05-09 shall be reduced, but not below zero, by an amount equal as nearly as practical to one-half of such federal benefit. The amount of the offset computed by the bureau initially will remain the same throughout the period of eligibility and will not be affected by an increase or decrease in federal benefits.

Any injured employee, or dependent of an injured employee receiving permanent total or temporary total disability benefits under section 65-05-09 and whose benefits are offset as provided herein, shall not be eligible for any escalation of benefits which would adversely affect the bureau's right to offset workmen's compensation benefits against social security benefits, as provided for in this chapter. This offset will become effective on January 1, 1980, provided that it meets the criteria necessary to allow states to offset federal benefits under Title II of the Social Security Act [42 U.S.C. 424a]."

And renumber the lines, sections, and pages accordingly
 REP. KLOUBEC, Chairman

HB 1565 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 HB 1568 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, line 2, delete the words "to provide for the appointment of members to the"

On page 1, line 3, delete the words "commission, and" and delete the words "the policies of"

On page 1, line 4, delete the word "organizations" and insert in lieu thereof the words ", and to require the commission to make recommendations"

On page 3, after line 13, insert the following subsections:

"9. The overall economic returns to the state that would be realized by expansion of charitable gambling, the allowance of higher limits on bets, or new types of gaming such as lotteries, calcuttas, and video gaming machines. The information must include an analysis of the

effects on gaming tax revenues as well as the direct benefits to charities as a substitute for state funding. The information must also include an analysis of the economic effect of varying levels of gaming tax and varying allowable expense limitations.

10. The relative efficiency of the two major types of gaming organizations for the purpose of determining a relative difference between the allowable expense limitations of each. The two types of gaming organizations referred to are those conducting gaming for their own benefits on the one hand, and those conducting gaming to distribute proceeds to other charitable uses, on the other hand.
11. Potential methods of streamlining the recordkeeping and reports required by current gaming regulations, and ways of reducing the liabilities of volunteer board members of charitable organizations."

And renumber the lines and pages accordingly

REP. CONMY, Chairman

HB 1568 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 HB 1579 has had the same under consideration and recommends by a vote of 10 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

On page 1, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to create and enact a new chapter to title 65, relating to disclosure requirements for employers manufacturing or using toxic or hazardous substances in a workplace, administration by the workmen's compensation bureau, state inspections, and rights of employees and the public; and to provide a penalty.

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

SECTION 1. A new chapter to title 65 of the North Dakota Century Code is hereby created and enacted to read as follows:

Definitions. Unless the context or subject matter otherwise requires:

1. "Chemical name" means the scientific designation of a substance in accordance with the nomenclature system developed by the international union of pure and applied chemistry or the chemical abstract service rules of nomenclature.
2. "Common name" means any designation or identification, such as trade name or number or code name or brand name, used by the employer to identify a substance other than by its chemical name.
3. "Container" means any receptacle, pipe, piping system, reaction vessel, storage tank, or formed or flexible covering for toxic or hazardous substances.
4. "Designated representative" means an employee's treating physician, upon written authorization by the employee, and the employee's collective bargaining agent certified or recognized by the employer, with or without the employee's authorization.
5. "Label" means written, printed, and graphic information displayed on or affixed to the container of a substance.
6. "Material safety data sheet" means that listing of information as required by this Act for toxic or hazardous substances appearing in workplaces.
7. "Store" means to deposit or place a substance for a period of forty-eight hours or more.
8. "Substance" means any element, entity, compound, combination, or any mixture thereof, whether organic or inorganic.
9. "Toxic or hazardous substance" means, except as otherwise provided in this Act, a chemical or substance, or mixture of chemicals and substances, which is:
 - a. Regulated by the federal occupational safety and health administration under 29 CFR 1910, subpart Z;
 - b. Either toxic or highly toxic, an irritant, corrosive, a strong oxidizer, a strong sensitizer, combustible, either flammable or extremely flammable, dangerously reactive, pyrophoric or pressure-generating, compressed

gas, carcinogen, teratogen, mutagen, reproductive toxic agent, or that otherwise, according to generally accepted documented medical or scientific evidence, may cause substantial acute or chronic personal injury or illness during or as a direct result of any customary or reasonably foreseeable accidental or intentional exposure to the chemical or substance;

- c. Determined by the bureau, as a part of the standard for the chemical or substance or mixture of chemicals and substances, to present a significant risk to worker health and safety or imminent danger of death or serious physical harm to an employee as a result of foreseeable use, handling, accidental spill, exposure, or contamination.

In determining whether a chemical or substance is toxic or hazardous, the bureau shall, if appropriate, apply the criteria contained in the American national standard institute's American national standard for the precautionary labeling of hazardous industrial chemicals, Z129.1-1982, or any later revision of that standard. In addition the bureau may consider the information contained in appendices which do not appear in the standard and any other available scientific evidence which substantially indicates a chemical or substance or mixture of chemicals and substances is hazardous.

10. "Trace quantity" means a quantity of a substance which constitutes less than one percent of the total substance or the total volume of the substance in question.
11. "Work area" means any room or defined space, whether within or outside of a building or other structure, where substances are used, manufactured, or stored, and includes areas where substances are handled, mixed, processed, packaged, repackaged, or transported and where employees or others are likely to be present.
12. "Workplace" means an establishment or business at one geographic location containing one or more work areas.

Labeling requirements.

1. An employer who manufactures, uses, or stores toxic or hazardous substances shall clearly label

every container of a toxic or hazardous substance which appears in the workplace of the manufacturer, user, or storer with the chemical name of the toxic or hazardous substance and the degree of hazard conveyed. Pipes and piping systems are required to be labeled under this section as to the toxic or hazardous substance carried within only if the pipes or the piping systems are exposed in the workplace.

2. Toxic or hazardous substances used in scientific experimentation or analysis, or chemical research, or product development are exempted from the labeling requirements of this Act, if:
 - a. Quantities used are not greater than reasonably necessary for such purposes;
 - b. Employees are adequately advised of the toxic or hazardous properties of the substances; and
 - c. Substances are used by or directly under the supervision of a properly trained individual assigned to conduct research or product development.
3. An employer is not required to label a container into which toxic or hazardous substances are transferred from labeled containers and which are only for the immediate use of the employee who performs the transfer.

Posting requirements. Every employer manufacturing, using, or storing a toxic or hazardous substance in the workplace shall post a sign in every work area, at the location or locations where notices to employees are normally posted, to inform employees that they or their collective bargaining agent or other designated representative has a right to information under this Act from their employer regarding the toxic or hazardous substances and any effects that may be produced as a result of exposure to those substances.

Material safety data sheets.

1. Every employer manufacturing, using, or storing a toxic or hazardous substance in a workplace shall compile a material safety data sheet for every toxic or hazardous substance which appears in its workplaces and must supply the bureau with copies of material safety data sheets compiled upon the request of the bureau. The material safety data sheet must contain the following information:

- a. The chemical name, trade name, common name, and any other commonly used name of the substance, except as provided in section 11;
 - b. The routes of exposure such as inhalation, ingestion, adsorption, or absorption;
 - c. The symptoms of and acute and chronic effects of exposure to the substance at hazardous levels;
 - d. The potential for flammability, explosion, and reactivity of the substance;
 - e. Appropriate emergency treatment in the event of exposure to hazardous levels;
 - f. Proper conditions for safe use and exposure to the substance, including the need for personal protective equipment;
 - g. Procedures for cleanup of leaks and spills of the substance including emergency procedures for fire and explosion;
 - h. Any known danger, hazard, or risk resulting from the use of the substance, whether by itself or in combination or mixture; or a statement that there are no known dangers, hazards, or risks based upon tests conducted by the manufacturer or research of the technical literature available for the toxic or hazardous substance;
 - i. The name, address, and current telephone number of the manufacturer; and
 - j. The location of the toxic or hazardous substance.
2. The employer shall ensure that copies of material safety data sheets for each toxic or hazardous substance are located at each workplace and are readily accessible to employees for examination during all hours of operation.
 3. The employer shall retain material safety data sheets required under subsection 1 for a period of at least one year after the toxic or hazardous substance was last used, manufactured, or stored in its workplace.
 4. The employer shall provide to the bureau on an annual basis a listing of all toxic or hazardous

substances used or stored in the employer's workplace. The employer shall provide to the bureau an update of the list of toxic or hazardous substances on a quarterly basis during each calendar year.

Employee information program. Each employer shall implement an employee education program designed to inform employees about the toxic and hazardous substances to which they are exposed. This information must include the nature of the hazards, appropriate work practices, protective measures, and emergency procedures.

Inspection and duties of the bureau.

1. The bureau may conduct inspections of workplaces where toxic or hazardous substances are used, manufactured, or stored.
2. The bureau may issue citations for any violations of this Act. The bureau may issue a stop order or orders to anyone not in compliance with this Act.
3. The bureau shall investigate any complaint which alleges that employees have been ordered to work with substances which are not labeled as required by this Act or for which material safety data sheets required by this Act are not accessible to employees.
4. The bureau shall adopt appropriate practices and procedures to protect information identified under this Act as trade secrets from improper use or dissemination beyond the purposes of this Act.
5. The bureau may, upon written application by the employer, authorize variances from the labeling provisions of this Act, which are not contrary to the public interest or the intent of this Act.

Local enforcement. The state's attorney or attorney general, may without bond or any undertaking, institute appropriate legal action which may be necessary for the enforcement of any order or orders issued pursuant to this Act or the abatement of any nuisance or hazard against which the order was directed, or a violation of this Act.

Employees' rights.

1. Employees and their designated representatives may request and the employer or employers shall provide, any information relating to toxic or

hazardous substances which the employer is required to maintain pursuant to this Act.

2. An employer shall not discharge, or cause to be discharged or otherwise discipline or in any manner discriminate against any employee or prospective employee for the reason or reasons that the person has exercised any right, complaint, or suit instituted under this Act, or has testified, or is about to testify in any proceeding in the person's own behalf or on the behalf of others; nor shall any remuneration, position, seniority, or other benefits be lost or denied to any employee who has exercised any right provided by this Act.
3. An employee representative has the right to accompany the bureau's inspection personnel and to participate in any inspection provided for by this Act.
4. Any employee or representative of employees who believes that a violation of this Act exists may request an inspection by giving written notice to the bureau of the violation. Upon the request of the person giving such notice, the identity of that person and that of employees referred to in the notice shall be confidential information and shall not be revealed or published by the bureau except for good cause upon court order.

Falsification of information - Penalty. Any employer or employee who fails to comply with this Act by knowingly and intentionally misrepresenting, falsifying, concealing, destroying, or failing to retain information necessary to comply with the provisions of this Act is guilty of a class A misdemeanor.

Trade secrets. This Act does not limit any rights, obligations, or remedies regarding trade secrets existing under applicable law, except as is necessary to achieve the objectives of this Act.

1. An employer may withhold the chemical name of a toxic or hazardous substance from the label required under this Act and the material safety data sheet required by this Act, if:
 - a. The employer can establish that the substance is a trade secret;
 - b. The toxic or hazardous substance is identified by a generic chemical classification that would provide sufficient

information upon which a health professional could render recommendations for adequate safeguards to prevent toxic or hazardous exposure to the substance;

- c. The material safety data sheet indicates which category of information is being withheld on trade secret grounds;
 - d. The material safety data sheet for the specific substance or substance in question is posted in the work area where the substance is used, manufactured, or stored; and
 - e. The withheld information is provided on a confidential basis to a treating physician who states that a patient's health problems may be related to exposure to a toxic or hazardous substance. A statement to this effect with the name and phone number of the person or persons authorized, during working hours, to disclose the withheld information shall be included on the material safety data sheet.
2. The bureau may disclose trade secret information as designated by an employer when such action is necessary to properly protect health, safety, or property in an emergency situation.

Role of department of health and state laboratories department.

The department of health and the state laboratories department shall:

1. Review and make recommendations to the bureau for modifications in the material safety data sheets required under this Act, relating to the health hazards of hazardous chemicals.
2. Provide technical assistance to employers and the bureau on establishing safety procedures to minimize the public environmental and occupational health hazards from the use of hazardous chemicals and provide aid and assistance to small employers, vendors, sellers, or dispensers in the preparation of material safety data sheets as required by this Act.
3. Upon request of the bureau examine information claimed to be a trade secret under this Act.

Waiver of rights invalid. Any waiver by an employee or applicant for employment of the benefits of this Act is against public policy and is void.

Remedies and complaint procedure for employees. Any employee who has been discharged, disciplined, or otherwise discriminated against by any employer in violation of this Act may, within one hundred eighty days after the violation occurs or one hundred eighty days after the employee first obtains knowledge that a violation has occurred, commence an action in any appropriate court of law alleging wrongful dismissal in violation of this Act. In addition to, but not in lieu of the above-described action, any employee may commence any action in any appropriate court of law to enforce any obligation, duty, or responsibility imposed upon the employee or the employee's employer under this Act.

Exemptions. This Act does not apply to substances that are consumer products and foodstuffs packaged for distribution to, and intended for use by, the general public. This includes any labeled product used or stored in a workplace in the same form, approximate volume or amount, concentration, and manner as it is sold to and used by the general public, provided it remains labeled in the workplace.

Interagency cooperation. The state fire marshal, the state department of health, the state laboratories department, and the commissioner of agriculture shall provide technical and other assistance to the bureau as necessary to effect the purposes of this Act.

Penalty. Any person who violates this Act for which another penalty is not elsewhere specifically provided is guilty of a class A misdemeanor. The bureau may penalize the state workmen's compensation premium rating of the employer guilty of a violation of this Act in an amount not exceeding ten percent during the year or years the violation continues."

And renumber the lines and pages accordingly

REP. KLOUBEC, Chairman

HB 1579 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 HB 1583 has had the same under consideration and recommends by a vote of 20 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. J. PETERSON, Chairman

HB 1583 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary to which was referred HB 1586 has had the same under consideration and recommends by a vote of 12 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 19, delete the words "The presiding judge, or the presiding judge's designee," and insert in lieu thereof the words "A district court judge"

On page 4, line 30, remove the overstrike over the words "Juvenile supervisors who", after the word "are" insert the word "were", and remove the overstrike over the words "servng as"

On page 4, line 31, remove the overstrike over the words "juvenile commissioners on"

On page 4, line 32, after the word "chapter" insert the words and numerals "July 1, 1969,", and remove the overstrike over the words "may perform the functions of a referee under"

On page 4, remove the overstrike over line 33

And renumber the lines and pages accordingly

REP. CONMY, Chairman

HB 1586 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 HB 1593 has had the same under consideration and recommends by a vote of 8 YEAS, 7 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 2, delete the words "and section 52-06-05"

On page 1, line 3, delete the word ", and"

On page 1, line 4, delete the words "benefit duration"

On page 2, line 4, remove the overstrike over the word "fifty-second", and delete the word "twenty-sixth"

On page 2, line 8, remove the overstrike over the word "quarters", and delete the word "quarter."

On page 3, delete lines 3 through 24

And renumber the lines and pages accordingly

REP. KLOUBEC, Chairman

HB 1593 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 HB 1599 has had the same under consideration and recommends by a vote of 23 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. J. PETERSON, Chairman

HB 1599 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor to which was referred HB 1607 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 3, after the word "institutions" insert the words "and to define the term "financial institution"

On page 1, line 9, delete the words "A bank may provide by contract for the privilege of"

On page 1, delete lines 10 through 17 and insert in lieu thereof the following: "A financial institution may provide by contract for the privilege of setting off deposits in the account of a depositor. The contract meets the consent requirement of section 6-03-67 if, at the time the contract is entered into, a written disclosure is made of the right of setoff and the effect of that right on the depositor's other accounts and the depositor has signed a separate document agreeing to those terms. The written disclosure required by this section must be conspicuous as defined under subsection 10 of section 41-01-11. The financial institution shall give immediate notice to the depositor when a setoff action is taken. "Financial institution" means any organization authorized to do business under state or federal laws relating to financial institutions, including the Bank of North Dakota, a bank, a savings bank, a trust company, a savings and loan association, or a credit union."

And renumber the lines accordingly

REP. KLOUBEC, Chairman

HB 1607 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 HB 1609 has had the same under consideration and recommends by a

vote of 12 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 8, overstrike the words "Permanent alimony" and insert immediately thereafter the word "Maintenance"

On page 1, line 10, overstrike the word "distribution" and insert immediately thereafter the word "apportionment"

On page 1, line 18, delete the word "distributing" and insert in lieu thereof the word "apportioning"

On page 1, line 19, after the period insert the following: "The court may protect and promote the best interests of a child by setting aside a portion of the jointly and separately held estates of the parties in a separate fund or trust for the support, maintenance, education, and general welfare of any minor, dependent, or incompetent child of the parties. In making any apportionment under this section, the court shall consider all of the following:

1. The duration of the marriage.
2. Any prior marriage of either party.
3. Any premarital agreement of the parties.
4. The age, health, station, occupation, amount and sources of income, vocational skills, employability, estate, liabilities, and needs of each of the parties.
5. Custodial provisions.
6. Whether the apportionment is in lieu of or in addition to maintenance.
7. The opportunity of each party for future acquisition of capital assets and income.
8. The contribution or dissipation of each party in the acquisition, preservation, depreciation, or appreciation in value of the respective estates.
9. The contribution of each spouse as a homemaker or to the family unit."

And renumber the lines and pages accordingly

REP. CONMY, Chairman

HB 1609 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 HB 1615 has had the same under consideration and recommends by a vote of 11 YEAS, 2 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 1, delete the word "indecent" and insert in lieu thereof the word "obscene"

On page 1, delete lines 12 through 20 and insert in lieu thereof the following new subsection:

"3. "Obscene material" means material or a performance as described in subsections 4 and 8 of section 12.1-27.1-01."

On page 1, line 25, delete the word "indecent" and insert in lieu thereof the word "obscene"

On page 2, delete lines 1 and 2 and insert in lieu thereof the words "cable television channel that exhibits programming which contains frequent and regular segments of obscene material."

And renumber the lines and pages accordingly

REP. CONMY, Chairman

HB 1615 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 HB 1633 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 NOT PASS.

REP. J. PETERSON, Chairman

HB 1633 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary to which was referred HB 1641 has had the same under consideration and recommends by a vote of 9 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

On page 1, line 13, delete the words "All charitable organizations" and insert in lieu thereof the following: "The following requirements apply:

- a. Each charitable organization that files a tax return to the attorney general's office shall establish a charitable gaming trust fund as a separate bank account. This account must receive the transfers from the special gaming

bank account established for each site. These transfers constitute the devoting of net proceeds.

b. The charitable organization shall make disbursements from the charitable gaming trust fund account only in accordance with this subsection. Disbursements for eligible uses are not subject to any time limitations.

c. The charitable organization may make transfers from the charitable gaming trust fund account to the charitable organization's general fund for capital costs, for expenses associated with gaming, and for eligible uses. Transfers to the general fund for capital costs may not exceed six hundred dollars per month.

d."

On page 1, delete lines 14 through 25

On page 1, line 26, delete the words "uses stated in section 53-06.1-01(6)."

And renumber the lines and pages accordingly

REP. CONMY, Chairman

HB 1641 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 2058 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. CONMY, Chairman

SB 2058 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 2081 has had the same under consideration and recommends by a vote of 12 YEAS, 1 MAY, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. CONMY, Chairman

SB 2081 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor to which was referred SB 2121 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

SB 2121 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor to which was referred SB 2122 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

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

MR. SPEAKER: Your Committee on Industry, Business and Labor to which was referred SB 2123 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

SB 2123 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor to which was referred SB 2124 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

SB 2124 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor to which was referred SB 2125 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

SB 2125 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 SB 2131 has had the same under consideration and recommends by a vote of 11 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

REP. MARTINSON, Chairman

SB 2131 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 SB 2151 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

REP. KNUDSON, Chairman

SB 2151 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 SB 2153 has had the same under consideration and recommends by a vote of 10 YEAS, 4 NAYS, 4 ABSENT AND NOT VOTING that the same DO PASS.

REP. KNUDSON, Chairman

SB 2153 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 SB 2155 has had the same under consideration and recommends by a vote of 12 YEAS, 0 NAYS, 6 ABSENT AND NOT VOTING that the same DO PASS.

REP. KNUDSON, Chairman

SB 2155 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 SB 2190 has had the same under consideration and recommends by a vote of 11 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING that the same DO PASS.

REP. MARTINSON, Chairman

SB 2190 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 SB 2199 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

REP. A. HAUSAUER, Chairman

SB 2199 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 SB 2206 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING that the same DO PASS.

REP. KNUDSON, Chairman

SB 2206 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 SB 2208 has had the same under consideration and recommends by a vote of 12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

REP. MARTINSON, Chairman

SB 2208 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 SB 2219 has had the same under consideration and recommends by a vote of 11 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING that the same DO PASS.

REP. MARTINSON, Chairman

SB 2219 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 SB 2220 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

REP. MARTINSON, Chairman

SB 2220 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 SB 2230 has had the same under consideration and recommends by a vote of 12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

REP. MARTINSON, Chairman

SB 2230 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 SB 2241 has had the same under consideration and recommends by a vote of 17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. A. HAUSAUER, Chairman

SB 2241 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 SB 2272 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING that the same DO PASS.

REP. KNUDSON, Chairman

SB 2272 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 SB 2280 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

REP. MARTINSON, Chairman

SB 2280 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

Rep. Unhjem introduced:

HCR 3077: A concurrent resolution directing the Legislative Council to study the ongoing implementation of the federal district court order concerning deinstitutionalization of developmentally disabled persons.

Was read the first time and referred to the Committee on Social Services and Veterans Affairs.

Rep. Wald introduced:

HCR 3078: A concurrent resolution directing the Legislative Council to study the regulation of property and casualty insurance plans created by local groups or associations.

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

FIRST READING OF SENATE BILLS

SB 2080: A BILL for an Act to create and enact a new section to chapter 49-09 and a new section to chapter 49-10.1 of the North Dakota Century Code, relating to eminent domain powers of railroads subject to public service commission jurisdiction and the duty of the public service commission to intervene in railroad line abandonment cases.

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

SB 2160: A BILL for an Act to amend and reenact subsection 16 of section 52-06-02 of the North Dakota Century Code, relating to reduction of unemployment compensation benefits due to receipt of pensions.

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

SB 2170: A BILL for an Act to amend and reenact sections 39-04-12 and 39-04-36 of the North Dakota Century Code, relating to transfer of number plates and transfer of motor vehicle registration.

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

SB 2300: A BILL for an Act to create and enact a new subsection to section 57-39.2-04 of the North Dakota Century Code, relating to the exemption of gas used for heating purposes from sales and use taxes; and to amend and reenact subsections 7, 8, and 9 of section 57-39.2-01, section

57-39.2-02.1, subsection 2 of section 57-39.2-18, and subdivision a of subsection 8 of section 57-40.2-01 of the North Dakota Century Code, relating to the rate of tax and the exemption of gas used for heating purposes from sales and use taxes.

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

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.

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

SB 2435: A BILL for an Act to amend and reenact section 28-22-03.1, subsection 3 of section 32-09.1-01, and section 32-09.1-09 of the North Dakota Century Code, relating to an exemption of social security benefits and veterans' pensions benefits from attachment, execution, and garnishment actions.

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

SB 2476: A BILL for an Act to amend and reenact section 15-28-09 of the North Dakota Century Code, relating to public school district elections.

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

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

ROY GILBREATH, Chief Clerk