

## JOURNAL OF THE HOUSE

## Fiftieth Legislative Assembly

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## THIRTEENTH DAY

Bismarck, January 22, 1987

The House convened at 1:00 p.m., with Speaker Kloubec presiding.

The prayer was offered by Father C. Robert Kavaney, Cathedral of the Holy Spirit, Bismarck, North Dakota.

## ROLL CALL

The roll was called and all Representatives were present, except Representatives L. Hanson, Shaft, Thompson, and C. Williams.

A quorum was declared by the Speaker.

## CORRECTION AND REVISION OF THE JOURNAL

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

REP. THOMPSON, Chairman

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

## RECOGNITION

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

## SIXTH ORDER OF BUSINESS

REP. KRETSCHMAR MOVED that the amendments to HB 1038 as recommended by the Committee on Judiciary as printed on pages 377-378 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1038 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MESSAGE TO THE SENATE  
HOUSE CHAMBER

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

HB 1058, HB 1061, HB 1063, HB 1086, HB 1092, HB 1119,  
HB 1138, HB 1139, HB 1156, HB 1174, HB 1209, HB 1216,  
HB 1217, HB 1311, HCR 3006, HCR 3008, HCR 3010

ROY GILBREATH, Chief Clerk

**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 2048, SB 2069, SB 2070, SB 2075, SB 2087, SB 2096,  
SB 2110, SB 2114, SB 2126, SB 2142, SB 2200

PERRY GROTEBERG, Secretary

**SIXTH ORDER OF BUSINESS**

**REP. MARTINSON MOVED** that the amendments to HB 1109 as recommended by the Committee on State and Federal Government as printed on page 378 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

**MOTION**

**REP. STRINDEN MOVED** that the proposed amendments to HB 1109 be laid on the table.

**REQUEST**

**REP. STRINDEN REQUESTED** a recorded roll call vote on the motion to lay the proposed amendments to HB 1109 on the table, which request was granted.

**ROLL CALL**

The question being on the motion to lay the proposed amendments to HB 1109 on the table, the roll was called and there were 63 YEAS, 42 NAYS, 1 ABSENT AND NOT VOTING.

**YEAS:** Aas; Almlie; Anderson; Belter; Berg, R.; Christman; Cleveland; Dalrymple; Dorso; Gates; Gerntholz; Goetz; Gorman; Gunsch; Hamerlik; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Kelly; Kent; Kingsbury; Knell; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Lindgren; Martin; Martinson; Melby; Moore; Murphy; Myrdal; Nicholas; Olsen, D.; Olson, A.; Olson, V.; Payne; Peterson; Rice; Rydell; Schindler; Shaft; Shaw; Shide; Smette; Sorensen; Strinden; Thompson; Tokach; Tollefson; Trautman; Vander Vorst; Wald; Wentz; Whalen; Williams, A.; Winkelman; Speaker Kloubec

**NAYS:** Berg, G.; Brokaw; DeMers, J.; DeMers, P.; Dotzenrod; Enget; Flaagan; Frey; Graba; Halmrast; Hill; Hoffner; Hokana; Klundt; Kolbo; Laughlin; Lautenschlager; Linderman; Marks; Mertens; Meyer; Nelson, C.; Nelson, J.; Nowatzki; Oban; O'Connell; Opedahl; O'Shea; Riehl; Scherber; Schneider; Shockman; Skjerven; Solberg; Starke; Stofferahn; Tomac; Ulmer; Watne; Wilkie; Williams, C.; Williams, W.

**ABSENT AND NOT VOTING:** Hanson, L.

The motion to lay the proposed amendments to HB 1109 on the table prevailed.

#### SIXTH ORDER OF BUSINESS

REP. HAUGLAND MOVED that the amendments to HB 1152 as recommended by the Committee on Human Services and Veterans Affairs as printed on pages 379 and 380 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1152 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. KRETSCHMAR MOVED that the amendments to HB 1196 as recommended by the Committee on Judiciary as printed on page 380 of the House Journal be adopted, and when so adopted, recommends the same DO NOT PASS, which motion prevailed.

HB 1196 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. KRETSCHMAR MOVED that the amendments to HCR 3001 as recommended by the Committee on Judiciary as printed on page 383 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HCR 3001 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

#### MOTION

REP. DORSO MOVED that the House reconsider its action whereby HB 1160 passed, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1160: A BILL for an Act to amend and reenact subsection 6 of section 54-52-17 of the North Dakota Century Code, relating to consent of a spouse to a change of beneficiary under the public employees retirement system.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 15 YEAS, 89 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Christman; Frey; Hausauer, A.; Kuchera; Martinson; Melby; Murphy; O'Connell; Rydell; Shaft; Smette; Sorensen; Starke; Tokach; Watne

NAYS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Gates; Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hamerlik; Hanson, O.; Haugen; Haugland; Hausauer, R.; Hill;

Hoffner; Hokana; Kelly; Kent; Kingsbury; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Mertens; Meyer; Moore; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Rice; Riehl; Scherber; Schindler; Schneider; Shaw; Shide; Shockman; Skjerven; Solberg; Stofferahn; Strinden; Thompson; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

**ABSENT AND NOT VOTING:** Hanson, L.; Peterson

HB 1160 was declared lost.

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#### MOTION

**REP. GOETZ MOVED** that the House waive the reading of the title to HB 1044, which motion prevailed.

#### SECOND READING OF HOUSE BILLS

**HB 1044:** A BILL for an Act to create and enact two new chapters to title 35 of the North Dakota Century Code, relating to statutory agricultural liens; to amend and reenact sections 11-18-14, 11-29-24, 35-21-01, and subsection 9 of section 41-09-28 of the North Dakota Century Code, relating to duties of the county register of deeds, county seed, feed, and fuel liens, release of liens, and to protection of buyers of goods; and to repeal chapters 35-07, 35-08, 35-09, and 35-10 of the North Dakota Century Code, relating to threshing or drying liens, crop production liens, motor fuel liens, fertilizer, farm chemicals, or seed liens, and sugar beet production liens.

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 101 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING.

**YEAS:** Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Gertholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hamerlik; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Kingsbury; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy;

Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki;  
 Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.;  
 Opedahl; Payne; Rice; Rydell; Scherber; Schindler;  
 Shaft; Shaw; Shide; Shockman; Skjerven; Smette;  
 Solberg; Sorensen; Starke; Stofferahn; Strinden;  
 Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer;  
 Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie;  
 Williams, A.; Williams, C.; Williams, W.; Winkelman;  
 Speaker Kloubec

NAYS: O'Shea; Schneider

ABSENT AND NOT VOTING: Hanson, L.; Peterson; Riehl

HB 1044 passed and the title was agreed to.

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HB 1137: A BILL for an Act to create and enact section 6-03-47.3 and subdivision g of subsection 5 of section 6-06-06 of the North Dakota Century Code, relating to bank investments in investment company shares and powers of credit unions; 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 102 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.;  
 Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.;  
 DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey;  
 Gates; Gertholz; Goetz; Gorman; Graba; Gunsch;  
 Halmrast; Hamerlik; Hanson, O.; Haugen; Haugland;  
 Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana;  
 Kelly; Kent; Kingsbury; Klundt; Knell; Knudson; Koland;  
 Kolbo; Kretschmar; Kuchera; Lang; Larson; Laughlin;  
 Lautenschlager; Linderman; Lindgren; Marks; Martin;  
 Martinson; Melby; Mertens; Meyer; Moore; Murphy;  
 Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki;  
 Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.;  
 Opedahl; O'Shea; Payne; Rice; Rydell; Scherber;  
 Schindler; Schneider; Shaft; Shaw; Shide; Shockman;  
 Skjerven; Smette; Solberg; Sorensen; Starke;  
 Stofferahn; Strinden; Tokach; Tollefson; Tomac;  
 Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz;  
 Whalen; Wilkie; Williams, A.; Williams, C.;  
 Williams, W.; Winkelman; Speaker Kloubec

NAYS: None

ABSENT AND NOT VOTING: Hanson, L.; Peterson; Riehl;  
Thompson

HB 1137 passed, the title was agreed to, and the emergency clause carried.

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HB 1171: A BILL for an Act to create and enact a new section to chapter 15-47 of the North Dakota Century Code, relating to the qualifications of elementary and junior high school teachers; and to amend and reenact subsection 1 of section 15-34.1-03 and section 15-40.1-08 of the North Dakota Century Code, relating to the qualifications required of kindergarten and elementary teachers in order for a school to be approved and receive foundation aid.

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, 27 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Almlie; Berg, G.; Berg, R.; Christman; Cleveland; DeMers, J.; DeMers, P.; Dorso; Enget; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Halmarast; Hamerlik; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Klundt; Kolbo; Kretschmar; Kuchera; Lang; Larson; Lautenschlager; Linderman; Lindgren; Marks; Martinson; Mertens; Moore; Myrdal; Nelson, C.; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Rice; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shockman; Skjerven; Smette; Solberg; Sorensen; Starke; Stofferahn; Strinden; Tollefson; Tomac; Ulmer; Vander Vorst; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubek

NAYS: Aas; Anderson; Belter; Brokaw; Dalrymple; Dotzenrod; Flaagan; Gunsch; Hanson, O.; Kingsbury; Knell; Knudson; Koland; Laughlin; Martin; Melby; Meyer; Murphy; Nelson, J.; Riehl; Shide; Thompson; Tokach; Trautman; Wald; Whalen; Wilkie

ABSENT AND NOT VOTING: Hanson, L.; Peterson

HB 1171 passed and the title was agreed to.

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HB 1260: A BILL for an Act to amend and reenact subsection 1 of section 57-38-45 of the North Dakota Century Code, relating

to the rate of interest imposed on income taxes paid after the due date; 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 97 YEAS, 5 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hamerlik; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hokana; Kelly; Kent; Kingsbury; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Rice; Riehl; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Starke; Stofferahn; Strinden; Tollefson; Trautman; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Hoffner; Thompson; Tokach; Tomac; Ulmer

ABSENT AND NOT VOTING: Enget; Hanson, L.; Peterson; Williams, C.

HB 1260 passed and the title was agreed to.

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HB 1046: A BILL for an Act to create and enact a new section to chapter 26.1-03 of the North Dakota Century Code, relating to the filing of reports by insurance companies, and to provide for the initial reports.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 5 YEAS, 99 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Cleveland; DeMers, J.; Kretschmar; Schneider; Stofferahn

NAYS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Dalrymple; DeMers, P.; Dorso;

Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz;  
 Goetz; Gorman; Graba; Gunsch; Halmrast; Hamerlik;  
 Hanson, O.; Haugen; Haugland; Hausauer, A.;  
 Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent;  
 Kingsbury; Klundt; Knell; Knudson; Koland; Kolbo;  
 Kuchera; Lang; Larson; Laughlin; Lautenschlager;  
 Linderman; Lindgren; Marks; Martin; Martinson; Melby;  
 Mertens; Meyer; Moore; Murphy; Myrdal; Nelson, C.;  
 Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell;  
 Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea;  
 Payne; Rice; Riehl; Rydell; Scherber; Schindler; Shaft;  
 Shaw; Shide; Shockman; Skjerven; Smette; Solberg;  
 Sorensen; Starke; Strinden; Thompson; Tokach;  
 Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald;  
 Watne; Wentz; Whalen; Wilkie; Williams, A.;  
 Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

ABSENT AND NOT VOTING: Hanson, L.; Peterson

HB 1046 was declared lost.

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HB 1094: A BILL for an Act to amend and reenact subsection 4 of section 54-52.1-01 and section 54-52.1-02 of the North Dakota Century Code, relating to establishing subgroups and to definitions and eligibility to participate in the group medical plan for certain public employees.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 101 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.;  
 Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.;  
 DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey;  
 Gates; Gerntholz; Goetz; Gorman; Graba; Gunsch;  
 Halmrast; Hamerlik; Hanson, O.; Haugen; Hausauer, A.;  
 Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent;  
 Kingsbury; Klundt; Knell; Knudson; Koland; Kolbo;  
 Kretschmar; Kuchera; Lang; Larson; Laughlin;  
 Lautenschlager; Linderman; Lindgren; Marks; Martin;  
 Martinson; Melby; Mertens; Meyer; Moore; Murphy;  
 Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki;  
 Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.;  
 Opedahl; O'Shea; Rice; Riehl; Rydell; Scherber;  
 Schindler; Schneider; Shaft; Shaw; Shide; Shockman;  
 Skjerven; Smette; Solberg; Sorensen; Starke;  
 Stofferahn; Strinden; Thompson; Tokach; Tollefson;  
 Tomac; Trautman; Vander Vorst; Wald; Watne; Wentz;  
 Whalen; Wilkie; Williams, A.; Williams, C.;  
 Williams, W.; Winkelman; Speaker Kloubec



NAYS: None

ABSENT AND NOT VOTING: Hanson, L.; Haugland; Payne;  
Peterson; Ulmer

HB 1094 passed and the title was agreed to.

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HB 1158: A BILL for an Act to amend and reenact section 54-52.1-06 of the North Dakota Century Code, relating to payment of group medical insurance premiums for state employees who have a spouse who is also a state employee.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 1 YEA, 102 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Watne

NAYS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hamerlik; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Kingsbury; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Rice; Riehl; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Starke; Stofferahn; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

ABSENT AND NOT VOTING: Hanson, L.; Hanson, O.; Peterson

HB 1158 was declared lost.

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HB 1172: A BILL for an Act to create and enact a new section to chapter 54-23.2 and three new sections to chapter 54-44.2 of the North Dakota Century Code, relating to radio communication functions by the director of institutions and telecommunication functions by the office of central data processing; to amend and reenact sections 48-07-01,

48-07-02, 48-07-03, 48-07-04, 54-21-19, subsection 3 of section 54-44-11, and sections 54-44.2-00.1 and 54-44.2-02 of the North Dakota Century Code, relating to telecommunication functions by the office of central data processing; and to repeal section 48-07-05 and chapter 54-23.1 of the North Dakota Century Code, relating to responsibility of the director of institutions for state communications.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 102 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hamerlik; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Kingsbury; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Meyer; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Rice; Riehl; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Starke; Stofferahn; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Melby

ABSENT AND NOT VOTING: Hanson, L.; Mertens; Peterson

HB 1172 passed and the title was agreed to.

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#### MOTION

REP. NICHOLAS MOVED that HB 1339 be returned to the House floor from the Committee on Agriculture for the purpose of withdrawal, which motion prevailed.

#### REQUEST

REP. DALRYMPLE REQUESTED the unanimous consent of the House to withdraw HB 1339. There being no objection, it was so ordered by the Speaker.

## SECOND READING OF HOUSE BILLS

HB 1200: A BILL for an Act to amend and reenact sections 54-17-24 and 54-17-25 of the North Dakota Century Code, relating to the state student loan trusts.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 102 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Gertholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hamerlik; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Kingsbury; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Meyer; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, V.; Opedahl; O'Shea; Payne; Rice; Riehl; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Starke; Stofferahn; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: None

ABSENT AND NOT VOTING: Hanson, L.; Mertens; Olson, A.; Peterson

HB 1200 passed and the title was agreed to.

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HB 1203: A BILL for an Act to amend and reenact sections 15-62.1-01, 15-62.1-04, 15-62.1-05, and 15-62.1-08 of the North Dakota Century Code, relating to the state guaranteed student loan programs.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 28 YEAS, 76 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Berg, R.; Brokaw; Dalrymple; DeMers, J.; DeMers, P.; Enget; Frey; Graba; Halmrast; Hamerlik; Hoffner; Hokana; Kelly; Klundt; Lautenschlager;

Linderman; Mertens; Meyer; Nelson, C.; Nowatzki; Oban;  
O'Connell; Riehl; Shockman; Solberg; Starke;  
Stofferahn; Watne

**NAYS:** Aas; Almlie; Anderson; Belter; Berg, G.; Christman;  
Cleveland; Dorso; Dotzenrod; Flaagan; Gates; Gerntholz;  
Goetz; Gorman; Gunsch; Hanson, O.; Haugen; Haugland;  
Hausauer, A.; Hausauer, R.; Hill; Kent; Kingsbury;  
Knell; Knudson; Koland; Kolbo; Kretschmar; Kuchera;  
Lang; Larson; Laughlin; Lindgren; Marks; Martin;  
Martinson; Melby; Moore; Murphy; Myrdal; Nelson, J.;  
Nicholas; Olsen, D.; Olson, A.; Olson, V.; Opedahl;  
O'Shea; Payne; Rice; Rydell; Scherber; Schindler;  
Schneider; Shaft; Shaw; Shide; Skjerven; Smette;  
Sorensen; Strinden; Thompson; Tokach; Tollefson; Tomac;  
Trautman; Ulmer; Vander Vorst; Wald; Wentz; Whalen;  
Wilkie; Williams, A.; Williams, C.; Williams, W.;  
Winkelman; Speaker Kloubec

**ABSENT AND NOT VOTING:** Hanson, L.; Peterson

HB 1203 was declared lost.

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**HB 1210:** A BILL for an Act to amend and reenact subsection 3 of section 65-13-06 of the North Dakota Century Code, relating to awards and limitations of crime victims reparations when the offender lives in the same household as the victim.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 99 YEAS, 2 NAYS, 5 ABSENT AND NOT VOTING.

**YEAS:** Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.;  
Brokaw; Christman; Dalrymple; DeMers, J.; DeMers, P.;  
Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates;  
Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast;  
Hamerlik; Haugen; Haugland; Hausauer, A.; Hausauer, R.;  
Hill; Hoffner; Hokana; Kelly; Kent; Kingsbury; Klundt;  
Knell; Knudson; Koland; Kolbo; Kretschmar; Lang;  
Larson; Laughlin; Lautenschlager; Linderman; Lindgren;  
Marks; Martin; Martinson; Melby; Mertens; Meyer; Moore;  
Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas;  
Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.;  
Olson, V.; Opedahl; O'Shea; Payne; Rice; Riehl; Rydell;  
Scherber; Schindler; Schneider; Shaw; Shide; Shockman;  
Skjerven; Smette; Solberg; Sorensen; Starke;  
Stofferahn; Thompson; Tokach; Tollefson; Tomac;  
Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz;  
Whalen; Wilkie; Williams, A.; Williams, C.;  
Williams, W.; Winkelman; Speaker Kloubec

NAYS: Kuchera; Shaft

ABSENT AND NOT VOTING: Cleveland; Hanson, L.;  
Hanson, O.; Peterson; Strinden

HB 1210 passed and the title was agreed to.

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HB 1218: A BILL for an Act to amend and reenact subsection 4 of section 6-06-08 of the North Dakota Century Code, relating to assessments of state credit unions.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 99 YEAS, 1 NAY, 6 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hamerlik; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Kingsbury; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martinson; Melby; Meyer; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; Payne; Rice; Riehl; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shockman; Skjerven; Smette; Solberg; Sorensen; Starke; Stofferahn; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: O'Shea

ABSENT AND NOT VOTING: Hanson, L.; Hanson, O.; Martin; Mertens; Peterson; Shide

HB 1218 passed and the title was agreed to.

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HB 1224: A BILL for an Act to amend and reenact section 54-52.1-03 of the North Dakota Century Code, relating to continued health insurance coverage for surviving spouses of certain retired public employees.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 103 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hamerlik; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Kingsbury; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Meyer; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Rice; Riehl; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Starke; Stofferahn; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: None

ABSENT AND NOT VOTING: Hanson, L.; Mertens; Peterson

HB 1224 passed and the title was agreed to.

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HB 1232: A BILL for an Act to amend and reenact section 6-06-12 of the North Dakota Century Code, relating to credit union directors, duties, powers, and loan limitations.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 103 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hamerlik; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Kingsbury; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Opedahl; O'Shea;

Payne; Rice; Riehl; Rydell; Scherber; Schindler;  
Schneider; Shaft; Shaw; Shide; Shockman; Skjerven;  
Smette; Solberg; Sorensen; Starke; Stofferahn;  
Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman;  
Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen;  
Wilkie; Williams, A.; Williams, C.; Williams, W.;  
Winkelman; Speaker Kloubec

NAYS: None

ABSENT AND NOT VOTING: Hanson, L.; Olson, V.; Peterson

HB 1232 passed and the title was agreed to.

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HB 1242: A BILL for an Act to create and enact a new section to title 12.1 and a new chapter to title 14 of the North Dakota Century Code, relating to relinquishment of children to identified adoptive parents and the crime of child procurement; and to provide a penalty.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 71 YEAS, 31 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Almlie; Anderson; Berg, G.; Brokaw; Christman;  
Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod;  
Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman;  
Graba; Halmrast; Hamerlik; Hanson, O.; Haugland;  
Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kingsbury;  
Klundt; Kolbo; Kretschmar; Lang; Lautenschlager;  
Linderman; Lindgren; Marks; Martinson; Melby; Mertens;  
Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; Oban;  
Olson, A.; Olson, V.; Opedahl; O'Shea; Riehl; Rydell;  
Scherber; Schindler; Schneider; Shaw; Shide; Shockman;  
Skjerven; Sorensen; Starke; Stofferahn; Strinden;  
Ulmer; Vander Vorst; Watne; Wentz; Wilkie;  
Williams, A.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Aas; Belter; Berg, R.; Cleveland; Gunsch; Haugen;  
Hausauer, A.; Kent; Knell; Knudson; Koland; Kuchera;  
Larson; Laughlin; Martin; Nicholas; Nowatzki;  
O'Connell; Olsen, D.; Payne; Rice; Shaft; Smette;  
Solberg; Thompson; Tokach; Tollefson; Tomac; Trautman;  
Wald; Whalen

ABSENT AND NOT VOTING: Hanson, L.; Meyer; Peterson;  
Williams, C.

HB 1242 passed and the title was agreed to.

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HB 1266: A BILL for an Act to amend and reenact sections 35-13-02 and 35-13-03 of the North Dakota Century Code, relating to filing of repairman's lien statements.

Which has been read.

#### ROLL CALL

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

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hamerlik; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Lang; Laughlin; Lautenschlager; Linderman; Marks; Martin; Martinson; Melby; Meyer; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, V.; Opedahl; O'Shea; Payne; Peterson; Rice; Riehl; Rydell; Scherber; Schindler; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Starke; Stofferahn; Thompson; Tollefson; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Cleveland; Kingsbury; Kuchera; Larson; Lindgren; Olson, A.; Shaft; Strinden; Tokach; Tomac

ABSENT AND NOT VOTING: Hanson, L.; Mertens

HB 1266 passed and the title was agreed to.

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HB 1278: A BILL for an Act to amend and reenact section 15-22-23, subsection 1 of section 15-28-03, and sections 15-28-04 and 15-28-07 of the North Dakota Century Code, relating to the date of school district elections.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 102 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Gunsch;



Halmrast; Hamerlik; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Kingsbury; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Meyer; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; Payne; Peterson; Rice; Riehl; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Starke; Stofferahn; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: None

ABSENT AND NOT VOTING: Hanson, L.; Kuchera; Mertens; O'Shea

HB 1278 passed and the title was agreed to.

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HB 1280: A BILL for an Act to amend and reenact section 53-06.1-08 of the North Dakota Century Code, relating to charitable gambling jars and punchboards.

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, 2 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hamerlik; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Kingsbury; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Meyer; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, V.; Opedahl; O'Shea; Payne; Peterson; Rice; Riehl; Rydell; Scherber; Schindler; Shaft; Shaw; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Starke; Stofferahn; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Olson, A.; Whalen

ABSENT AND NOT VOTING: Hanson, L.; Kuchera; Mertens;  
Schneider

HB 1280 passed and the title was agreed to.

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HB 1281: A BILL for an Act to amend and reenact section 53-06.1-03 of the North Dakota Century Code, relating to local authorization of certain games of chance.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 101 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hamerlik; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Meyer; Moore; Murphy; Myrdal; Nelson, C.; Nicholas; Nowatzki; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Peterson; Rice; Riehl; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Starke; Stofferahn; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Nelson, J.; Oban

ABSENT AND NOT VOTING: Hanson, L.; Kingsbury; Mertens

HB 1281 passed and the title was agreed to.

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HB 1283: A BILL for an Act to amend and reenact section 53-06.1-11 of the North Dakota Century Code, relating to issuance of prizes and to expense limitations with respect to charitable gambling.

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, 4 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hamerlik; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Peterson; Rice; Riehl; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Starke; Stofferahn; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Cleveland; Hanson, O.; Kuchera; Wilkie

ABSENT AND NOT VOTING: Hanson, L.; Kingsbury

HB 1283 passed and the title was agreed to.

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## MOTION

REP. GOETZ MOVED that the House waive the reading of the title to HB 1290, which motion prevailed.

## SECOND READING OF HOUSE BILLS

HB 1290: A BILL for an Act to create and enact a new subsection to section 57-43.2-01 of the North Dakota Century Code, relating to the definition of "special fuel wholesaler"; and to amend and reenact subsection 2 of section 23-13-01, subsections 3 and 4 of section 23-13-02.1, sections 57-43.2-05, 57-43.2-06, 57-43.2-07, 57-43.2-08, 57-43.2-09, 57-43.2-10, 57-43.2-11, 57-43.2-22, 57-43.2-23, and 57-43.2-24 of the North Dakota Century Code, relating to the definitions of "filling stations," "self-service motor fuel dispensing facility," and "self-service motor fuel dispensing unit" and administration and imposition of special fuels taxes regarding compressed natural gas and special fuel wholesalers; and to provide a penalty.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 104 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

**YEAS:** Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hamerlik; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Peterson; Rice; Riehl; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Starke; Stofferahn; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

**NAYS:** None

**ABSENT AND NOT VOTING:** Hanson, L.; Kingsbury

HB 1290 passed and the title was agreed to.

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**HB 1313:** A BILL for an Act to amend and reenact sections 57-55-03 and 57-55-04.1 of the North Dakota Century Code, relating to delinquent mobile home taxes, and the time for filing claims for refund of mobile home taxes.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 103 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING.

**YEAS:** Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Gates; Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hamerlik; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell;

Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea;  
Payne; Peterson; Rice; Riehl; Rydell; Scherber;  
Schindler; Schneider; Shaft; Shaw; Shide; Shockman;  
Skjerven; Smette; Solberg; Sorensen; Starke;  
Stofferahn; Strinden; Thompson; Tokach; Tollefson;  
Tomic; Trautman; Ulmer; Vander Vorst; Wald; Watne;  
Wentz; Whalen; Wilkie; Williams, A.; Williams, C.;  
Williams, W.; Winkelman; Speaker Kloubec

NAYS: Frey

ABSENT AND NOT VOTING: Hanson, L.; Kingsbury

HB 1313 passed and the title was agreed to.

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HB 1337: A BILL for an Act to amend and reenact subsection 3 of section 57-39.2-02.1 of the North Dakota Century Code as contained in section 1 of Senate Bill No. 2901, as approved by the fiftieth legislative assembly, relating to the rate of sales or use tax which applies to contractors; to provide an effective date; and to declare an emergency.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 101 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.;  
Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.;  
DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Gates;  
Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast;  
Hamerlik; Hanson, O.; Haugen; Haugland; Hausauer, A.;  
Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent;  
Kingsbury; Klundt; Knell; Knudson; Koland; Kolbo;  
Kretschmar; Kuchera; Lang; Larson; Laughlin; Linderman;  
Lindgren; Marks; Martin; Martinson; Melby; Mertens;  
Meyer; Moore; Murphy; Myrdal; Nelson, C.; Nicholas;  
Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.;  
Olson, V.; Opedahl; O'Shea; Payne; Peterson; Rice;  
Riehl; Rydell; Scherber; Schindler; Schneider; Shaft;  
Shaw; Shide; Shockman; Skjerven; Smette; Solberg;  
Sorensen; Starke; Stofferahn; Strinden; Thompson;  
Tokach; Tollefson; Tomic; Trautman; Ulmer;  
Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.;  
Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Frey; Nelson, J.; Wilkie

ABSENT AND NOT VOTING: Hanson, L.; Lautenschlager

HB 1337 passed, the title was agreed to, and the emergency clause carried.

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#### MOTIONS

REP. STRINDEN MOVED that HCR 3009 and SB 2217 be laid over until Monday, January 26, 1987, which motion prevailed.

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

REP. GOETZ 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 stand adjourned until 1:00 p.m., Friday, January 23, 1987, which motion prevailed.

#### REPORTS OF STANDING COMMITTEES

MR. SPEAKER: Your Committee on Education to which was referred HB 1037 has had the same under consideration and recommends by a vote of 15 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. GATES, Chairman

HB 1037 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary to which was referred HB 1051 has had the same under consideration and recommends by a vote of 8 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. KRETSCHMAR, Chairman

HB 1051 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation to which was referred HB 1075 has had the same under consideration and recommends by a vote of 13 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. ANDERSON, Chairman

HB 1075 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor to which was referred HB 1082 has had the same under consideration and recommends by a vote of 12 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2, line 9, delete the words "subsequent to dismissal" and insert in lieu thereof the words "prior to the beginning of the trial"

And rerumber the lines and pages accordingly

REP. WHALEN, Chairman

HB 1082 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Political Subdivisions to which was referred HB 1104 has had the same under consideration and recommends by a vote of 8 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. MOORE, Chairman

HB 1104 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation to which was referred HB 1134 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. ANDERSON, Chairman

HB 1134 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation to which was referred HB 1135 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. ANDERSON, Chairman

HB 1135 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary to which was referred HB 1190 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.

REP. KRETSCHMAR, Chairman

HB 1190 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education to which was referred HB 1199 has had the same under consideration and recommends by a vote of 17 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 2, line 34, remove the overstrike over the word "must" and delete the word "may"

And renumber the lines accordingly

REP. GATES, Chairman

HB 1199 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary to which was referred HB 1227 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.

REP. KRETSCHMAR, Chairman

HB 1227 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor to which was referred HB 1235 has had the same under consideration and recommends by a vote of 14 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 2, line 9, after the word "inspector." insert the words "Any special inspection fee assessed cannot exceed one hundred eighty-five dollars per day or one hundred dollars per half day of four hours or less for boiler inspection activities, plus payment for mileage, meals, and hotel expenses as allowed by sections 44-08-04 and 54-06-09."

And renumber the lines accordingly

REP. WHALEN, Chairman

HB 1235 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Political Subdivisions to which was referred HB 1244 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.

REP. MOORE, Chairman

HB 1244 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Finance and Taxation to which was referred HB 1246 has had the same under consideration and recommends by a vote of 13 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

On page 1, line 1, delete the word "a" and insert in lieu thereof the word "two" and delete the word "section" and insert in lieu thereof the word "sections"



On page 1, line 2, delete the word "a" and insert in lieu thereof the word "two" and delete the word "section" and insert in lieu thereof the word "sections"

On page 1, line 3, after the first word "to" insert the words "credit or refund for taxes paid on worthless accounts and"

On page 1, after line 10, insert the following new section:

"SECTION 1. A new section to chapter 57-43.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

Credit or refund for taxes paid on worthless accounts. Taxes paid on taxable sales under this chapter represented by accounts found to be worthless and actually charged off for income tax purposes may be credited upon subsequent payment of the tax under this chapter. If accounts for which credit has been received under this section are later collected by the licenseholder, applicable taxes shall be paid on the amount collected. If all or a portion of the credit allowed under this section cannot be utilized by the licenseholder because of a discontinuance of a business or for other valid reasons, the remaining amount may be refunded to the licenseholder."

On page 4, after line 11, insert the following new section:

"SECTION 4. A new section to chapter 57-43.2 of the North Dakota Century Code is hereby created and enacted to read as follows:

Credit or refund for taxes paid on worthless accounts. Taxes paid on taxable sales under this chapter represented by accounts found to be worthless and actually charged off for income tax purposes may be credited upon subsequent payment of the tax under this chapter. If accounts for which credit has been received under this section are later collected by the licenseholder, applicable taxes shall be paid on the amount collected. If all or a portion of the credit allowed under this section cannot be utilized by the licenseholder because of a discontinuance of a business or for other valid reasons, the remaining amount may be refunded to the licenseholder."

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

HB 1246 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 1247 has had the same under consideration and recommends by a vote of 11 YEAS, 3 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 1, delete the words "to create and enact a new subsection to section"

On page 1, delete lines 2 and 3

On page 4, delete lines 19 through 29

On page 5, line 6, delete the words "or private"

On page 6, delete lines 21 through 24

On page 6, line 30, remove the overstrike over the words "in the state treasury"

On page 6, line 31, remove the overstrike over the words "common schools" and delete the words "abandoned property"

On page 6, line 34, remove the overstrike over the words "The administrator shall retain"

On page 6, line 35, remove the overstrike over the words "in a separate trust fund an amount not less than one"

On page 7, line 1, remove the overstrike over the words "hundred thousand dollars from which prompt payment of"

On page 7, line 2, remove the overstrike over the words "claims duly allowed must be made."

On page 7, line 12, delete the words "The abandoned property trust must be held and"

On page 7, delete lines 13 through 21

On page 7, line 22, remove the overstrike over the word "deposit" and delete the numeral "3." and the words "transfer of interest and income"

On page 7, line 23, delete the words "from the abandoned property trust fund" and remove the overstrike over the word "credit"

On page 7, line 24, delete the words "interest and income portion"

On page 7, line 25, remove the overstrike over the word "deduct" and delete the words "pay, subject to the"

On page 7, line 26, delete the words "limits of legislative appropriation"

On page 8, line 30, delete the words "This section does not"

On page 8, delete lines 31 and 32

And renumber the lines, sections, and pages accordingly

REP. WHALEN, Chairman

HB 1247 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Political Subdivisions to which was referred HB 1256 has had the same under consideration and recommends by a vote of 13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. MOORE, Chairman

HB 1256 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Finance and Taxation to which was referred HB 1258 has had the same under consideration and recommends by a vote of 17 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 2, after the numerals "57-38-01" insert the words and numerals "and subsection 1 of section 57-38-01.4"

On page 1, line 3, after the word "purposes" insert the words "and income tax treatment of subchapter S corporation income"

On page 3, after line 28, insert the following new section:

"SECTION 2. AMENDMENT. Subsection 1 of section 57-38-01.4 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. For the purposes of this chapter, any person as defined in section 57-38-01 and required to file a North Dakota income tax return who makes an election under subchapter S of the Internal Revenue Code of 1954, as amended, for federal income tax purposes shall have such status recognized and such person's taxable income shall be computed as provided in subchapter S of the Internal Revenue Code of 1954, as amended, with the adjustments allowed by this chapter or other provisions of law. Income of a subchapter S corporation subject to tax for federal income tax purposes is also subject to state income tax at the corporate income tax rates imposed by section 57-38-30."

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

HB 1258 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary to which was referred HB 1264 has had the same under consideration and recommends by a vote of 10 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. KRETSCHMAR, Chairman

HB 1264 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor to which was referred HB 1279 has had the same under consideration and recommends by a vote of 11 YEAS, 3 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, delete lines 15 through 21 and insert in lieu thereof the following:

"1. "Underinsured motor vehicle" means a motor vehicle for which there is a bodily injury liability insurance policy, or bond providing equivalent liability protection, in effect at the time of the accident, the applicable limit of bodily injury liability of which is:

a. Less than the applicable limit for underinsured motor vehicle coverage under the insured's policy; or

b. Has been reduced, by payments to persons other than the insured injured in the accident, to an amount less than the limit the insured has for underinsured motorist coverage under the insured's policy."

On page 2, delete lines 20 and 21

On page 2, line 22, immediately after the numeral "2." insert the following:

"Underinsured motorist coverage limits need not be provided in excess of fifty thousand dollars per person and one hundred thousand dollars per accident or, if consistent with the rating plan and rules, a combined single limit of one hundred thousand dollars per accident, or the insured's bodily injury liability limits, whichever is greater. Underinsured motorist coverage must pay

compensatory damages for bodily injury, sickness, disease, or death when an insured is legally entitled to collect from the owner or operator of an underinsured motor vehicle.

3. The liability of the insurer providing underinsured motorist coverage cannot exceed the limits of the underinsured motorist coverage stated in the policy, and the maximum liability of the underinsured motorist coverage is the lesser of:

a. The difference between the amount paid in compensatory damages to the insured by and for any person or organization who may be legally liable for the bodily injury, sickness, disease, or death resulting therefrom, and the limit of underinsured motorist coverage; or

b. The amount of compensatory damages, established but not recovered by any agreement, settlement, or judgment with or for the person or organization legally liable for the bodily injury, sickness, disease, or death resulting therefrom.

4."

And renumber the lines and pages accordingly

REP. WHALEN, Chairman

HB 1279 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary to which was referred HB 1282 has had the same under consideration and recommends by a vote of 15 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 21, after the word "education" insert the words  
"cultural programs,"

And renumber the lines and pages accordingly

REP. KRETSCHMAR, Chairman

HB 1282 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Finance and Taxation to which was referred HB 1325 has had the same under consideration and recommends by a vote of 17 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 25, after the word "of" insert the words  
"two-thirds of"

And renumber the lines accordingly

REP. A. HAUSAUER, Chairman

HB 1325 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Agriculture to which was referred SB 2111 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

REP. NICHOLAS, Chairman

SB 2111 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

#### FIRST READING OF HOUSE BILLS

Rep. Ulmer introduced:

HB 1542: A BILL for an Act to create and enact a new section to chapter 39-13 of the North Dakota Century Code, relating to the authority of the state highway commissioner on the erection and maintenance of tourist information signs within a highway right of way.

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

Reps. Thompson, Gerntholz, Ulmer and Sens. Nelson, Shea introduced:

HB 1543: A BILL for an Act to direct the economic development commission to establish a venture capital network as a clearinghouse for information on capital investment opportunities in the state.

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

Reps. Gunsch, Knell, O. Hanson, Anderson, Goetz introduced:

HB 1544: A BILL for an Act making an appropriation for defraying the expenses of the energy development impact office of the state of North Dakota, and providing for a transfer of funds from the coal development impact fund and the oil and gas development impact fund.

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

Reps. Myrdal, Starke and Sens. Axtman, Bakewell introduced:

HB 1545: A BILL for an Act to amend and reenact subsection 2 of section 4-09-03 of the North Dakota Century Code, relating to the membership of the state seed commission.

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

Rep. Haugen and Sen. Dotzenrod introduced:

HB 1546: A BILL for an Act to amend and reenact subsection 3 of section 57-39.2-01 and subsection 4 of section 57-40.2-01 of the North Dakota Century Code, relating to the definitions of gross receipts and purchase price.

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

Rep. Rydell introduced:

HB 1547: A BILL for an Act to provide for local funding of victim and witness programs.

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

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

ROY GILBREATH, Chief Clerk