

JOURNAL OF THE HOUSE

Forty-ninth Legislative Assembly

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THIRTY-THIRD DAY

Bismarck, February 21, 1985

The House convened at 10:00 a.m., with Acting Speaker Conmy presiding.

The prayer was offered by Pastor Jerry Schmidt, Twin City Bible Church, Bismarck, North Dakota.

ROLL CALL

The roll was called and all Representatives were present, except Representatives Gullickson, Halmrast, Hedstrom, Kent, Kuchera, Lipsiea, Martin, J. Peterson, Winkelman, Speaker 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-second Day and finds the same to be correct.

REP. KENT, Chairman

REP. MYRDAL 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 1069, HB 1078, HB 1218, HB 1271, HB 1392, HB 1425,
HB 1446, HB 1464, HB 1480, HB 1509, HB 1528, HB 1574,
HB 1588, HB 1616, HB 1631, HB 1635, HB 1638, HB 1646

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:

HCR 3046

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 they have examined the following bill and find the same correctly engrossed:

HCR 1627

REP. HEDSTROM, Chairman

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

MOTIONS

REP. STRINDEN MOVED that a portion of Joint Rule No. 203 pertaining to all bills and resolutions being sent to the other house be suspended, and the crossover date be designated as 5:00 p.m. on the thirty-fifth legislative day, excluding those measures excepted in the rule, which motion prevailed.

REP. STRINDEN MOVED that the rules be suspended, and that all bills on the Sixth order after adoption of the amendments, be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

REP. STRINDEN MOVED that the rules be suspended, and that all bills on the Sixth order after the rejection of the amendments be placed on the calendar for second reading and final passage, which motion prevailed.

REP. A. HAUSAUER MOVED that HB 1328 on the Sixth order be placed on the Sixth order immediately after the noon recess, which motion prevailed.

REPORT OF PROCEDURAL COMMITTEE

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

HB 1652, HB 1653

REP. STRINDEN, Chairman

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

SIXTH ORDER OF BUSINESS

REP. A. HAUSAUER MOVED that the amendments to HB 1327 as recommended by the Committee on Finance and Taxation as printed on page 1177 of the House Journal be adopted, and when so adopted, recommends that HB 1327 DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1327: A BILL for an Act to amend and reenact sections 57-39.2-04.1 and 57-40.2-04.1 of the North Dakota Century Code, to remove the sales and use tax exemption for candy, chewing gum, and carbonated beverages; and to provide a statement of legislative intent.

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 54 YEAS, 46 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Anderson, R.; Berg, G.; Berg, R.; Cleveland; DeMers; Enget; Frey; Gates; Gerntholz; Graba; Hanson, L.; Haugland; Hill; Hoffner; Keller; Kelly; Klundt; Knudson; Koland; Kuchera; Laughlin; Lautenschlager; Linderman; Lloyd; Martin; Meyer; Moore; Myrdal; Oban; Olson, V.; Opedahl; O'Shea; Payne; Richard; Riehl; Riley; Sauter; Schneider; Shide; Shockman; Skjerven; Solberg, O.; Solberg, R.; Starke; Stofferahn; Timm; Tollefson; Ulmer; Wentz; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold

NAYS: Anderson, C.; Eelter; Dalrymple; Dorso; Dotzenrod; Eckroth; Goetz; Gunsch; Halmrast; Hamerlik; Hanson, O.; Hausauer, A.; Hedstrom; Hughes; Kent; Kingsbury; Kloubec; Kretschmar; Lang; Larson; Lindgren; Lipsiea; Martinson; Melby; Mertens; Murphy; Nalewaja; Nicholas; Nowatzki; O'Connell; Olsen, D.; Olson, A.; Pederson, R.; Retzer; Rice; Rydell; Schindler; Schmidt; Shaw; Smette; Strinden; Thompson; Unhjem; Vander Vorst; Whalen; Acting Speaker Conmy

ABSENT AND NOT VOTING: Brokaw; Gullickson; Peterson, J.; Wald; Watne; Speaker Hausauer, R.

HB 1327 passed and the title was agreed to.

MOTION

REP. STRINDEN MOVED that HB 1563, HB 1565, HB 1579, and HB 1593 be removed from the Sixth order on the calendar now, and placed on the Sixth order of business on the calendar immediately after the noon recess, which motion prevailed.

SIXTH ORDER OF BUSINESS

REP. KLOUBEC MOVED that the amendments to HB 1372 as recommended by the Committee on Industry, Business and Labor as printed on pages 1179-1180 of the House Journal be adopted, and when so adopted, recommends that HB 1372 DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1372: A BILL for an Act to create and enact a new section to chapter 6-03, a new section to chapter 6-05, a new section to chapter 6-06, and a new section to chapter 7-02, relating to the sale of certificates of deposit by banking

institutions, the Bank of North Dakota, credit unions, and savings and loan associations; 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 97 YEAS, 0 NAYS, 9 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Cleveland; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; 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, O.; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Acting Speaker Conmy

NAYS: None

ABSENT AND NOT VOTING: Brokaw; Gullickson; Haugland; Peterson, J.; Wald; Watne; Wentz; Whalen; Speaker Hausauer, R.

HB 1372 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

REP. CONMY MOVED that the amendments to HB 1398 as recommended by the Committee on Judiciary as printed on page 1180 of the House Journal be adopted, and when so adopted, recommends that HB 1398 DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1398: A BILL for an Act to create and enact a new subsection to section 27-07.1-17 and section 40-18-15.1 of the North Dakota Century Code, relating to transfer of cases involving city ordinance violations from municipal court to county court when right to trial by jury is not waived; to amend and reenact sections 40-18-01, 40-18-03, 40-18-06, 40-18-14, 40-18-15, 40-18-19, 40-18-22, and 40-21-14 of the North Dakota Century Code, relating to qualifications of

municipal judges, municipal court procedure, and certification of election or appointment of municipal judge from city auditor to supreme court; and to repeal section 40-08-21 of the North Dakota Century Code, relating to authority of mayors to release imprisoned offenders from jail.

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 47 YEAS, 52 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Berg, G.; Berg, R.; Cleveland; DeMers; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Halmrast; Hamerlik; Hanson, L.; Haugland; Hoffner; Kelly; Kloubec; Koland; Kretschmar; Kuchera; Lautenschlager; Linderman; Lipsiea; Meyer; Moore; Nalewaja; Nicholas; Nowatzki; Oban; Pederson, R.; Riehl; Riley; Rydell; Sauter; Schneider; Shockman; Skjerven; Smette; Solberg, R.; Strinden; Timm; Tollefson; Unhjem; Williams, A.; Winkelman; Wold; Acting Speaker Conmy

NAYS: Anderson, C.; Anderson, R.; Belter; Brokaw; Dalrymple; Dorso; Goetz; Graba; Gunsch; Hanson, O.; Hausauer, A.; Hedstrom; Hill; Hughes; Keller; Kent; Kingsbury; Klundt; Knudson; Lang; Larson; Laughlin; Lindgren; Lloyd; Martin; Martinson; Melby; Murphy; Myrdal; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Retzer; Rice; Richard; Schindler; Schmidt; Shaw; Shide; Solberg, O.; Starke; Stofferahn; Thompson; Ulmer; Vander Vorst; Wald; Whalen; Williams, W.

ABSENT AND NOT VOTING: Gullickson; Mertens;
 Peterson, J.; Watne; Wentz; Williams, C.;
 Speaker Hausauer, R.

HB 1398 was declared lost.

SIXTH ORDER OF BUSINESS

REP. KLOUBEC MOVED that the amendments to HB 1416 as recommended by the Committee on Industry, Business and Labor as printed on pages 1180-1181 of the House Journal be adopted, and when so adopted, recommends that HB 1416 DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1416: A BILL for an Act to amend and reenact sections 5-02-01 and 5-02-01.1 of the North Dakota Century Code, relating to

special permits for retail liquor sales; 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 95 YEAS, 5 NAYS, 6 ABSENT AND NOT VOTING.

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

NAYS: Hamerlik; Hanson, O.; Olson, A.; Pederson, R.; Vander Vorst

ABSENT AND NOT VOTING: Gullickson; Mertens; Peterson, J.; Watne; Wentz; Speaker Hausauer, R.

HB 1416 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

REP. NICHOLAS MOVED that the amendments to HB 1430 as recommended by the Committee on Agriculture as printed on pages 1181-1185 of the House Journal be adopted, and when so adopted, recommends that HB 1430 DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1430: A BILL for an Act to certify, license and regulate tree experts; and to provide a penalty.

Which has been read.

MOTION

REP. DORSO 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 30 YEAS, 70 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Berg, G.; Dalrymple; DeMers; Eckroth; Enget; Frey; Halmrast; Haugland; Hoffner; Hughes; Keller; Lang; Laughlin; Martin; Martinson; Mertens; Nicholas; Oban; Olson, V.; Pederson, R.; Retzer; Riehl; Shaw; Shide; Solberg, R.; Starke; Vander Vorst; Watne; Whalen

NAYS: Anderson, R.; Belter; Berg, R.; Brokaw; Cleveland; Dorso; Dotzenrod; Gates; Gerntholz; Graba; Gunsch; Hamerlik; Hanson, L.; Hanson, O.; Hausauer, A.; Hedstrom; Hill; Kelly; Kent; Kingsbury; Kloubec; Klundt; Koland; Kretschmar; Kuchera; Larson; Lautenschlager; Linderman; Lindgren; Lipsiea; Lloyd; Melby; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nowatzki; O'Connell; Olsen, D.; Olson, A.; Opedahl; O'Shea; Payne; Rice; Richard; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shockman; Skjerven; Smette; Solberg, O.; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Wald; Wentz; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Acting Speaker Conny

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

HB 1430 was declared lost.

SIXTH ORDER OF BUSINESS

REP. MARTINSON MOVED that the amendments to HB 1523 as recommended by the Committee on State and Federal Government as printed on pages 1185-1186 of the House Journal be adopted, and when so adopted, recommends that HB 1523 DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1523: A BILL for an Act to create and enact a new section to chapter 49-22 of the North Dakota Century Code, relating to legislative approval prior to construction of hydroelectric transmission facilities which transmit hydroelectric power produced outside the United States.

Which has been read.

MOTION

REP. WALD 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 76 YEAS, 26 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Brokaw; Cleveland; Dalrymple; Dorso; Dotzenrod; Eckroth; Enget; Gates; Gerntholz; Goetz; Gunsch; Hamerlik; Haugland; Hausauer, A.; Hedstrom; Hughes; Kent; Kloubec; Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lindgren; Lipsiea; Martin; Martinson; Melby; Mertens; Moore; Myrdal; Nalewaja; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Olson, V.; Opedahl; Payne; Pederson, R.; Peterson, J.; Retzer; Rice; Richard; Riley; Rydell; Schindler; Schmidt; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, R.; Starke; Stofferahn; Strinden; Timm; Tollefson; Unhjem; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, C.; Winkelman; Wold; Acting Speaker Conmy

NAYS: Berg, R.; DeMers; Frey; Graba; Halmrast; Hanson, L.; Hanson, O.; Hill; Hoffner; Kelly; Lautenschlager; Linderman; Lloyd; Meyer; Murphy; Oban; O'Connell; O'Shea; Riehl; Sauter; Schneider; Solberg, O.; Thompson; Ulmer; Williams, A.; Williams, W.

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

HB 1523 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

REP. HAUGLAND MOVED that the amendments to HB 1542 as recommended by the Committee on Social Services and Veterans Affairs as printed on pages 1186-1187 of the House Journal be adopted, and when so adopted, recommends that HB 1542 DO PASS.

REQUEST

REP. D. OLSEN REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to HB 1542, which request was granted.

ROLL CALL

The question being on the motion to adopt the amendments to HB 1542, the roll was called and there were 30 YEAS, 72 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Berg, G.; Brokaw; Dalrymple; DeMers; Enget; Halmrast; Hanson, L.; Haugland; Hill; Hoffner; Keller; Kelly; Klundt; Linderman; Lloyd; Mertens; Meyer;

Nowatzki; Oban; Riehl; Sauter; Schneider; Shaw;
Solberg, R.; Starke; Stofferahn; Ulmer; Watne;
Williams, A.; Williams, C.

NAYS: Anderson, C.; Anderson, R.; Belter; Berg, R.;
Cleveland; Dorso; Dotzenrod; Eckroth; Frey; Gates;
Gerntholz; Goetz; Graba; Hamerlik; Hanson, O.;
Hausauer, A.; Hedstrom; Hughes; Kent; Kingsbury;
Kloubec; Knudson; Koland; Kretschmar; Kuchera; Lang;
Larson; Laughlin; Lautenschlager; Lindgren; Lipsiea;
Martin; Martinson; Melby; Moore; Murphy; Myrdal;
Nalewaja; O'Connell; Olsen, D.; Olson, A.; Olson, V.;
Opedahl; O'Shea; Payne; Pederson, R.; Peterson, J.;
Retzer; Rice; Richard; Riley; Rydell; Schindler;
Schmidt; Shide; Shockman; Skjerven; Smette;
Solberg, O.; Strinden; Thompson; Timm; Tollefson;
Unhjem; Vander Vorst; Wald; Wentz; Whalen;
Williams, W.; Winkelman; Wold; Acting Speaker Conmy

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

The motion to adopt the amendments to HB 1542 failed to pass.

SECOND READING OF HOUSE BILL

HB 1542: A BILL for an Act to amend and reenact sections
25-16-01, 25-16-02, 25-16-03, 25-16-03.1, 25-16-04,
25-16-06, 25-16-07, 25-16-08, 25-16-09, 25-16-10, and
25-16-12 of the North Dakota Century Code, relating to the
licensure, ownership, operation, and the confidentiality of
records of treatment and care centers for developmentally
disabled persons.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was
called and there were 84 YEAS, 19 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.;
Berg, R.; Cleveland; Dalrymple; Dorso; Dotzenrod;
Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba;
Gunsch; Hamerlik; Hanson, O.; Haugland; Hausauer, A.;
Hedstrom; Hughes; Keller; Kent; Kloubec; Klundt;
Knudson; Koland; Kretschmar; Kuchera; Lang; Larson;
Laughlin; Lautenschlager; Linderman; Lindgren; Lipsiea;
Martin; Martinson; Melby; Mertens; Moore; Murphy;
Myrdal; Nalewaja; Nowatzki; O'Connell; Olsen, D.;
Olson, A.; Olson, V.; Opedahl; O'Shea; Payne;
Pederson, R.; Peterson, J.; Retzer; Rice; Richard;
Riley; Rydell; Schindler; Schmidt; Shaw; Shide;
Shockman; Smette; Solberg, O.; Solberg, R.; Strinden;
Thompson; Timm; Tollefson; Unhjem; Vander Vorst; Wald;

Wentz; Whalen; Williams, A.; Williams, C.;
Williams, W.; Winkelman; Wold; Acting Speaker Conmy

NAYS: Brokaw; DeMers; Halmrast; Hanson, L.; Hill;
Hoffner; Kelly; Kingsbury; Lloyd; Meyer; Oban; Riehl;
Sauter; Schneider; Skjerven; Starke; Stofferahn; Ulmer;
Watne

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

HB 1542 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

REP. MARTINSON **MOVED** that the amendments to HB 1552 as recommended by the **Committee on State and Federal Government** as printed on pages 1187-1188 of the House Journal be adopted, and when so adopted, recommends that HB 1552 **DO NOT PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1552: A **BILL** for an Act to create and enact a new subsection to section 57-62-05 of the North Dakota Century Code, relating to duties of the director of the energy development impact office regarding grants to coal or oil and gas development impacted political subdivisions; and to amend and reenact section 57-62-06 of the North Dakota Century Code, relating to the coal and oil and gas development impact aid program.

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 65 **YEAS**, 34 **NAYS**, 7 **ABSENT AND NOT VOTING**.

YEAS: Belter; Berg, G.; Cleveland; Dalrymple; Dorso;
Dotzenrod; Eckroth; Gates; Gerntholz; Goetz; Graba;
Hamerlik; Haugland; Hausauer, A.; Hedstrom; Kent;
Kingsbury; Kloubec; Klundt; Kretschmar; Kuchera; Lang;
Larson; Laughlin; Lautenschlager; Lindgren; Lipsiea;
Martinson; Melby; Mertens; Meyer; Moore; Murphy;
Myrdal; Nalewaja; Nicholas; Nowatzki; Olsen, D.;
Olson, A.; Olson, V.; Payne; Pederson, R.; Retzer;
Richard; Riehl; Riley; Rydell; Schindler; Shide;
Shockman; Skjerven; Smette; Solberg, O.; Starke;
Strinden; Timm; Tollefson; Vander Vorst; Watne; Wentz;
Williams, A.; Williams, C.; Winkelman; Wold;
Acting Speaker Conmy

NAYS: Anderson, C.; Anderson, R.; Berg, R.; Brokaw; DeMers; Enget; Frey; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Hill; Hoffner; Hughes; Keller; Knudson; Koland; Linderman; Lloyd; Martin; Oban; O'Connell; O'Shea; Rice; Sauter; Schmidt; Shaw; Solberg, R.; Stofferahn; Thompson; Ulmer; Wald; Whalen; Williams, W.

ABSENT AND NOT VOTING: Gullickson; Kelly; Opedahl; Peterson, J.; Schneider; Unhjelm; Speaker Hausauer, R.

HB 1552 passed and the title was agreed to.

MESSAGE FROM THE SENATE
SENATE CHAMBER

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

SB 2002, SB 2010, SB 2012, SB 2015, SB 2016, SB 2017,
SB 2021, SB 2029, SB 2032, SB 2035, SB 2159, SB 2296,
SB 2389, SB 2411, SB 2443

LEO LEIDHOLM, Secretary

SIXTH ORDER OF BUSINESS

REP. CONMY MOVED that the amendments to HB 1568 as recommended by the Committee on Judiciary as printed on pages 1190-1191 of the House Journal be adopted, and when so adopted, recommends that HB 1568 DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1568: A BILL for an Act to establish a charitable gambling study commission, to provide for a study of charitable gambling, and to require the commission to make recommendations; to make an appropriation; and to provide an expiration date.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 56 YEAS, 44 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Anderson, R.; Belter; Brokaw; Cleveland; Dalrymple; DeMers; Dorso; Eckroth; Enget; Frey; Graba; Halmrast; Hanson, L.; Haugland; Hedstrom; Hoffner; Hughes; Keller; Knudson; Koland; Larson; Laughlin; Lautenschlager; Lindgren; Lloyd; Martin; Mertens; Murphy; Myrdal; Nowatzki; Olsen, D.; Olson, V.; O'Shea; Payne; Retzer; Riehl; Riley; Sauter; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Solberg, R.; Starke; Stofferahn; Timm; Tollefson;

Ulmer; Watne; Wentz; Williams, C.; Williams, W.; Wold;
Acting Speaker Conmy

NAYS: Anderson, C.; Berg, G.; Berg, R.; Dotzenrod; Gates;
Gerntholz; Goetz; Gunsch; Hamerlik; Hanson, O.;
Hausauer, A.; Hill; Kent; Kingsbury; Kloubec; Klundt;
Kretschmar; Kuchera; Lang; Linderman; Lipsiea;
Martinson; Melby; Meyer; Moore; Nalewaja; Nicholas;
Oban; O'Connell; Olson, A.; Pederson, R.; Rice;
Richard; Rydell; Schindler; Smette; Solberg, O.;
Strinden; Thompson; Vander Vorst; Wald; Whalen;
Williams, A.; Winkelman

ABSENT AND NOT VOTING: Gullickson; Kelly; Opedahl;
Peterson, J.; Unhjem; Speaker Hausauer, R.

HB 1568 passed and the title was agreed to.

MOTION

REP. STRINDEN MOVED that the House Rule 326, paragraph one, be suspended and that HB 1568 not be rereferred to the **Committee on Appropriations**, which motion prevailed.

SIXTH ORDER OF BUSINESS

REP. CONMY MOVED that the amendments to HB 1586 as recommended by the **Committee on Judiciary** as printed on page 1200 of the House Journal be adopted, and when so adopted, recommends that HB 1586 **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1586: A **BILL** for an Act to create and enact a new section to chapter 27-05 of the North Dakota Century Code, relating to the appointment of judicial referees; to amend and reenact subsection 2 of section 14-02.1-03.1, subsection 3 of section 27-20-05, and section 27-20-06 of the North Dakota Century Code, relating to juvenile court referees; and to repeal section 27-20-07 of the North Dakota Century Code, relating to juvenile court referees.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 94 YEAS, 0 NAYS, 12 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.;
Berg, R.; Brokaw; Cleveland; Dalrymple; DeMers; Dorso;
Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz;
Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.;
Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill;
Hoffner; Hughes; Keller; Kingsbury; Kloubec; Klundt;

Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Pederson, R.; Retzer; Rice; Richard; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden; Timm; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Acting Speaker Conmy

NAYS: None

ABSENT AND NOT VOTING: Gullickson; Kelly; Kent; Knudson; Lipsiea; Opedahl; Peterson, J.; Riehl; Thompson; Tollefson; Unhjem; Speaker Hausauer, R.

HB 1586 passed and the title was agreed to.

FIRST READING OF HOUSE BILLS

Rep. Strinden introduced:

(Approved by the Committee on Delayed Bills)

HB 1652: A BILL for an Act to amend and reenact subsection 3 of section 25-01.2-01, and sections 25-01.2-02 and 25-01.2-17 of the North Dakota Century Code, relating to rights of the developmentally disabled.

Was read the first time and referred to the **Committee on State and Federal Government**.

Rep. Unhjem introduced:

(Approved by the Committee on Delayed Bills)

HB 1655: A BILL for an Act to provide an appropriation for additional compensation to North Dakota state employees for the period beginning February 1, 1985, and ending June 30, 1985; providing for revisions to the North Dakota central personnel compensation plan; and declaring an emergency.

Was read the first time and referred to the **Committee on Appropriations**.

FIRST READING OF A HOUSE CONCURRENT RESOLUTION

Reps. Graba, DeMers, Sauter and Sen. Shea introduced:

HCR 3079: A concurrent resolution directing the Legislative Council to study the adequacy and appropriateness of the funding of transportation assistance programs for the elderly and handicapped in North Dakota.

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

MOTION

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

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

SIXTH ORDER OF BUSINESS

REP. KLOUBEC MOVED that the amendments to HB 1607 as recommended by the Committee on Industry, Business and Labor as printed on page 1201 of the House Journal be adopted, and when so adopted, recommends that HB 1607 DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1607: A BILL for an Act to create and enact a new section to chapter 41-04 of the North Dakota Century Code, relating to the privilege of setoff between accounts at financial institutions and to define the term "financial institution".

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; Knudson; Koland; Kretschmar; Lang; Larson; Linderman; Lindgren; Lloyd; Martin; 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; Kingsbury; Kuchera; Laughlin; Lautenschlager; Lipsiea; Martinson; Nowatzki; Opedahl; Peterson, J.; Rice; Smette; Solberg, O.; Stofferahn; Thompson; Unhjem; Wald; Winkelman; Wold; Speaker Hausauer, R.

HB 1607 passed and the title was agreed to.

REQUEST

REP. STRINDEN REQUESTED that the record show that the members of the Committee on Appropriations were excused, which request was granted.

SIXTH ORDER OF BUSINESS

REP. CONMY MOVED that the amendments to HB 1609 as recommended by the Committee on Judiciary as printed on page 1202 of the House Journal be adopted, and when so adopted, recommends that HB 1609 DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1609: A BILL for an Act to amend and reenact section 14-05-24 of the North Dakota Century Code, relating to distribution of property, child support, and spousal support within divorce proceedings.

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 78 YEAS, 0 NAYS, 28 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, R.; Brokaw; Cleveland; Dalrymple; DeMers; Dotzenrod; Eckroth; Enget; Frey; Gates; Goetz; 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.; 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.; Dorso; Gerntholz; Graba; Gullickson; Gunsch; Halmrast; 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 1609 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

REP. CONMY MOVED that the amendments to HB 1615 as recommended by the Committee on Judiciary as printed on page 1203 of the House Journal be adopted, and when so adopted, recommends that HB 1615 DO PASS, which motion prevailed.

MOTION

REP. SHOCKMAN MOVED that HB 1615 be placed at the bottom of the Eleventh order on the calendar, which motion prevailed.

SIXTH ORDER OF BUSINESS

REP. CONMY MOVED that the amendments to HB 1641 as recommended by the Committee on Judiciary as printed on pages 1203-1204 of the House Journal be adopted, and when so adopted, recommends that HB 1641 DO NOT PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1641: A BILL for an Act to amend and reenact subsection 1 of section 53-06.1-11 of the North Dakota Century Code, relating to allowable expenses of the charitable gaming trust fund account.

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 14 YEAS, 64 NAYS, 28 ABSENT AND NOT VOTING.

YEAS: Hedstrom; Klundt; Koland; Kretschmar; Lang; Linderman; Martin; Melby; Olsen, D.; Olson, V.; O'Shea; Retzer; Schindler; Vander Vorst

NAYS: Anderson, C.; Anderson, R.; Belter; Berg, R.; Brokaw; Cleveland; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Goetz; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hill; Hoffner; Hughes; Keller; Kent; Kloubec; Larson; Lindgren; Lloyd; Martinson; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Oban; O'Connell; Olson, A.; Payne; Pederson, R.; Riehl; Riley; Rydell; Sauter; 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; Halmrast; Hanson, O.; Kelly; Kingsbury; Knudson; Kuchera; Laughlin; Lautenschlager; Lipsiea; Nowatzki; Opedahl; Peterson, J.; Rice; Richard; Smette; Solberg, O.; Stofferahn; Thompson; Unhjem; Wald; Winkelman; Wold; Speaker Hausauer, R.

HB 1641 was declared lost.

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 1327, HB 1372, HB 1416, HB 1523, HB 1552, HB 1568,
HB 1586

REP. HEDSTROM, Chairman

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

REPORT OF PROCEDURAL COMMITTEE

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

HB 1615

REP. HEDSTROM, Chairman

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

MOTIONS

REP. STRINDEN MOVED that HB 1080 through HB 1578 be placed at the bottom of the calendar, which motion prevailed.

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

SECOND READING OF HOUSE BILL

HB 1069: A BILL for an Act to create and enact chapters 62.1-01, 62.1-02, 62.1-03, 62.1-04, and 62.1-05 of the North Dakota Century Code, relating to the possession, sale, and use of weapons; to amend and reenact section 20.1-01-05 of the North Dakota Century Code, relating to methods of taking of game birds and animals; to repeal chapter 12.1-26 and title 62 of the North Dakota Century Code, relating to the possession, sale, and use of weapons; 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 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; 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; 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; Halmrast; Hanson, O.; Kelly; Kingsbury; Kuchera; Laughlin; Lautenschlager; Lipsiea; Nowatzki; Opedahl; Peterson, J.; Rice; Schneider; Smette; Solberg, O.; Stofferahn; Thompson; Unhjem; Wald; Winkelman; Wold; Speaker Hausauer, R.

HB 1069 passed and the title was agreed to.

MOTION

REP. STRINDEN MOVED that HB 1078 be placed at the bottom of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1218: A BILL for an Act to amend and reenact subsections 3 and 4 of section 53-06.1-11 of the North Dakota Century Code, relating to allowable expenses of charitable organizations conducting games of chance.

Which has been read.

CONFLICT OF INTEREST

REP. FREY STATED that he had a conflict of interest on HB 1218, and requested permission to vote.

The question being on whether or not Representative Frey could vote on HB 1218, which request was granted on a voice vote, pursuant to Rules 318 and 319 of the House Rules.

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; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Goetz; 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; 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; Whalen; Williams, A.; Williams, C.; Williams, W.; Acting Speaker Conmy

NAYS: Cleveland; Haugland; Moore; Murphy; Wentz

ABSENT AND NOT VOTING: Berg, G.; Gerntholz; Graba; Gullickson; Gunsch; Halmrast; 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 1218 passed and the title was agreed to.

HB 1271: A BILL for an Act to create and enact a new subsection to section 39-06.1-05 of the North Dakota Century Code, relating to offenses excluded from the noncriminal disposition procedure for certain traffic offenses; to amend and reenact section 39-21-45.1 and subsection 1 of section 39-21-46 of the North Dakota Century Code, relating to motor vehicle equipment and modifications to motor vehicles; 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 78 YEAS, 1 NAY, 27 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, R.; Brokaw; Cleveland; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Goetz; 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; 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: Murphy

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

HB 1271 passed, the title was agreed to, and the emergency clause was declared carried.

MOTION

REP. KRETSCHMAR MOVED that HB 1307, HB 1349, and HB 1356 be placed at the bottom of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1392: A BILL for an Act to amend and reenact subsection 3 of section 57-38-01 of the North Dakota Century Code, relating to the federalization date for North Dakota income tax purposes; and to provide an effective date.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 69 YEAS, 9 NAYS, 28 ABSENT AND NOT VOTING.

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

NAYS: Enget; Linderman; Meyer; Riehl; Schmidt; Shockman;
Starke; Ulmer; Watne

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

HB 1392 passed and the title was agreed to.

HB 1425: A BILL for an Act to create and enact a new subsection to section 39-06.1-06 and a new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to penalties for violation of highway speed limits; to amend and reenact subsection 3 of section 39-06.1-06, paragraph 33 of subdivision a of subsection 3 of section 39-06.1-10, and subdivision f of subsection 1 of section 39-09-02 of the North Dakota Century Code, relating to highway speed limits and penalties for violating highway speed limits; 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 66 YEAS, 12 NAYS, 28 ABSENT AND NOT VOTING.

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

NAYS: Cleveland; Dotzenrod; Hamerlik; Hill; Hoffner; Linderman; Melby; Oban; Retzer; Sauter; Shide; Wentz

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

HB 1425 passed and the title was agreed to.

HB 1446: A BILL for an Act to amend and reenact subsections 7 and 9 of section 25-03.1-02 of the North Dakota Century Code, relating to independent expert examiners and mental health professionals for commitment proceedings.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 76 YEAS, 2 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; Hanson, L.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kent; Kloubec; Knudson; Koland; Kretschmar; Lang; Larson; Linderman; Lindgren; Lloyd; Martin; Martinson; Melby; Mertens; Meyer; Moore; 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; Williams, A.; Williams, C.; Williams, W.; Acting Speaker Conmy

NAYS: Murphy; Schneider

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

HB 1446 passed and the title was agreed to.

MOTION

REP. STRINDEN MOVED that the House reconsider its action whereby the committee report was accepted and HB 1463 was placed on the Eleventh order, which motion prevailed.

REQUEST

REP. STRINDEN REQUESTED the unanimous consent of the House to withdraw HB 1463. There being no objection, it was so ordered by the Acting Speaker.

SECOND READING OF HOUSE BILL

HB 1464: A BILL for an Act to create and enact chapter 39-30 of the North Dakota Century Code, relating to operation, registration, and use of all-terrain vehicles; to provide for first registration of all-terrain vehicles under this Act; to provide a penalty; 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 73 YEAS, 5 NAYS, 28 ABSENT AND NOT VOTING.

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

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

HB 1464 passed, the title was agreed to, and the emergency clause was declared carried.

MOTION

REP. STRINDEN MOVED that HB 1465 be placed at the bottom of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1477: A BILL for an Act to provide an appropriation for additional compensation to North Dakota state employees, excluding faculty and senior administrative staff at the institutions of higher education, for the period beginning

January 1, 1985, and ending June 30, 1985; and declaring an emergency.

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 31 YEAS, 49 NAYS, 26 ABSENT AND NOT VOTING.

YEAS: Berg, R.; Cleveland; DeMers; Enget; Frey; Gates; Hamerlik; Hanson, L.; Hausauer, A.; Hoffner; Klundt; Knudson; Martinson; Mertens; Meyer; Nalewaja; Oban; O'Connell; Retzer; Richard; Riehl; Rydell; Sauter; Schneider; Shaw; Skjerven; Ulmer; Unhjem; Williams, C.; Williams, W.; Acting Speaker Conmy

NAYS: Anderson, C.; Anderson, R.; Belter; Brokaw; Dalrymple; Dorso; Dotzenrod; Eckroth; Goetz; Haugland; Hedstrom; Hill; Hughes; Keller; Kent; Kloubec; Koland; Kretschmar; Lang; Larson; Linderman; Lindgren; Lloyd; Melby; Moore; Murphy; Myrdal; Nicholas; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Pederson, R.; Riley; Schindler; Schmidt; Shide; Shockman; Solberg, R.; Starke; Strinden; Timm; Tollefson; Vander Vorst; Watne; Wentz; Whalen; Williams, A.

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

HB 1477 was declared lost.

HB 1480: A BILL for an Act to create and enact a new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to assessment of points for certain speeding violations; and to amend and reenact paragraph 33 of subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to assessment of points for speeding violations.

Which has been read.

MOTION

REP. STRINDEN 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 62 YEAS, 16 NAYS, 28 ABSENT AND NOT VOTING.

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

NAYS: Anderson, C.; Dotzenrod; Hill; Hoffner; Klundt; Kretschmar; Linderman; Melby; Nalewaja; Oban; Retzer; Sauter; Starke; Vander Vorst; Wentz; Williams, A.

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

HB 1480 passed and the title was agreed to.

HB 1509: A BILL for an Act to amend and reenact section 14-09-08 of the North Dakota Century Code, relating to the mutual duty to support 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 77 YEAS, 1 NAY, 28 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Brokaw; Cleveland; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Goetz; 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; 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: Hausauer, A.

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

HB 1509 passed and the title was agreed to.

MOTION

REP. STRINDEN MOVED that HB 1525, HB 1528, HB 1574, and HB 1583 be placed at the bottom of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1588: A BILL for an Act to amend and reenact sections 27-08.1-01 and 27-08.1-03 of the North Dakota Century Code, relating to the jurisdictional limits and venue of small claims courts.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 73 YEAS, 5 NAYS, 28 ABSENT AND NOT VOTING.

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

NAYS: Kretschmar; Melby; Shide; Williams, W.;
 Acting Speaker Conmy

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

HB 1588 passed and the title was agreed to.

MOTION

REP. STRINDEN MOVED that HB 1599 and HB 1630 be placed at the bottom of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1616: A BILL for an Act to create and enact two new sections to chapter 8-10 of the North Dakota Century Code, relating to telephone solicitations or advertisements; 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 73 YEAS, 4 NAYS, 29 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Brokaw; Cleveland; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Goetz; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; 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, A.; Olson, V.; O'Shea; Payne; Pederson, R.; Retzer; Riehl; Riley; Rydell; Sauter; Schindler; Schneider; Shaw; Shide; Shockman; Skjerven; Solberg, R.; Starke; Strinden; Timm; Tollefson; Ulmer; Vander Vorst; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Acting Speaker Conmy

NAYS: Berg, R.; Hughes; Keller; Schmidt

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

HB 1616 passed and the title was agreed to.

HB 1631: A BILL for an Act to create and enact chapter 16.1-08.2 of the North Dakota Century Code, relating to campaign finance limitation; and to provide a penalty.

Which has been read.

MOTION

REP. C. ANDERSON 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 16 YEAS, 62 NAYS, 28 ABSENT AND NOT VOTING.

YEAS: Brokaw; Enget; Hanson, L.; Hoffner; Keller;
Kretschmar; Linderman; Oban; Riehl; Shockman;
Solberg, R.; Starke; Ulmer; Vander Vorst; Wentz;
Williams, A.

NAYS: Anderson, C.; Anderson, R.; Belter; Berg, R.;
Cleveland; Dalrymple; DeMers; Dorso; Dotzenrod;
Eckroth; Frey; Gates; Goetz; Halmrast; Hamerlik;
Haugland; Hausauer, A.; Hedstrom; Hill; Hughes; Kent;
Kloubec; Knudson; Koland; Lang; Larson; Lindgren;
Lloyd; Martin; Martinson; Melby; Mertens; Meyer; Moore;
Murphy; Myrdal; Nalewaja; Nicholas; O'Connell;
Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne;
Pederson, R.; Retzer; Riley; Rydell; Sauter; Schindler;
Schmidt; Schneider; Shaw; Shide; Skjerven; Strinden;
Timm; Tollefson; Watne; Williams, C.; Williams, W.;
Acting Speaker Conmy

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

HB 1631 was declared lost.

MOTIONS

REP. KLOUBEC MOVED that the House reconsider its action whereby the committee report placed HB 1593 on the Sixth order, which motion prevailed.

REP. KLOUBEC MOVED that HB 1593 be rereferred to the Committee on Industry, Business and Labor, which motion prevailed.

THE ACTING SPEAKER ANNOUNCED that HB 1593 was referred to the Committee on Industry, Business and Labor.

MOTION

REP. STRINDEN MOVED that the House stand in recess until 2:45 p.m., which motion prevailed.

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

SECOND READING OF HOUSE BILLS

HB 1633: A BILL for an Act to create and enact a new section to chapter 18-01 of the North Dakota Century Code, relating to enforcement duties of political subdivisions concerning fire prevention laws; and to provide an appropriation.

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, 86 NAYS, 10 ABSENT AND NOT VOTING.

YEAS: Brokaw; Dalrymple; Eckroth; Martinson; Melby; Shockman; Solberg, R.; Williams, A.; Williams, C.; Williams, W.

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

ABSENT AND NOT VOTING: Gullickson; Hanson, O.; Haugland; Lang; Nicholas; Peterson, J.; Solberg, O.; Stofferahn; Watne; Speaker Hausauer, R.

HB 1633 was declared lost.

HB 1635: A BILL for an Act to create and enact a new section to chapter 61-03 of the North Dakota Century Code, to prohibit

the use of exploration wells as water wells; 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 97 YEAS, 3 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; 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; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Strinden; Thompson; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Acting Speaker Conmy

NAYS: Enget; Murphy; O'Connell

ABSENT AND NOT VOTING: Gullickson; Hanson, O.; Haugland; Peterson, J.; Stofferahn; Speaker Hausauer, R.

HB 1635 passed and the title was agreed to.

HB 1638: A BILL for an Act to create and enact a new subsection to section 57-61-01 of the North Dakota Century Code, relating to a coal severance tax credit for coal mine owners or operators.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 67 YEAS, 32 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, R.; Cleveland; Dalrymple; Dorso; Dotzenrod; Eckroth; Frey; Gates; Gerntholz; Goetz; Gunsch; Hamerlik; Hedstrom; Hill; Hughes; Keller; Kent; Kingsbury; Kloubec; Koland;

Kretschmar; Kuchera; Lang; Larson; Lindgren; Lipsiea; Martinson; Melby; Moore; Murphy; Myrdal; Nalewaja; Nicholas; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Retzer; Rice; Richard; Riley; Rydell; Schmidt; Shaw; Shide; Smette; Solberg, O.; Strinden; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Wald; Watne; Wentz; Whalen; Winkelman; Wold; Acting Speaker Conmy

NAYS: Berg, G.; Brokaw; DeMers; Enget; Graba; Halmrast; Hanson, L.; Hausauer, A.; Hoffner; Kelly; Klundt; Knudson; Laughlin; Lautenschlager; Linderman; Lloyd; Martin; Mertens; Nowatzki; Oban; Riehl; Sauter; Schindler; Schneider; Shockman; Skjerven; Solberg, R.; Starke; Thompson; Williams, A.; Williams, C.; Williams, W.

ABSENT AND NOT VOTING: Gullickson; Hanson, O.; Haugland; Meyer; Peterson, J.; Stofferahn; Speaker Hausauer, R.

HB 1638 passed and the title was agreed to.

MOTION

REP. STRINDEN MOVED that the rules be suspended and that HB 1645 be placed on the Fifth order of business and after action taken on the Fifth order, that HB 1645 be placed on the Eleventh order for second reading and final passage, which motion prevailed.

REPORT OF STANDING COMMITTEE

MR. SPEAKER: Your Committee on Appropriations to which was referred HB 1645 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 PASS.

REP. J. PETERSON, Chairman

HB 1645 was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILLS

HB 1645: A BILL for an Act to create a national statutory hall commission for the purpose of placing a statue of the honorable Milton R. Young in the national statutory hall in Washington, D.C., and to provide for the placement of a statue of the honorable Brynhild Haugland on the state capitol grounds; and to provide an appropriation.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 100 YEAS, 0 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Cleveland; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; 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, O.; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Acting Speaker Conmy

NAYS: None

ABSENT AND NOT VOTING: Brokaw; Gullickson; Hanson, O.; Haugland; Peterson, J.; Speaker Hausauer, R.

HB 1645 passed and the title was agreed to.

HB 1646: A BILL for an Act to amend and reenact subsection 5 of section 57-38-30.3 of the North Dakota Century Code, relating to the definition of "federal income tax liability" for purposes of the simplified optional method of computing income taxes; and to provide an effective date.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 96 YEAS, 3 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Lindgren; Lipsiea; Lloyd; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; Olson, A.; Olson, V.; O'Shea; Payne; Pederson, R.; Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler;

Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven;
 Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn;
 Strinden; Thompson; Timm; Tollefson; Ulmer; Unhjem;
 Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.;
 Williams, C.; Williams, W.; Winkelman; Wold;
 Acting Speaker Conmy

NAYS: Enget; Linderman; O'Connell

ABSENT AND NOT VOTING: Gullickson; Hanson, O.; Haugland;
 Olsen, D.; Opedahl; Peterson, J.; Speaker Hausauer, R.

HB 1646 passed and the title was agreed to.

HB 1615: A BILL for an Act to prohibit the distribution of
 obscene material by means of cable television; and to
 provide a penalty.

Which has been read.

CONFLICT OF INTEREST

REP. RILEY STATED that he had a conflict of interest on HB 1615,
 and requested permission to vote.

The question being on whether or not Rep. Riley could vote on
 HB 1615, which request was granted on a voice vote, pursuant to
 Rules 318 and 319 of the House Rules.

MOTION

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

YEAS: Anderson, R.; Belter; Berg, G.; Brokaw; Dalrymple;
 Dotzenrod; Eckroth; Enget; Frey; Gerntholz; Goetz;
 Graba; Gunsch; Halmrast; Hamerlik; Haugland;
 Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller;
 Kent; Kingsbury; Klundt; Knudson; Kretschmar; Kuchera;
 Lang; Laughlin; Lautenschlager; Linderman; Lipsiea;
 Martin; Martinson; Melby; Meyer; Murphy; Myrdal;
 Nalewaja; Nicholas; Nowatzki; Oban; O'Connell;
 Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea;
 Pederson, R.; Retzer; Rice; Riehl; Rydell; Schindler;
 Schmidt; Shaw; Shide; Shockman; Skjerven; Smette;
 Solberg, O.; Solberg, R.; Starke; Thompson; Tollefson;
 Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen;
 Williams, A.; Wold; Acting Speaker Conmy

NAYS: Anderson, C.; Berg, R.; Cleveland; DeMers; Dorso; Gates; Hanson, L.; Kelly; Kloubec; Koland; Larson; Lindgren; Lloyd; Mertens; Moore; Payne; Peterson, J.; Richard; Riley; Sauter; Schneider; Stofferahn; Strinden; Timm; Unhjem; Williams, C.; Williams, W.; Winkelman

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

HB 1615 passed and the title was agreed to.

HB 1080: A BILL for an Act to regulate landlord tenant relationships in mobile home parks, to provide for certain court procedures arising from those relationships, to establish rights and remedies for landlords and tenants in mobile home parks, to provide for duties of landlords and tenants in mobile home parks, and to authorize cities and counties to adopt ordinances and resolutions regulating mobile home parks.

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 34 YEAS, 61 NAYS, 11 ABSENT AND NOT VOTING.

YEAS: Brokaw; DeMers; Dotzenrod; Graba; Halmrast; Hanson, L.; Hausauer, A.; Hill; Hoffner; Kelly; Klundt; Laughlin; Lautenschlager; Linderman; Lloyd; Mertens; Meyer; Murphy; Oban; O'Connell; Opedahl; O'Shea; Riehl; Sauter; Schneider; Shockman; Solberg, O.; Solberg, R.; Starke; Stofferahn; Ulmer; Williams, A.; Williams, W.; Winkelman

NAYS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Dalrymple; Enget; Frey; Gates; Gerntholz; Goetz; Gunsch; Hamerlik; Haugland; Hedstrom; Hughes; Keller; Kent; Kingsbury; Kloubec; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Lindgren; Martin; Melby; Moore; Myrdal; Nalewaja; Nicholas; Nowatzki; Olson, D.; Olson, A.; Olson, V.; Payne; Pederson, R.; Peterson, J.; Retzer; Rice; Riley; Rydell; Schindler; Schmidt; Shaw; Shide; Skjerven; Smette; Strinden; Timm; Tollefson; Unhjem; Vander Vorst; Wald; Watne; Wentz; Whalen; Wold; Acting Speaker Conmy

ABSENT AND NOT VOTING: Cleveland; Dorso; Eckroth; Gullickson; Hanson, O.; Lipsiea; Martinson; Richard; Thompson; Williams, C.; Speaker Hausauer, R.

HB 1080 was declared lost.

MOTIONS

REP. WENTZ MOVED that the House reconsider its action whereby HB 1398 failed to pass, which motion lost on a verification vote.

REP. GRABA MOVED that the House reconsider its action whereby HB 1477 failed to pass.

REQUEST

REP. KUCHERA REQUESTED a recorded roll call vote on the motion to reconsider the action whereby HB 1477 failed to pass, which request was granted.

ROLL CALL

The question being on the motion to reconsider the action whereby HB 1477 failed to pass, the roll was called and there were 42 YEAS, 58 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Berg, G.; Brokaw; Cleveland; DeMers; Enget; Frey; Gates; Graba; Hanson, L.; Hill; Hoffner; Keller; Kelly; Klundt; Kuchera; Laughlin; Linderman; Lloyd; Martinson; Mertens; Meyer; Nowatzki; Oban; O'Connell; Opedahl; O'Shea; Retzer; Richard; Riehl; Rydell; Sauter; Schneider; Shockman; Skjerven; Solberg, O.; Solberg, R.; Starke; Stofferahn; Ulmer; Watne; Williams, C.; Williams, W.

NAYS: Anderson, C.; Anderson, R.; Belter; Berg, R.; Dalrymple; Dorso; Dotzenrod; Eckroth; Gerntholz; Goetz; Gunsch; Hamerlik; Hanson, O.; Haugland; Hedstrom; Hughes; Kent; Kingsbury; Kloubec; Knudson; Koland; Kretschmar; Lang; Larson; Lautenschlager; Lindgren; Lipsiea; Melby; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Olsen, D.; Olson, A.; Olson, V.; Payne; Pederson, R.; Peterson, J.; Rice; Riley; Schindler; Schmidt; Shaw; Shide; Smette; Strinden; Thompson; Timm; Tollefson; Vander Vorst; Wald; Wentz; Whalen; Williams, A.; Winkelman; Wold; Acting Speaker Conmy

ABSENT AND NOT VOTING: Gullickson; Halmrast; Hausauer, A.; Martin; Unhjem; Speaker Hausauer, R.

So the motion to reconsider the action whereby HB 1477 failed to pass failed.

SECOND READING OF HOUSE BILLS

HB 1089: A BILL for an Act to transfer moneys contingent on the general fund balance from the general fund to the resources trust fund to replace moneys transferred from that fund under 1983 Senate Bill No. 2009.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 98 YEAS, 3 NAYS, 5 ABSENT AND NOT VOTING.

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

NAYS: Lipsiea; Stofferahn; Winkelman

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

HB 1089 passed and the title was agreed to.

HB 1299: A BILL for an Act to create and enact a new chapter to title 60 and a new section to chapter 60-04 of the North Dakota Century Code, relating to a grain warehouse indemnity fund and warehousemen insolvencies; to amend and reenact subsection 2 of section 60-02-01 and section 60-02-19.1 of the North Dakota Century Code, as amended and reenacted by House Bill No. 1202, as approved by the forty-ninth legislative assembly, subsection 2 of section 60-04-01, as amended and reenacted by Senate Bill No. 2132, as approved by the forty-ninth legislative assembly, and section 60-04-02 of the North Dakota Century Code, relating to warehousemen insolvencies and notice of bond coverage; and to provide a penalty.

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

MOTION

REP. HAMERLIK 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 38 YEAS, 62 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Brokaw; Dalrymple; Goetz; Graba; Hanson, L.; Haugland; Hausauer, A.; Hedstrom; Hoffner; Hughes; Kelly; Kent; Knudson; Kuchera; Lang; Laughlin; Martin; Martinson; Mertens; Murphy; Myrdal; Oban; O'Connell; Olsen, D.; Olson, A.; Peterson, J.; Retzer; Rice; Richard; Rydell; Schneider; Shide; Solberg, O.; Strinden; Timm; Williams, A.; Winkelman; Acting Speaker Conmy

NAYS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Cleveland; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gertholz; Gunsch; Hamerlik; Hanson, O.; Hill; Keller; Kingsbury; Kloubec; Klundt; Koland; Kretschmar; Larson; Lautenschlager; Linderman; Lindgren; Lloyd; Melby; Meyer; Moore; Nalewaja; Nicholas; Nowatzki; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Riehl; Sauter; Schindler; Schmidt; Shaw; Shockman; Skjerven; Smette; Solberg, R.; Starke; Stofferahn; Thompson; Tollefson; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, C.; Williams, W.; Wold

ABSENT AND NOT VOTING: Gullickson; Halmrast; Lipsiea; Riley; Unhjem; Speaker Hausauer, R.

HB 1299 was declared lost.

MOTION

REP. WALD MOVED that the House reconsider its action whereby HB 1327 was passed.

REQUEST

REP. STRINDEN REQUESTED a recorded roll call vote on the motion to reconsider the action whereby HB 1327 was passed.

ROLL CALL

The question being on the motion to reconsider the action whereby HB 1327 was passed, the roll was called and there were 49 YEAS, 52 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Anderson, R.; Belter; Berg, R.; Dalrymple; Dorso; Dotzenrod; Eckroth; Gertholz; Goetz; Gunsch; Hamerlik; Haugland; Hausauer, A.; Hedstrom; Hughes; Kent;

Kingsbury; Kloubec; Knudson; Koland; Kretschmar; Martin; Martinson; Melby; Murphy; Myrdal; Nalewaja; Nicholas; Olsen, D.; Olson, A.; Olson, V.; Payne; Peterson, J.; Rice; Rydell; Schindler; Schmidt; Shaw; Shide; Smette; Strinden; Thompson; Timm; Unhjem; Vander Vorst; Wald; Wentz; Whalen; Winkelman

NAYS: Anderson, C.; Berg, G.; Brokaw; Cleveland; DeMers; Enget; Frey; Gates; Graba; Hanson, L.; Hanson, O.; Hill; Hoffner; Keller; Kelly; Klundt; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Mertens; Meyer; Moore; Nowatzki; Oban; O'Connell; Opedahl; O'Shea; Pederson, R.; Retzer; Richard; Riehl; Riley; Sauter; Schneider; Shockman; Skjerven; Solberg, O.; Solberg, R.; Starke; Stofferahn; Tollefson; Ulmer; Watne; Williams, A.; Williams, C.; Williams, W.; Wold; Acting Speaker Conmy

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

So the motion to reconsider the action whereby HB 1327 was passed failed.

SECOND READING OF HOUSE BILL

HB 1503: A BILL for an Act to create and enact a new subsection to section 25-01-05 of the North Dakota Century Code, relating to general powers and duties of institution superintendents; 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 73 YEAS, 28 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Berg, G.; Berg, R.; Brokaw; Cleveland; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Goetz; Graba; Hamerlik; Hanson, L.; Haugland; Hedstrom; Hill; Hoffner; Keller; Kelly; Kent; Kloubec; Klundt; Koland; Kretschmar; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Mertens; Meyer; Moore; Nalewaja; Nowatzki; Oban; Olson, A.; Opedahl; O'Shea; Payne; Pederson, R.; Peterson, J.; Retzer; Rice; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Solberg, R.; Starke; Stofferahn; Strinden; Timm; Tollefson; Ulmer; Unhjem; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Acting Speaker Conmy

NAYS: Anderson, R.; Belter; Gerntholz; Gunsch; Hanson, O.; Hausauer, A.; Hughes; Kingsbury; Knudson;

Kuchera; Martin; Melby; Murphy; Myrdal; Nicholas;
O'Connell; Olsen, D.; Olson, V.; Richard; Shide;
Shockman; Skjerven; Smette; Solberg, O.; Thompson;
Vander Vorst; Wald; Whalen

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

HB 1503 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

REP. A. HAUSAUER MOVED that the amendments to HB 1328 as recommended by the Committee on Finance and Taxation as printed on pages 1178-1179 of the House Journal be adopted, and when so adopted, recommends that HB 1328 DO PASS.

REQUEST

REP. MOORE REQUESTED that the question of the adoption of the amendments to HB 1328 be divided to have the sections voted on separately in the following manner, which request was granted as per Rule 316, which states that the Division of the Question must be supported by twelve members.

DIVISION A

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 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 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"

And renumber the lines, sections, and pages accordingly.

REQUEST

REP. R. ANDERSON REQUESTED a verification vote on the motion to adopt the Division A amendments to HB 1328, which request was granted.

ROLL CALL

The question being on the motion to adopt the Division A amendments to HB 1328, the roll was called and there were 26 YEAS, 76 NAYS, 4 ABSENT AND NOT VOTING.

The motion to adopt the Division A amendments to HB 1328 failed.

DIVISION B

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-fourth"

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 27, delete the numerals "1989" and insert in lieu thereof the numerals "1997"

And renumber the lines and pages accordingly

The question being on the motion to adopt the Division B amendments to HB 1328.

The motion to adopt the Division B amendments to HB 1328 prevailed on a verification vote.

The question then was on the adoption of the amendments to HB 1328, excluding Division A, and including Division B, with lines, sections, and pages renumbered accordingly.

The proposed amendments to HB 1328, excluding Division A and including Division B to HB 1328, were adopted.

HB 1328 was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1328: A BILL for an Act to create and enact four new subsections to section 57-51-01 and three new sections to chapter 57-51 of the North Dakota Century Code, relating to definitions for purposes of the oil and gas gross production tax, an additional gross production tax on oil production and apportionment of the additional tax, and production reports; to amend and reenact sections 57-51-14, 57-51-15, 57-51.1-02, and 57-51.1-03 of the North Dakota Century Code, relating to duties of the state tax commissioner, apportionment of the oil and gas gross production tax, the rate of the oil extraction tax, and exemptions from the oil extraction tax; to repeal chapter 57-51.1 of the North Dakota Century Code, relating to an oil extraction tax; to provide an effective date; and to declare an emergency.

Which has been read.

MOTION

REP. RICHARD 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 58 YEAS, 41 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, R.; Cleveland; Dalrymple; Dorso; Dotzenrod; Gates; Gerntholz; Goetz; Hamerlik; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hughes; Kent; Kloubec; Knudson; Koland; Kretschmar; Lang; Larson; Lindgren; Martin; Martinson; Meyer; Moore; Myrdal; Nalewaja; Nicholas; Olsen, D.; Olson, A.; Olson, V.; Opedahl; Payne; Pederson, R.; Peterson, J.; Retzer; Rice; Riley; Rydell; Schindler; Schmidt; Schneider; Shide; Smette; Strinden; Timm; Tollefson; Unhjem; Vander Vorst; Wald; Wentz; Winkelman; Wold; Acting Speaker Conmy

NAYS: Eerg, G.; Brokaw; DeMers; Eckroth; Enget; Frey; Graba; Hanson, L.; Hill; Hoffner; Keller; Kelly; Klundt; Laughlin; Lautenschlager; Linderman; Lloyd; Melby; Mertens; Murphy; Nowatzki; Oban; O'Connell; O'Shea; Richard; Riehl; Sauter; Shaw; Shockman; Skjerven; Solberg, O.; Solberg, R.; Starke; Stofferahn; Thompson; Ulmer; Watne; Whalen; Williams, A.; Williams, C.; Williams, W.

ABSENT AND NOT VOTING: Gullickson; Gunsch; Halmrast; Kingsbury; Kuchera; Lipsiea; Speaker Hausauer, R.

HB 1328 was declared lost for want of a Constitutional majority.

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 1607, HB 1609

REP. HEDSTROM, Chairman

REP. REIHL 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 1398, HB 1430, HB 1641

REP. HEDSTROM, Chairman

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

MOTIONS

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

REP. KRETSCHMAR 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., Friday, February 22, 1985, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER: Your Committee on Appropriations to which was referred HB 1012 has had the same under consideration and recommends by a vote of 23 YEAS, 0 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 17, delete the numerals "1,556,488" and insert in lieu thereof the numerals "1,535,611"

On page 1, line 20, delete the numerals "46,863" and insert in lieu thereof the numerals "35,363"

On page 1, line 21, delete the numerals "115,036" and insert in lieu thereof the numerals "126,636"

On page 1, line 22, delete the numerals "2,319,152" and insert in lieu thereof the numerals "2,298,375"

On page 1, line 25, delete the numerals "302,138" and insert in lieu thereof the numerals "298,350"

On page 2, line 1, delete the numerals "361,768" and insert in lieu thereof the numerals "357,980"

On page 2, line 3, delete the numerals "2,680,920" and insert in lieu thereof the numerals "2,656,355"

On page 2, line 4, delete the numerals "2,680,920" and insert in lieu thereof the numerals "2,656,355"

On page 2, line 13, delete the numerals "275,485" and insert in lieu thereof the numerals "243,108"

On page 2, line 19, delete the numerals "1,044,057" and insert in lieu thereof the numerals "1,055,657"

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Soldier's Home

The salaries and wages line item is reduced by \$20,877 from other funds. This will allow funds for average salary increases of 5.5 percent the first year of the biennium (these funds are to continue the cost of an average increase of 5.5 percent on May 1, 1985) and average salary increases of four percent the second year of the biennium. Funds are allowed to provide a minimum increase of \$50 per month for each year of the biennium. The salary increases are to be based on merit, performance, or equity adjustments, and are not intended to be across-the-board salary increases.

The equipment line item is reduced by \$11,500 from special funds, allowing two tractors to be traded in on new tractors. The capital improvements line item is increased \$11,600 from special funds to allow repairs to the commandant's residence.

Veterans' Affairs

The salaries and wages line item is reduced by \$3,788 from other funds. This will allow funds for average salary increases of 5.5 percent the first year of the biennium (these fund are to continue the cost of an average increase of 5.5 percent on May 1, 1985) and average salary increases of four percent the second year of the biennium. Funds are allowed to provide a minimum increase of \$50 per month for each year of the biennium. The salary increases are to be based on merit, performance, or equity adjustments, and are not intended to be across-the-board salary increases.

REP. J. PETERSON, Chairman

HB 1012 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 1015 has had the same under consideration and recommends by a vote of 17 YEAS, 5 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 19, delete the numerals "1,531,509" and insert in lieu thereof the numerals "1,592,593"

On page 1, line 23, delete the numerals "1,788,463" and insert in lieu thereof the numerals "1,849,547"

On page 1, line 24, delete the numerals "1,789,543" and insert in lieu thereof the numerals "1,850,627"

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Parole and Probation Office

The salaries and wages line item is increased by \$61,084 from the general fund. This net increase consists of a reduction of \$20,474 from the general fund for the legislative salary plan and increases of \$69,558 for two Parole Agent II positions and \$12,000 for a .5 FTE secretary in the Rugby office. This will allow funds for average salary increases of 5.5 percent the first year of the biennium (these funds are to continue the cost of an average increase of 5.5 percent on April 1, 1985) and average salary increases of four percent the second year of the biennium. Funds are allowed to provide a minimum increase of \$50 per month for each year of the biennium. The salary increases are to be based on merit, performance, or equity adjustments, and are not intended to be across-the-board salary increases.

REP. J. PETERSON, Chairman

HB 1015 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 1017 has had the same under consideration and recommends by a vote of 21 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 12, delete the numerals "30,340" and insert in lieu thereof the numerals "31,726"

On page 1, line 15, delete the numerals "109,644" and insert in lieu thereof the numerals "111,030"

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Civil Air Patrol

The salaries and wages line item is increased by \$1,386 from the general fund. This will allow funds for average salary increases of 5.5 percent the first year of the biennium (these funds are to continue the cost of an average increase of 5.5 percent on May 1, 1985) and average salary increases of four percent the second year of the biennium. Funds are allowed to provide a minimum increase of \$50 per month for each year of the biennium. The salary increases are to be based on merit, performance, or equity adjustments, and are not intended to be across-the-board salary increases.

REP. J. PETERSON, Chairman

HB 1017 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 1023 has had the same under consideration and recommends by a vote of 13 YEAS, 7 NAYS, 3 ABSENT AND NOT VOTING that the same

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

On page 1, line 17, delete the numerals "45,665" and insert in lieu thereof the numerals "44,819"

On page 1, line 20, delete the numerals "66,838" and insert in lieu thereof the numerals "65,992"

On page 1, line 23, delete the numerals "136,472" and insert in lieu thereof the numerals "132,837"

On page 2, line 1, delete the numerals "234,095" and insert in lieu thereof the numerals "230,460"

On page 2, line 3, delete the numerals "300,933" and insert in lieu thereof the numerals "296,452"

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Bonding Fund

The salaries and wages line item is reduced by \$846 from other funds. This will allow funds for average salary increases of 5.5 percent the first year of the biennium (these funds are to continue the cost of an average increase of 5.5 percent on April 1, 1985) and average salary increases of four percent the second year of the biennium. Funds are allowed to provide a minimum increase of \$50 per month for each year of the biennium. The salary increases are to be based on merit, performance, or equity adjustments, and are not intended to be across-the-board salary increases.

Fire and Tornado Fund

The salaries and wages line item is reduced by \$3,635 from other funds. This will allow funds for average salary increases of 5.5 percent the first year of the biennium (these funds are to continue the cost of an average increase of 5.5 percent on April 1, 1985) and average salary increases of four percent the second year of the biennium. Funds are allowed to provide a minimum increase of \$50 per month for each year of the biennium. The salary increases are to be based on merit, performance, or equity adjustments, and are not intended to be across-the-board salary increases.

REP. J. PETERSON, Chairman

HB 1023 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 1024 has had the same under consideration and recommends by a

vote of 13 YEAS, 7 NAYS, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 14, delete the numerals "45,111" and insert in lieu thereof the numerals "44,025"

On page 1, line 17, delete the numerals "50,546" and insert in lieu thereof the numerals "49,460"

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Unsatisfied Judgment Fund

The salaries and wages line item is reduced by \$1,086 from other funds. This will allow funds for average salary increases of 5.5 percent the first year of the biennium (these funds are to continue the cost of an average increase of 5.5 percent on April 1, 1985) and average salary increases of four percent the second year of the biennium. Funds are allowed to provide a minimum increase of \$50 per month for each year of the biennium. The salary increases are to be based on merit, performance, or equity adjustments, and are not intended to be across-the-board salary increases.

REP. J. PETERSON, Chairman

HB 1024 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 1034 has had the same under consideration and recommends by a vote of 22 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 15, delete the numerals "1,130,051" and insert in lieu thereof the numerals "1,106,054"

On page 1, line 16, delete the numerals "468,725" and insert in lieu thereof the numerals "457,525"

On page 1, line 18, delete the numerals "1,635,396" and insert in lieu thereof the numerals "1,600,199"

On page 1, line 19, delete the numerals "1,247,038" and insert in lieu thereof the numerals "1,229,760"

On page 1, line 20, delete the numerals "388,358" and insert in lieu thereof the numerals "370,439"

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Disaster Emergency Services

The salaries and wages line item is reduced by \$23,997 of which \$6,719 is from the general fund and \$17,278 is from other funds. This will allow funds for average salary increases of 5.5 percent the first year of the biennium (these funds are to continue the cost of an average increase of 5.5 percent on April 1, 1985) and average salary increases of four percent the second year of the biennium. Funds are allowed to provide a minimum increase of \$50 per month for each year of the biennium. The salary increases are to be based on merit, performance, or equity adjustments, and are not intended to be across-the-board salary increases.

The operating expense line item is decreased \$11,200 from the general fund to delete funding for ceiling replacement.

REP. J. PETERSON, Chairman

HB 1034 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 1127 has had the same under consideration and recommends by a vote of 18 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 12, overstrike the word "five" and insert immediately thereafter the word "eight"

On page 1, line 16, delete the word "eighteen" and insert in lieu thereof the word "fifteen"

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment changes the judge's contribution to PERS from the current five percent to eight percent and changes the state's proposed contribution from 18.52 to 15.52 percent.

REP. J. PETERSON, Chairman

HB 1127 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 1189 has had the same under consideration and recommends by a vote of 16 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 5, line 9, delete the words "the elderly" and insert in lieu thereof the words "vulnerable adults"

On page 5, line 12, delete the word "the" and insert in lieu thereof the words "vulnerable adults"

On page 5, line 13, delete the word "elderly"

And renumber the lines and page accordingly

REP. J. PETERSON, Chairman

HB 1189 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Social Services and Veterans Affairs to which was referred HB 1293 has had the same under consideration and recommends by a vote of 16 YEAS, 0 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 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to amend and reenact sections 50-11.1-01, 50-11.1-02, 50-11.1-02.1, 50-11.1-03, 50-11.1-04, 50-11.1-06.1, 50-11.1-07, 50-11.1-07.1, 50-11.1-07.2, 50-11.1-07.3, 50-11.1-07.4, 50-11.1-07.5, 50-11.1-07.7, 50-11.1-08, 50-11.1-09, 50-11.1-11, and 50-11.1-12 of the North Dakota Century Code, relating to early childhood services, certificate and license requirements for early childhood facilities, and penalties; to repeal section 50-11.1-04.1 of the North Dakota Century Code, relating to applications for child care certificates and licenses; and to provide an appropriation.

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

SECTION 1. AMENDMENT. Section 50-11.1-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-11.1-01. Purpose. The purpose of this chapter is to assure that children receiving ~~supplemental parental care~~ early childhood services be provided food, shelter, safety, comfort, supervision, and learning experiences commensurate to their age and capabilities, so as to safeguard the health, safety, and development of those children.

SECTION 2. AMENDMENT. Section 50-11.1-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-11.1-02. Definitions. As used in this chapter, unless the context or subject matter otherwise requires:

1. "Certificate" means the right, authority, or permission granted by the department to operate a family child care home.
2. "Certification" means the process whereby the department maintains a record of all family child care providers who have certified that they have complied with or will comply with the prescribed standards and rules adopted by the department regarding the provision of family child care services.
- 1- 3. "Child care center" means a child care an early childhood facility where supplemental parental care is regularly early childhood services are provided to nineteen or more children.
- 2- "Child care facility" means any facility where supplemental parental care is regularly provided, whether the facility is known as a day care home, day care center, day nursery, nursery school, kindergarten, child play school, progressive school, child development center, preschool or known by any other name.
- 3- 4. "County agency" means the county social service board in each of the counties of the state.
- 4- 5. "Department" means the department of human services.
6. "Early childhood facility" means any facility where early childhood services are provided, whether the facility is known as a child care center, day care home, day care center, day nursery, family child care home, group child care home, preschool educational facility, nursery school, kindergarten, child play school, progressive school, child development center, preschool or known by any other name.
- 5- 7. "Early childhood services" means the care, supervision, education, or guidance of a child or children, unaccompanied by the child's parent, guardian, or custodian, which is provided in exchange for money, goods, or other services and is, or is anticipated to be, ongoing for periods of two or more hours per day for a part of two or more days per week. Early childhood services does not include:
 - a. Substitute parental child care provided pursuant to chapter 50-11.

- b. Child care provided in any educational facility, whether public or private, in grade one or above.
 - c. Child care provided in a kindergarten which has been established pursuant to chapter 15-45 or a nonpublic elementary school program approved pursuant to subsection 1 of section 15-34.1-03.
 - d. Child care provided to preschool age handicapped children in any educational facility through a program approved by the superintendent of public instruction.
 - e. Child care provided in facilities operated in connection with a church, shopping center, business, or other establishment where children are cared for during periods of time not exceeding four continuous hours while the child's parent, guardian, or custodian is attending church services, shopping, or engaged in other activities, other than employment, on or near the premises.
 - f. Schools or classes for religious instruction conducted by religious orders during the summer months for not more than two weeks, Sunday schools, weekly catechism or other classes for religious instruction.
 - g. Summer resident or day camps for children which serve no preschool age children for more than two weeks.
 - h. Sporting events, practices for sporting events, or sporting or physical activities conducted under the supervision of an adult.
8. "Family child care home" means an occupied private residence in which ~~supplemental parental care is regularly~~ early childhood services are provided for ~~no~~ three or more ~~than~~ seven children from more than one family or ~~no more than four~~ children ages two and under and the children are not related to the provider and no more than seven children are cared for at any time.
- 6- 9. "Group child care home" or "group child care facility" means a child care facility where ~~supplemental care is regularly~~ early childhood services are provided for eight ~~to~~ through eighteen children or a facility, other than an

- occupied private residence, which serves fewer than eight children.
- 7- 10. "In-home provider" means any person who provides ~~supplemental parental care~~ early childhood services to children in the children's home.
- 8- 11. "License" means the right, authority, or permission granted by the department to operate a group child care facility ~~or~~ child care center; ~~or the right, authority, or permission;~~ granted by the department, to hold out a family child care home as inspected and approved by the department, or preschool educational facility.
12. "Multiple-licensed facility" means an early childhood facility that provides more than one type of early childhood services.
13. "Preschool educational facility" means a facility that offers early childhood services and follows a preschool curriculum and course of study designed primarily to enhance the educational development of the children enrolled in the facility and that serves no child for more than three hours per day.
- 9- 14. "Registrant" means the holder of a registration ~~certificate~~ document issued by the department in accordance with the provisions of this chapter.
- 10- 15. "Registration" means the process whereby the ~~board~~ department maintains a record of all in-home providers who have ~~certified~~ stated that they have complied or will comply with the prescribed standards and ~~promulgated regulations~~ adopted rules.
- 11- 16. "Registration ~~certificate~~ document" is a written instrument issued by the department to publicly document that the ~~certificate holder~~ registrant has ~~certified~~ compliance complied with this chapter and the applicable ~~regulations~~ rules and standards as prescribed by the department.
- 12- "Supplemental parental care" means the care, supervision, education, or guidance of a child or children, unaccompanied by the child's parent, guardian, or custodian, which is, or is anticipated to be, ongoing for periods of four or more hours per day or for three or more days per week. Supplemental parental care shall not include-

- a- Substitute parental child care provided pursuant to chapter 50-11.
- b- Child care provided in any educational facility, whether public or private, in grade one or above.
- c- Child care provided in a kindergarten which has been established pursuant to chapter 15-45.
- d- Child care provided to preschool age handicapped children in any educational facility through a program approved by the superintendent of public instruction.
- e- Child care provided in facilities operated in connection with a church, shopping center, business, or other establishment where children are cared for during periods of time not exceeding four continuous hours while the child's parent, guardian, or custodian is attending church services, shopping, or engaged in other activities, other than employment, on or near the premises.
- f- Schools or classes for religious instruction conducted by religious orders during the summer months for not more than two weeks; Sunday schools; weekly catechism or other classes for religious instruction.
- g- Summer resident or day camps for children.
- h- Child care provided in a preschool educational facility which offers and follows a curriculum and course of study designed primarily to enhance the educational development of the children in care; employs a supervising instructor who possesses at least a bachelor's degree or a teaching certificate; complies with fire safety standards applicable to educational or school facilities for elementary or younger students, which serves no child for more than four hours per day; and which has a governing body or advisory committee, consisting of at least five members, which meets at least quarterly and which includes a majority of parents who have children in care.
- i- Sporting events, practices for sporting events, or sporting or physical activities conducted under the supervision of an adult.

17. "Related to" means any person having the following relationship by marriage, blood, or adoption to a child receiving early childhood services: grandparent, brother, sister, stepparent, stepsister, stepbrother, uncle, or aunt.

SECTION 3. AMENDMENT. Section 50-11.1-02.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-11.1-02.1. Number of children in care program - How determined. For the purpose of determining the number of children in a child care an early childhood facility, all children of the operator or employees, present in the facility and under the age of fourteen twelve years, shall be counted except for purposes of determining fire, safety, or zoning requirements.

SECTION 4. AMENDMENT. Section 50-11.1-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-11.1-03. Operation of family child care home, group child care facilities facility, preschool educational facility, and child care centers center - License or certificate required - Fees.

1. No person, partnership, firm, corporation, association, or nongovernmental organization shall may establish or operate a family child care home, group child care facility, preschool educational facility, or child care center unless licensed or certificated to do so by the department. No governmental organization shall may establish or operate a family child care home, group child care facility, preschool educational facility, or child care center without first certifying, to the department, that it has complied with all rules and regulations applicable to family child care homes, group child care facilities, preschool educational facilities, or child care centers.
2. An applicant for a license or certificate must submit the following nonrefundable fees with the application:
 - a. The operator of a family child care home applying for a certificate shall pay an annual certificate fee of fifteen dollars or if the certificate is issued for a two-year period, a fee of thirty dollars.

- b. The operator of a group child care home applying for a license shall pay an annual license fee of twenty dollars or if the license is issued for a two-year period, a fee of forty dollars.
 - c. The operator of a preschool educational facility applying for a license shall pay an annual license fee of twenty-five dollars or if the license is issued for a two-year period, a fee of fifty dollars.
 - d. The operator of a child care center applying for a license shall pay an annual license fee of thirty-five dollars or if the license is issued for a two-year period, a fee of seventy dollars.
 - e. The operator of a multiple-licensed or certified facility applying for a license shall pay an annual license or certification fee of forty-five dollars or if the license or certificate is issued for a two-year period, a fee of ninety dollars.
3. In addition to any criminal sanctions or other civil penalties which may be imposed pursuant to law, the operator of an early childhood facility who, after being given written notice by a representative of the department, continues to provide early childhood services without a license or certificate as required by this section is subject to a civil penalty of fifty dollars per day for each day of operation without such license. The civil penalty may be imposed by the courts or by the department through an administrative hearing pursuant to chapter 28-32.

SECTION 5. AMENDMENT. Section 50-11.1-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-11.1-04. Application for license or certificate - Prerequisites for issuance - License or certificate granted - Term. Applications for ~~child care~~ early childhood facility licenses ~~shall~~ and certificates must be made on forms provided, in the manner prescribed, by the department. The county agency shall investigate the applicant's activities and proposed standards of care and shall make an inspection of the facility. A The applicant for a license or certificate and the applicant's employees, and if the certificate is for an occupied private residence every person living or working in that residence, may be investigated in accordance with the rules adopted by the

department to determine whether any of them has a criminal record or has had a finding of probable cause for child abuse or neglect filed against them. Except as otherwise provided, the department shall grant a license or certificate for the operation of a child care an early childhood facility or child care center shall be granted by the department upon a showing that:

1. The premises to be used are in fit sanitary condition and properly equipped to provide for the health and safety for all children who may be received;
2. The persons in charge of the facility and their assistants are qualified to fulfill the duties required of them according to the provisions of this chapter and standards prescribed for their qualifications by the rules and regulations of the department;
3. The facility will be maintained according to the standards prescribed for its conduct by the rules and regulations of the department; ~~and~~
4. The facility has not had a previous license or certificate revoked within the one hundred eighty days prior to the date of the current application; ~~and~~
5. The facility has paid its license or certificate fees and any penalties assessed against the facility as required by section 50-11.1-03.

The license or certificate issued to the operator of an early childhood facility shall be in force and effect for a period of not more than one year two years. Previously licensed facilities must make the same showing as initially licensed facilities-

SECTION 6. AMENDMENT. Section 50-11.1-06.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-11.1-06.1. Conviction not bar to licensure or certification - Exceptions. Conviction of an offense shall not disqualify a person from licensure or certification under this chapter unless the department determines that the offense has a direct bearing upon a person's ability to serve the public as the owner or proprietor of a child care an early childhood facility or as an in-home provider, or that, following conviction of any offense, the person is not sufficiently rehabilitated under section 12.1-33-02.1.

SECTION 7. AMENDMENT. Section 50-11.1-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-11.1-07. Investigation of applicants, licensees, certificate holders, and registrants - Maintenance of records - Confidentiality of records.

1. The department and the county agency at any time may investigate and inspect the conditions of the facility, the qualifications of the providers of supplemental parental care early childhood services in any child care early childhood facility, and the qualifications of any in-home provider seeking or holding a license, certificate, or registration certificate document under the provisions of this chapter. Upon request of the department or the county agency, the state department of health or the state fire marshal, or his designee, shall inspect any facility for which a license or certificate is applied for or issued and shall report its findings to the county agency.
2. Licensees, certificate holders, and registrants shall:
 - a. Maintain such records as the department may prescribe regarding each child in their care and control, and shall report to the department, when requested, such facts as the department may require with reference to the children upon forms furnished by the department; and
 - b. Admit for inspection authorized agents of the department or the county agency and open for examination all records, books, and reports of the home or facility.
3. All records and information maintained with respect to children receiving supplemental parental care shall be deemed early childhood services are confidential and must be properly safeguarded and shall not be disclosed except:
 - a. In a judicial proceeding;
 - b. To officers of the law or other legally constituted boards or agencies; or
 - c. To persons having a definite interest in the well-being of the child or children concerned and who, in the judgment of the department,

are in a position to serve their interests should that be necessary.

SECTION 8. AMENDMENT. Section 50-11.1-07.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-11.1-07.1. **Notice.** After each inspection or reinspection, the county agency shall, by certified mail, send copies of any correction order or notice of noncompliance, to the ~~child care~~ early childhood facility.

SECTION 9. AMENDMENT. Section 50-11.1-07.2 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-11.1-07.2. **Correction orders.** Whenever the county agency finds, upon inspection of a ~~child care~~ an early childhood facility, that the facility is not in compliance with the provisions of this chapter, or the rules and regulations promulgated thereunder, a correction order shall be issued to the facility. The correction order shall cite the specific statute or regulation violated, state the factual basis of the violation, state the suggested method of correction, and specify the time allowed for correction. The correction order shall also specify the amount of any fiscal sanction to be assessed if the correction order is not complied with in a timely fashion. The department shall, by rule promulgated pursuant to subsection 2 of section 50-11.1-08, establish a schedule of allowable time periods for correction of deficiencies.

SECTION 10. AMENDMENT. Section 50-11.1-07.3 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-11.1-07.3. **Reinspections.** A ~~child care~~ An early childhood facility issued a correction order under section 50-11.1-07.2 shall be reinspected at the end of the period allowed for correction. If, upon reinspection, it is determined that the facility has not corrected a violation identified in the correction order, a notice of noncompliance with the correction order shall be mailed by certified mail to the facility. The notice shall specify the violations not corrected and the penalties assessed in accordance with section 50-11.1-07.5.

SECTION 11. AMENDMENT. Section 50-11.1-07.4 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-11.1-07.4. **Fiscal sanctions.** A ~~child care~~ An early childhood facility, if issued a notice of noncompliance

with a correction order, shall be assessed fiscal sanctions in accordance with a schedule of fiscal sanctions established by rules promulgated pursuant to subsection 2 of section 50-11.1-08. The fiscal sanction shall be assessed for each day the facility remains in noncompliance after the allowable time period for the correction of deficiencies ends and shall continue until a notice of correction is received by the county agency in accordance with section 50-11.1-07.6. No fiscal sanction for a specific violation may exceed twenty-five dollars per day of noncompliance.

SECTION 12. AMENDMENT. Section 50-11.1-07.5 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-11.1-07.5. Accumulation of fiscal sanctions. ~~A child care~~ ~~care~~ An early childhood facility shall promptly notify the county agency in writing when a violation noted in a notice of noncompliance is corrected. Upon receipt of written notice by the county agency, the daily fiscal sanction assessed for the deficiency shall stop accruing. The facility shall be reinspected within three working days after receipt of the notification. If, upon reinspection, it is determined that a deficiency has not been corrected, the daily assessment of fiscal sanction shall resume and the amount of fiscal sanction which otherwise would have accrued during the period prior to resumption shall be added to the total assessment due from the facility. The county agency shall notify the facility of the resumption by certified mail. Recovery of the resumed fiscal sanction shall be stayed if the operator of the facility makes a written request for an administrative hearing in the manner provided in chapter 28-32; provided, that written request for the hearing is made to the department within ten days of the notice of resumption.

SECTION 13. AMENDMENT. Section 50-11.1-07.7 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-11.1-07.7. Disposition of fiscal sanctions. Any fiscal sanction which ~~shall be~~ is collected for any violation of this chapter or of ~~regulations promulgated thereunder~~ rules adopted pursuant to this chapter, shall be paid into the state treasury for the general fund, after the costs of recovering the fiscal sanction are deducted therefrom.

SECTION 14. AMENDMENT. Section 50-11.1-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-11.1-08. Minimum standards - Rules and regulations - Inspection by a governmental unit. The department may:

1. Establish reasonable minimum standards for the operation of child care early childhood facilities, and the registration of in-home providers. In appropriate circumstances and upon good cause shown, specific minimum standards may be substituted by alternate, equivalent standards, approved by the department.
2. Take such action and make such reasonable rules and regulations for the regulation of supplemental parental care early childhood services as may be necessary to carry out the purposes of this chapter and entitle the state to receive aid from the federal government.
3. Authorize a governmental unit to:
 - a. Inspect any home or facility for which a license or certificate is applied for or issued under this chapter; and
 - b. Certify to the department that the home or facility meets the requirements of this chapter and the minimum standards prescribed by the department.

SECTION 15. AMENDMENT. Section 50-11.1-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-11.1-09. Revocation of license, certificate, or registration certificate document. The department may revoke the license or certificate of any child care early childhood facility, or the registration certificate document of any in-home provider upon proper showing of any of the following:

1. Any of the applicable conditions set forth in section 50-11.1-04 as prerequisites for the issuance of the license no longer exist.
2. The licensee, certificate holder, or registrant is no longer in compliance with the minimum standards prescribed by the department.
3. The license, certificate, or registration certificate document was issued upon fraudulent or untrue representation.
4. The licensee, certificate holder, or registrant has violated any rules and regulations of the department.

5. The licensee, certificate holder, or registrant has been guilty of an offense determined by the department to have a direct bearing upon a person's ability to serve the public as a licensee, certificate holder, or registrant.
6. The licensee or certificate holder has been convicted of any offense and the board department, acting pursuant to section 12.1-33-02.1, has determined that he has not been sufficiently rehabilitated.

SECTION 16. AMENDMENT. Section 50-11.1-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-11.1-11. Public agency purchase of ~~parental care~~ early childhood services. No agency of state or local government ~~shall~~ may purchase ~~parental care~~ supplemental parental care early childhood services, including care provided by or in the home of a relative, unless the ~~day care center, registered family day care home, early childhood facility or child care~~ early childhood services attendant is licensed, certified, or registered, or approved by the department.

SECTION 17. AMENDMENT. Section 50-11.1-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-11.1-12. Violation of chapter or regulations - Injunction. The department may seek injunctive action against a ~~child care~~ an early childhood facility in the district court through proceedings instituted by the attorney general on behalf of the department if:

1. There is a violation of this chapter or a ~~regulation promulgated rule adopted~~ rule adopted thereunder;
2. A ~~child care~~ An early childhood facility, after notice and opportunity for hearing on the notice of noncompliance, or on the resumption of the fiscal sanction, or after administrative hearing confirming and upholding the fiscal sanction, does not pay a properly assessed fiscal sanction in accordance with section 50-11.1-07.6.

SECTION 18. REPEAL. Section 50-11.1-04.1 of the North Dakota Century Code is hereby repealed.

SECTION 19. CONTINUING APPROPRIATION. There is hereby appropriated on a continuing basis all fees collected under subsection 2 of section 50-11.1-03 to the counties that collected those fees. These funds must be

used for the purpose of investigating the eligibility of applicants for early childhood facility licenses or certificates issued by the department of human services."

And renumber the lines and pages accordingly

REP. HAUGLAND, Chairman

HB 1293 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 1423 has had the same under consideration and recommends by a vote of 12 YEAS, 11 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 8, delete the words "Notwithstanding the"

On page 1, line 9, delete the words "provisions of section 15-10-18,"

On page 1, line 10, delete the words "and are entitled to" and insert in lieu thereof the words "pay tuition in an amount equal to that charged to resident students attending similar state supported institutions of higher education in Montana or an amount equal to the average tuition charged to resident students attending similar state supported institutions of higher education in North Dakota and the tuition charged to resident students attending similar institutions in Montana, whichever amount is higher."

On page 1, delete line 11

And renumber the lines accordingly

REP. J. PETERSON, Chairman

HB 1423 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 1526 has had the same under consideration and recommends by a vote of 18 YEAS, 5 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, delete line 13

On page 1, line 14, delete the numerals "1,200,000" and insert in lieu thereof the numerals "100,000"

On page 1, line 15, delete the numerals "1,405,000" and insert in lieu thereof the numerals "105,000"

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Educational Broadcasting Council

The capital improvements line item of \$200,000 from the general fund is deleted and the grants line item is reduced by \$1,100,000 from the general fund.

REP. J. PETERSON, Chairman

HB 1526 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 NOT 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 7, remove the overstrike over the word "~~two~~"

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 referred HB 1653 has had the same under consideration and recommends by a vote of 12 YEAS, 11 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. J. PETERSON, Chairman

HB 1653 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 HCR 3011 has had the same under consideration and recommends by a vote of 11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

REP. CONMY, Chairman

HCR 3011 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary to which was referred HCR 3020 has had the same under consideration and recommends by a vote of 11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

REP. CONMY, Chairman

HCR 3020 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary to which was referred HCR 3022 has had the same under consideration and recommends by a vote of 11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

REP. CONMY, Chairman

HCR 3022 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education to which was referred HCR 3026 has had the same under consideration and recommends by a vote of 16 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

REP. KNUDSON, Chairman

HCR 3026 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor to which was referred HCR 3034 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 and BE PLACED ON THE CONSENT CALENDAR.

REP. KLOUBEC, Chairman

HCR 3034 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Natural Resources to which was referred HCR 3035 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

REP. A. OLSON, Chairman

HCR 3035 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary to which was referred HCR 3036 has had the same under consideration and recommends by a vote of 9 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

REP. CONMY, Chairman

HCR 3036 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary to which was referred HCR 3037 has had the same under consideration and recommends by a vote of 11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

REP. CONMY, Chairman

HCR 3037 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education to which was referred HCR 3039 has had the same under consideration and recommends by a vote of 17 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

REP. KNUDSON, Chairman

HCR 3039 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Political Subdivisions to which was referred HCR 3050 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

REP. LANG, Chairman

HCR 3050 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary to which was referred HCR 3051 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

REP. CONMY, Chairman

HCR 3051 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education to which was referred HCR 3058 has had the same under consideration and recommends by a vote of 13 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS AND BE PLACED ON THE CONSENT CALENDAR:

On page 1, line 3, after the word "schools" insert the words "for instructional and transportation services"

On page 1, line 6, delete the word "the", and after the word "finance" insert the words "the cost"

On page 1, line 7, delete the first word "schools" and insert in lieu thereof the words "instruction and transportation to and from school"

On page 1, line 11, after the word "students" insert the words ", including special education students,"

On page 1, line 14, delete the word "distribution", and after the word "in" insert the words "distributing pupil payments for"

On page 1, line 15, delete the word "schools" and insert in lieu thereof the words "instruction and for transporting students to and from school"

On page 1, line 19, after the word "Council" insert the words "identify models such as the Resource Cost Model that can be used to"

On page 1, line 21, after the word "schools" insert the words "for instruction and for transportation and"

And renumber the lines and pages accordingly

REP. KNUDSON, Chairman

HCR 3058 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education to which was referred HCR 3060 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 and BE PLACED ON THE CONSENT CALENDAR.

REP. KNUDSON, Chairman

HCR 3060 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Finance and Taxation to which was referred HCR 3061 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

REP. A. HAUSAUER, Chairman

HCR 3061 was placed on the Tenth 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 HCR 3062 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 and BE PLACED ON THE CONSENT CALENDAR.

REP. HAUGLAND, Chairman

HCR 3062 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government to which was referred HCR 3063 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 and BE PLACED ON THE CONSENT CALENDAR.

REP. MARTINSON, Chairman

HCR 3063 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government to which was referred HCR 3064 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 and BE PLACED ON THE CONSENT CALENDAR.

REP. MARTINSON, Chairman

HCR 3064 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Natural Resources to which was referred HCR 3065 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 and BE PLACED ON THE CONSENT CALENDAR.

REP. A. OLSON, Chairman

HCR 3065 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Natural Resources to which was referred HCR 3066 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 and BE PLACED ON THE CONSENT CALENDAR.

REP. A. OLSON, Chairman

HCR 3066 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education to which was referred HCR 3067 has had the same under consideration and recommends by a vote of 14 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

REP. KNUDSON, Chairman

HCR 3067 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education to which was referred HCR 3073 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 and BE PLACED ON THE CONSENT CALENDAR.

REP. KNUDSON, Chairman

HCR 3073 was placed on the Tenth 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 HCR 3077 has had the same under consideration

and recommends by a vote of 16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

REP. HAUGLAND, Chairman

HCR 3077 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

Reps. Sauter, Moore, Rydell, Oban, Schneider introduced:

HCR 3080: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing a "cafeteria" style benefit program for state employees.

Was read the first time and referred to the Committee on State and Federal Government.

Reps. Dorso, Melby, Frey and Sen. D. Meyer introduced:

HCR 3081: A concurrent resolution directing the Legislative Council to study the feasibility of phasing out the University of North Dakota Medical School.

Was read the first time and referred to the Committee on State and Federal Government.

Rep. Wald introduced:

HCR 3082: A concurrent resolution directing the Legislative Council to study the cancellation, nonrenewal, and declination procedures and requirements for property and casualty insurance and automobile insurance.

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

Reps. Wald, Whalen and Sen. Tallackson introduced:

HCR 3083: A concurrent resolution directing the Legislative Council to study the public policy of enacting legislation to regulate the issuance of life, property, casualty, and accident and health insurance by insurance agents who are owned or controlled by financial institutions.

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

Rep. Kloubec introduced:

HCR 3084: A concurrent resolution directing the Legislative Council to monitor and study the implementation of the new state accounting system.

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

Committee on Appropriations introduced:

HCR 3085: A concurrent resolution directing the Legislative Council to study the maximum usage and accessibility of computers for all state agencies and institutions.

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

Reps. Eckroth, Schmidt introduced:

HCR 3086: A concurrent resolution directing the Legislative Council to study the duties, qualifications, and authority of the State Forester, the location of the office of the State Forester, and the placement of the State Forest Service under the jurisdiction of the Board of Higher Education.

Was read the first time and referred to the Committee on Natural Resources.

Reps. DeMers, Martinson, R. Berg introduced:

HCR 3087: A concurrent resolution directing the Legislative Council to study the desirability of providing for self-administration of the state uniform group health insurance program.

Was read the first time and referred to the Committee on State and Federal Government.

Rep. Sauter introduced:

HCR 3088: A concurrent resolution directing the Legislative Council to study the investment of state moneys in any bank or other business that invests in or does business in or with the Republic of South Africa, and to determine the desirability of prohibiting or restricting such investments, if any, in light of the apartheid policy practiced by the Republic of South Africa.

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

Rep. D. Olsen, Kent, Shide, Laughlin introduced:

HCR 3089: A concurrent resolution directing the Legislative Council to study grain warehousemen insolvencies and insolvencies of grain buying or commission firms, and the feasibility of providing bond coverage for credit-sales contracts.

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

Reps. Nowatzki, Nicholas, A. Olson and Sen. Vosper introduced:

HCR 3090: A concurrent resolution directing the Legislative Council to study the Pembina River Basin, including soil, water, wildlife, and ecological resource management needs and the potential for the development of recreational and historical resources.

Was read the first time and referred to the Committee on Natural Resources.

Reps. Sauter, Whalen and Sen. Satrom introduced:

HCR 3091: A concurrent resolution directing the Legislative Council to study the feasibility of and the various means and methods of, as well as the timing involved in, the development and transition to an alternative structure for the higher education system encompassing all state institutions of higher education in the state of North

Dakota, and that the Legislative Council use a consultant from outside the state and conduct the study in cooperation with the Board of Higher Education.

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

Reps. Sauter, A. Hausauer, Richard, Moore introduced:

HCR 3092: A concurrent resolution directing the Legislative Council to study the present adequacy and equity of the structure of taxes levied by the state and the prospects for future changes in revenues from the various taxes imposed by the state.

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

FIRST READING OF SENATE BILLS

SB 2056: A BILL for an Act to amend and reenact subsections 3 and 4 of section 53-06.1-11 of the North Dakota Century Code, relating to allowable expenses of charitable organizations conducting games of chance.

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

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

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

SB 2181: A BILL for an Act to adopt the Uniform Postconviction Procedure Act (1980), relating to a remedy to a person convicted of and sentenced for a crime and the procedure for challenging the validity of the conviction or sentence; to repeal chapter 29-32 of the North Dakota Century Code, relating to the Uniform Postconviction Procedure Act; and to provide an effective date.

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

SB 2343: A BILL for an Act to provide for the contingent adoption of the water's edge combination approach to unitary taxation for corporate income tax purposes; and to provide an effective date.

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

SB 2351: A BILL for an Act to amend and reenact section 26.1-17-12 of the North Dakota Century Code, relating to contract restrictions for nonprofit health service corporations.

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

SB 2390: A BILL for an Act to create and enact a new chapter to title 12.1 of the North Dakota Century Code, relating to the prohibition of sexual performances by children; and to amend and reenact section 14-10-06 of the North Dakota Century Code, relating to contributing to the deprivation of a minor.

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

SB 2445: A BILL for an Act to adopt the Uniform Law Commissioners' Model Criminal Responsibility and Post-trial Disposition Act, relating to the defense of lack of criminal responsibility; to amend and reenact sections 12.1-04-02 and 12.1-04-06 of the North Dakota Century Code, relating to the use of intoxication as a defense, and psychiatric examinations of defendants for mental disease or defect; and to repeal sections 12.1-04-03 and 12.1-04-10 of the North Dakota Century Code, relating to lack of criminal responsibility as a defense, and the disposition of defendants found not criminally responsible.

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

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

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

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

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

SB 2470: A BILL for an Act to amend and reenact subsection 2 of section 50-25.1-02 of the North Dakota Century Code, relating to the definition of abused child for purposes of child abuse reports and protection.

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

SB 2479: A BILL for an Act to amend and reenact subsection 2 of section 43-30-01, and sections 43-30-04, 43-30-15, and 43-30-16 of the North Dakota Century Code, relating to the definition of private security service, rules adopted by the attorney general concerning the regulation of private investigative and security services, appeals to the private investigative and security board, and examination and license fees.

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

SB 2485: A BILL for an Act to amend and reenact section 26-03-39.1 of the North Dakota Century Code, or in the alternative section 26.1-36-11 of the North Dakota Century Code as created by Senate Bill No. 2078, as approved by the

forty-ninth legislative assembly, relating to provisions in any accident or sickness insurance policy denying the insured the right to consult or employ the doctor or chiropractor, or to enter the hospital or sanitarium of his or her choice.

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

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

ROY GILBREATH, Chief Clerk