

## JOURNAL OF THE HOUSE

## Fiftieth Legislative Assembly

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## TWENTY-FIFTH DAY

Bismarck, February 9, 1987

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

The prayer was offered by Robert Schultz, Church of Christ, Bismarck, North Dakota.

## ROLL CALL

The roll was called and all Representatives were present, except Representatives G. Berg, Graba, R. Hausauer, Strinden, and Thompson.

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 Twenty-fourth Day and finds the same to be correct.

REP. THOMPSON, Chairman

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

## SIXTH ORDER OF BUSINESS

REP. WHALEN MOVED that the amendments to HB 1176 as recommended by the Committee on Industry, Business and Labor as printed on page 752 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1176 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. WHALEN MOVED that the amendments to HB 1185 as recommended by the Committee on Industry, Business and Labor as printed on pages 753-755 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1185 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. A. OLSON MOVED that the amendments to HB 1194 as recommended by the Committee on Natural Resources as printed on page 755 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1194 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. MARTINSON MOVED that the amendments to HB 1225 as recommended by the Committee on State and Federal Government as printed on page 755 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1225 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. WHALEN MOVED that the amendments to HB 1304 as recommended by the Committee on Industry, Business and Labor as printed on page 756 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1304 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. WHALEN MOVED that the amendments to HB 1355 as recommended by the Committee on Industry, Business and Labor as printed on pages 756-757 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1355 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. MOORE MOVED that the amendments to HB 1373 as recommended by the Committee on Political Subdivisions as printed on page 758 of the House Journal be adopted, and when so adopted, recommends the same DO NOT PASS, which motion prevailed.

HB 1373 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. A. OLSON MOVED that the amendments to HB 1515 as recommended by the Committee on Natural Resources as printed on page 760 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1515 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. PETERSON MOVED that the amendments to HB 1516 as recommended by the Committee on Appropriations as printed on page 760 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1516 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. MARTINSON MOVED that the amendments to HB 1564 as recommended by the Committee on State and Federal Government as printed on page 761 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1564 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

#### MOTION

REP. STRINDEN MOVED that HB 1374 be returned to the House floor from the Committee on Human Services and Veterans Affairs for the purpose of withdrawal, which motion prevailed.

#### REQUEST

REP. OBAN REQUESTED the unanimous consent of the House to withdraw HB 1374. There being no objection, it was so ordered by the Speaker.

#### MOTIONS

REP. STRINDEN MOVED that HB 1303 and HB 1358, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

REP. WHALEN MOVED that HB 1659 be returned to the House floor from the Committee on Industry, Business and Labor for the purpose of withdrawal, which motion prevailed.

#### REQUEST

REP. PAYNE REQUESTED the unanimous consent of the House to withdraw HB 1659. There being no objection, it was so ordered by the Speaker.

#### RECOGNITION

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

#### SECOND READING OF HOUSE BILLS

HB 1109: A BILL for an Act allowing the director of institutions to conduct space studies and allocate office space to the executive branch staff located on the capitol grounds.

Which has been read.

#### ROLL CALL

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

YEAS: Aas; Almlie; Anderson; Belter; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; 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; Tokach; 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:** Berg, G.; Graba; Hausauer, R.;  
 Peterson; Thompson; Tollefson

HB 1109 passed and the title was agreed to.

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**HB 1265:** A BILL for an Act to create and enact a new subsection to section 57-51-05 of the North Dakota Century Code, relating to the determination of gross value at the well for oil production tax purposes.  
 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 38 YEAS, 64 NAYS, 4 ABSENT AND NOT VOTING.

**YEAS:** Brokaw; DeMers, P.; Enget; Flaagan; Frey;  
 Hanson, O.; Haugland; Hill; Hoffner; Hokana; Kingsbury;  
 Klundt; Knudson; Lang; Laughlin; Lautenschlager; Melby;  
 Mertens; Murphy; Myrdal; Nicholas; Nowatzki; Oban;  
 O'Connell; O'Shea; Peterson; Riehl; Shaft; Shaw;  
 Shockman; Starke; Stofferahn; Strinden; Ulmer; Wald;  
 Watne; Wilkie; Williams, C.

**NAYS:** Aas; Almlie; Anderson; Belter; Berg, R.; Christman;  
 Cleveland; Dalrymple; DeMers, J.; Dorso; Dotzenrod;  
 Gates; Gertholz; Goetz; Gorman; Gunsch; Halmrast;  
 Hamerlik; Hanson, L.; Haugen; Hausauer, A.; Kelly;  
 Kent; Knell; Koland; Kolbo; Kretschmar; Kuchera;  
 Larson; Linderman; Lindgren; Marks; Martin; Martinson;  
 Meyer; Moore; Nelson, C.; Nelson, J.; Olsen, D.;  
 Olson, A.; Olson, V.; Opedahl; Payne; Rice; Rydell;  
 Scherber; Schindler; Schneider; Shide; Skjerven;  
 Smette; Solberg; Sorensen; Tokach; Tollefson; Tomac;  
 Trautman; Vander Vorst; Wentz; Whalen; Williams, A.;  
 Williams, W.; Winkelman; Speaker Kloubec

**ABSENT AND NOT VOTING:** Berg, G.; Graba; Hausauer, R.;  
 Thompson

HB 1265 was declared lost.

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#### RECOGNITION

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

#### REPORT OF PROCEDURAL COMMITTEE

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

HCR 3051, HCR 3052

REP. STRINDEN, Chairman

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

#### ANNOUNCEMENT

SPEAKER KLOUBEC ANNOUNCED that HCR 3051 and HCR 3052 were rereferred to the Committee on State and Federal Government.

#### SECOND READING OF HOUSE BILLS

HB 1397: A BILL for an Act to create and enact a new section to chapter 24-06 of the North Dakota Century Code, relating to maintenance of ditches along township roads by parties with an interest in adjoining land.

Which has been read.

#### ROLL CALL

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

YEAS: Aas; Almlie; Anderson; Belter; Berg, R.; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Goetz; Gorman; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; 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.; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, V.; O'Shea; Payne; Peterson; Rice; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Starke; Stofferahn; Strinden; Tokach; Tollefson; Trautman; Ulmer; Vander Vorst; Wald; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Brokaw; Nelson, J.; O'Connell; Olson, A.; Opedahl; Riehl; Tomac; Watne

**ABSENT AND NOT VOTING:** Berg, G.; Gerntholz; Graba;  
Hausauer, R.; Thompson

HB 1397 passed and the title was agreed to.

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**HB 1452:** A BILL for an Act to provide notice requirements for the cancellation and nonrenewal of commercial liability insurance; 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 102 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

**YEAS:** Aas; Almlie; Anderson; Belter; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; 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; Peterson; Rice; Riehl; 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:** Berg, G.; Graba; Hausauer, R.; Thompson

HB 1452 passed and the title was agreed to.

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#### MESSAGES FROM THE SENATE SENATE CHAMBER

**MR. SPEAKER:** I have the honor to transmit herewith the following which the President Pro Tem has signed and your signature is respectfully requested:

SB 2296, SB 2479, SCR 4024

PERRY GROTEBERG, Secretary

SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the Senate has concurred in the House amendments to SCR 4044 and subsequently passed the same.

PERRY GROTEBERG, Secretary

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 2047, SB 2105, SB 2207, SB 2215, SB 2263, SB 2267,  
SB 2306, SB 2354, SB 2370, SB 2381, SB 2415, SB 2416

PERRY GROTEBERG, Secretary

SENATE CHAMBER

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

HCR 3039, HCR 3040, HCR 3041, HCR 3042, HCR 3043

PERRY GROTEBERG, Secretary

MOTION

REP. GOETZ MOVED that the House waive the reading of the title to HB 1548, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1548: A BILL for an Act to amend and reenact sections 57-40.5-01, 57-40.5-02, and 57-40.5-03 of the North Dakota Century Code, relating to the definition of purchase price of aircraft, increasing the rate of tax, and removing the exemption for aircraft upon which aircraft excise tax has once been paid; 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, as amended, the roll was called and there were 98 YEAS, 5 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Gertholz; Goetz; Gorman; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; 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; Peterson; Rice;  
Riehl; Rydell; Scherber; Schindler; Schneider; Shaft;  
Shaw; Shide; Shockman; Skjerven; Smette; Solberg;  
Sorensen; Starke; Stofferahn; Thompson; Tokach;  
Tollefson; Tomac; Trautman; Ulmer; Wald; Watne; Wentz;  
Whalen; Wilkie; Williams, A.; Williams, C.;  
Williams, W.; Winkelman; Speaker Kloubec

NAYS: Hamerlik; Hokana; Kelly; Kretschmar; Vander Vorst

ABSENT AND NOT VOTING: Berg, G.; Graba; Strinden

HB 1548 passed, the title was agreed to, and the emergency clause carried.

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#### SIGNING OF BILLS AND RESOLUTIONS

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following:

HB 1058

ROY GILBREATH, Chief Clerk

#### MESSAGES TO THE SENATE HOUSE CHAMBER

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

HB 1058

ROY GILBREATH, Chief Clerk

#### HOUSE CHAMBER

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

HB 1122, HB 1207, HB 1297, HB 1399, HB 1463, HB 1488,  
HB 1510, HB 1513, HB 1514, HB 1521, HB 1522, HB 1525,  
HB 1531, HB 1540, HB 1546, HB 1561, HB 1604

ROY GILBREATH, Chief Clerk

#### SECOND READING OF HOUSE BILL

HB 1643: A BILL for an Act to authorize the superintendent of public instruction to charge fees for copies of general equivalency certificates.

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, 9 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Goetz; Gorman; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; 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.; Opedahl; O'Shea; Payne; Peterson; Rice; Riehl; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shide; Skjerven; Smette; Solberg; Sorensen; Starke; Stofferahn; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer; Wald; Watne; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloube

NAYS: Berg, R.; Brokaw; Gerntholz; Hokana; Kretschmar; Olson, V.; Shockman; Vander Vorst; Wentz

ABSENT AND NOT VOTING: Berg, G.; Graba

HB 1643 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 1415, which motion prevailed.

## SECOND READING OF HOUSE BILLS

HB 1415: A BILL for an Act to create and enact three new subsections to 57-15-06.7 of the North Dakota Century Code, relating to county tax levies for county fair associations which are in addition to the general fund levy; to amend and reenact sections 4-02-26, 4-02-27, 4-02-27.1, 4-02-37, 11-11-24, 18-07-01, and 57-15-06.8 of the North Dakota Century Code, relating to county fair association tax levies and county tax levies and limitations not in addition to the general fund levy; and to provide an effective date.

Which has been read.

## ROLL CALL

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

**YEAS:** Aas; Almlie; Anderson; Belter; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Gunsch; Halmrast; Hamerlik; Hanson, L.; 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; 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:** None

**ABSENT AND NOT VOTING:** Berg, G.; Graba; Mertens; Wilkie

HB 1415 passed and the title was agreed to.

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**HB 1461:** A BILL for an Act to amend and reenact subsection 4 of section 38-08.1-03.1 and sections 38-08.1-04 and 38-08.1-04.1 of the North Dakota Century Code, relating to geophysical exploration bond requirements.

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, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Gunsch; Halmrast; Hamerlik; Hanson, L.; 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; 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: Berg, G.; Graba; Peterson

HB 1461 passed and the title was agreed to.

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HB 1484: A BILL for an Act to amend and reenact section 58-08-05 of the North Dakota Century Code, relating to the annual statement prepared by a township treasurer.

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, R.; Brokaw;  
 Christman; Cleveland; Dalrymple; DeMers, J.;  
 DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey;  
 Gates; Gerntholz; Goetz; Gorman; Gunsch; Halmrast;  
 Hamerlik; Hanson, L.; 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; 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: Berg, G.; Graba; Peterson

HB 1484 passed and the title was agreed to.

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**HB 1524:** A BILL for an Act to create and enact a new section to chapter 23-25 of the North Dakota Century Code, relating to the incineration of polychlorinated biphenyls.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 36 YEAS, 67 NAYS, 3 ABSENT AND NOT VOTING.

**YEAS:** Brokaw; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Hamerlik; Hanson, L.; Hill; Hoffner; Hokana; Kelly; Klundt; Knudson; Kolbo; Laughlin; Marks; Mertens; Nelson, C.; Nelson, J.; Nowatzki; Oban; Opedahl; O'Shea; Scherber; Schneider; Shockman; Skjerven; Solberg; Starke; Stofferahn; Tomac; Watne; Williams, A.; Williams, C.; Williams, W.

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

**ABSENT AND NOT VOTING:** Berg, G.; Graba; Peterson

HB 1524 was declared lost.

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#### FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

Reps. G. Berg, Peterson, Kuchera and Sens. Adams, Streibel, Redlin introduced:

**HCR 3053:** A concurrent resolution directing the Legislative Council to study the problems caused by and associated with waterfowl.

Was read the first time and referred to the Committee on Delayed Bills.

Reps. Payne, Kloubec, R. Berg, Dorso, Gorman, Kelly, Moore, C. Nelson, Scherber, Schneider and Sens. Lashkowitz, Mathern, Nalewaja, Peterson, Tennesos introduced:

(Approved by the Committee on Delayed Bills)

**HCR 3054:** A concurrent resolution congratulating the North Dakota State University Bison football team on winning their third NCAA Division II football championship.

Was read the first time and referred to the Committee on Delayed Bills.

Reps. Payne, Kloubec, R. Berg, Dorso, Gorman, Kelly, Moore, C. Nelson, Scherber, Schneider and Sens. Lashkowitz, Mathern, Nalewaja, Peterson, Tennesfos introduced:

(Approved by the Committee on Delayed Bills)

HCR 3055: A concurrent resolution congratulating Jeff Bentrin on receiving the Harlon Hill Trophy and for his nationally recognized athletic achievements.

Was read the first time and referred to the Committee on Delayed Bills.

#### REPORT OF PROCEDURAL COMMITTEE

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

HCR 3053, HCR 3054, HCR 3055

REP. STRINDEN, Chairman

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

#### ANNOUNCEMENT

SPEAKER KLOUBEC ANNOUNCED that HCR 3053 be rereferred to the Committee on Agriculture.

#### MOTION

REP. STRINDEN MOVED that the rules be suspended, that HCR 3054 not be printed, not be referred to committee, be read in title only, be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

Reps. Payne, Kloubec, R. Berg, Dorso, Gorman, Kelly, Moore, C. Nelson, Scherber, Schneider and Sens. Lashkowitz, Mathern, Nalewaja, Peterson, Tennesfos introduced:

#### HOUSE CONCURRENT RESOLUTION NO. 3054

A concurrent resolution congratulating the North Dakota State University Bison football team on winning their third NCAA Division II football championship.

WHEREAS, the North Dakota State University Bison football team, coached by Earle Solomonson, completed their 1986 season with a record of 13 wins and no losses and captured the NCAA Division II championship for the third time in the last four seasons; and

WHEREAS, the Bison have appeared in Division II post-season play during six successive seasons, a feat unequalled by any other team; and

WHEREAS, the Bison have been awarded national championships by the wire service in 1965, 1968, and 1969, and

have won national championships on the playing field in 1983, 1985, and 1986; and

WHEREAS, during the first round of the 1986 Division II playoffs, the Bison set a single game rushing record of 523 yards and then culminated their playoff performance by establishing a Division II playoff total rushing record of 1,146 yards; and

WHEREAS, the Bison established a record of 11 wins and one loss during the past 12 Division II playoff games and the Bison's 13 wins and no losses during the 1986 season continues an extraordinary 23 game winning streak; and

WHEREAS, the Bison football program is widely regarded as the most successful football program in Division II history, an accomplishment of which all North Dakotans can be justifiably proud;

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

That the Fiftieth Legislative Assembly takes great pride and pleasure in extending to all members of the North Dakota State University Bison football team and their coach Earle Solomonson its heartiest congratulations for their superlative athletic achievements and nationally recognized performance; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the administration of North Dakota State University, all members of the North Dakota State University Bison football team, and coach Earle Solomonson.

#### SECOND READING OF A HOUSE CONCURRENT RESOLUTION

HCR 3054: A concurrent resolution congratulating the North Dakota State University Bison football team on winning their third NCAA Division II football championship.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3054 was declared adopted on a voice vote.

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#### MOTION

REP. STRINDEN MOVED that the rules be suspended, that HCR 3055 not be printed, not be referred to committee, be read in title only, be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

Reps. Payne, Kloubec, R. Berg, Dorso, Gorman, Kelly, Moore, C. Nelson, Scherber, Schneider and Sens. Lashkowitz, Mathern, Nalewaja, Peterson, Tennefos introduced:

#### HOUSE CONCURRENT RESOLUTION NO. 3055

A concurrent resolution congratulating Jeff Bentrin on receiving the Harlon Hill Trophy and for his nationally recognized athletic achievements.

WHEREAS, Jeff Bentrin, as quarterback of the North Dakota State University Bison, has led the Bison to three national NCAA Division II titles within the past four seasons; and

WHEREAS, during the Bison's 1986 Division II championship win over the South Dakota Coyotes, Jeff Bentrin rushed for 111 yards and scored two touchdowns; and

WHEREAS, while leading the Bison to a 13 wins and no losses season record in 1986, Jeff Bentrin broke Walter Payton's career touchdown rushing record, set 11 school records, and ran for over 100 yards four times during the season, giving him a career total of seventeen 100-yard games; and

WHEREAS, Jeff Bentrin has accomplished the unparalleled feat of leading the Division II in scoring for three years; and

WHEREAS, Jeff Bentrin has been selected as captain of the offense on the Associated Press Little All-American football team, and he was the first recipient of the prestigious Harlon Hill Trophy designating him the outstanding athlete in Division II;

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

That the Fiftieth Legislative Assembly takes great pride and pleasure in extending its heartiest congratulations to Jeff Bentrin for his many superb achievements in the sport of collegiate football; and

BE IT FURTHER RESOLVED, that the Secretary of State send an enrolled copy of this resolution to Jeff Bentrin.

#### SECOND READING OF A HOUSE CONCURRENT RESOLUTION

HCR 3055: A concurrent resolution congratulating Jeff Bentrin on receiving the Harlon Hill Trophy and for his nationally recognized athletic achievements.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3055 was declared adopted on a voice vote.

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## MOTION

REP. STRINDEN MOVED that the rules be suspended and that HCR 3054 and HCR 3055 be messaged to the Senate immediately, which motion prevailed.

## SIGNING OF BILLS AND RESOLUTIONS

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following:

HCR 3038

ROY GILBREATH, Chief Clerk

MESSAGE TO THE SENATE  
HOUSE CHAMBER

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

HCR 3038

ROY GILBREATH, Chief Clerk

## SIGNING OF BILLS AND RESOLUTIONS

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following:

SB 2296, SB 2479, SCR 4024

ROY GILBREATH, Chief Clerk

MESSAGE TO THE SENATE  
HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to return herewith the following which the Speaker has signed:

SB 2296, SB 2479, SCR 4024

ROY GILBREATH, Chief Clerk

## SECOND READING OF HOUSE BILL

HB 1628: A BILL for an Act to establish a legislative council committee on economic development and job creation.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 63 YEAS, 40 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, R.; Christman; Cleveland; Dalrymple; Dorso; Dotzenrod; Gates; Gerntholz; Goetz; Gorman; Gunsch; Hamerlik; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Kent; Kingsbury; Knell; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Lindgren; Martin; Martinson; Melby;



Moore; Myrdal; Nicholas; Olsen, D.; Olson, A.; Olson, V.; Payne; Rice; Rydell; Schindler; Shaft; Shaw; Shide; Skjerven; Smette; Sorensen; Strinden; Thompson; Tokach; Tollefson; Trautman; Ulmer; Vander Vorst; Wald; Wentz; Whalen; Williams, C.; Winkelman; Speaker Kloubec

NAYS: Brokaw; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Halmrast; Hanson, L.; Hill; Hoffner; Hokana; Kelly; Klundt; Kolbo; Laughlin; Lautenschlager; Linderman; Marks; Mertens; Meyer; Murphy; Nelson, C.; Nelson, J.; Nowatzki; Oban; O'Connell; Opedahl; O'Shea; Riehl; Scherber; Schneider; Shockman; Solberg; Starke; Stofferahn; Tomac; Watne; Wilkie; Williams, A.; Williams, W.

ABSENT AND NOT VOTING: Berg, G.; Graba; Peterson

HB 1628 passed and the title was agreed to.

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#### MESSAGE TO THE SENATE HOUSE CHAMBER

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

HCR 3054, HCR 3055

ROY GILBREATH, Chief Clerk

#### SECOND READING OF HOUSE BILLS

HB 1660: A BILL for an Act to establish an oil and gas development commission.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 33 YEAS, 70 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Anderson; Brokaw; DeMers, P.; Dotzenrod; Enget; Frey; Hamerlik; Haugen; Haugland; Hill; Hokana; Klundt; Knudson; Kolbo; Laughlin; Lautenschlager; Mertens; Myrdal; Nelson, J.; O'Connell; Opedahl; O'Shea; Peterson; Rice; Riehl; Scherber; Sorensen; Starke; Stofferahn; Tomac; Watne; Wentz; Whalen

NAYS: Aas; Almlie; Belter; Berg, R.; Christman; Cleveland; Dalrymple; DeMers, J.; Dorso; Flaagan; Gates; Gerntholz; Goetz; Gorman; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Hausauer, A.; Hoffner; Kelly; Kent; Kingsbury; Knell; Koland; Kretschmar; Kuchera; Lang; Larson; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Meyer; Moore; Murphy; Nelson, C.;

Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; Payne; Rydell; Schindler; Schneider; Shaft; Shaw; Shide; Shockman; Skjerven; Smette; Solberg; Strinden; Thompson; Tokach; Tollefson; Trautman; Ulmer; Vander Vorst; Wald; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

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

HB 1660 was declared lost.

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HB 1237: A BILL for an Act to amend and reenact subsection 1 of section 23-29-02, and sections 23-29-03, 23-29-04, 23-29-07, 23-29-08, and 23-29-13 of the North Dakota Century Code, relating to solid waste management and land protection.

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, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; 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; 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

NAYS: Dorso; Speaker Kloubec

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

HB 1237 passed and the title was agreed to.

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## REQUEST

SPEAKER KLOUBEC REQUESTED that the record show that he meant to vote "yea" on HB 1237 and inadvertently voted "nay", which request was granted.

## SECOND READING OF HOUSE BILLS

HB 1328: A BILL for an Act to create and enact a new section to chapter 20.1-05 of the North Dakota Century Code, relating to party hunting for big game animals.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 67 YEAS, 35 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Berg, R.; Brokaw; Christman; Cleveland; DeMers, P.; Dorso; Dotzenrod; Frey; Goetz; Gorman; Gunsch; Hanson, O.; Haugland; Hausauer, R.; Hill; Hokana; Kent; Kingsbury; Klundt; Knell; Knudson; Koland; Kolbo; Kuchera; Lang; Marks; Martin; Meyer; Moore; Murphy; Myrdal; Nelson, J.; Nowatzki; O'Connell; Olsen, D.; Olson, A.; Opedahl; O'Shea; Payne; Peterson; Rice; Riehl; Schindler; Shaft; Shaw; Shide; Shockman; Skjerven; Smette; Sorensen; Starke; Stofferahn; Strinden; Thompson; Tokach; Tollefson; Ulmer; Vander Vorst; Wald; Watne; Whalen; Williams, A.; Williams, C.; Winkelman; Speaker Kloubec

NAYS: Anderson; Belter; Dalrymple; DeMers, J.; Enget; Flaagan; Gates; Gerntholz; Halmrast; Hamerlik; Hanson, L.; Haugen; Hausauer, A.; Hoffner; Kelly; Kretschmar; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Martinson; Melby; Nelson, C.; Nicholas; Oban; Olson, V.; Rydell; Scherber; Solberg; Tomac; Trautman; Wentz; Wilkie; Williams, W.

ABSENT AND NOT VOTING: Berg, G.; Graba; Mertens; Schneider

HB 1328 passed and the title was agreed to.

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HB 1344: A BILL for an Act to amend and reenact sections 61-03-21.1, 61-14-07, and 61-16.2-11 of the North Dakota Century Code, relating to inspections by the state engineer.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 8 YEAS, 94 NAYS, 4 ABSENT AND NOT VOTING.

**YEAS:** Brokaw; Cleveland; Hausauer, A.; Kingsbury; Kuchera; Murphy; Shaft; Skjervén

**NAYS:** Aas; Almlie; Anderson; Belter; Berg, R.; Christman; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Meyer; Moore; 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; Shaw; Shide; Shockman; 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

**ABSENT AND NOT VOTING:** Berg, G.; Graba; Kent; Whalen

HB 1344 was declared lost.

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**HB 1363:** A BILL for an Act to create and enact a new subdivision to subsection 1 of section 39-09-02 of the North Dakota Century Code, relating to motor vehicle speed limits; and to amend and reenact subdivision f of subsection 1 of section 39-09-02 of the North Dakota Century Code, relating to motor vehicle speed limits.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 97 YEAS, 7 NAYS, 2 ABSENT AND NOT VOTING.

**YEAS:** Almlie; Anderson; Belter; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Gunsch; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Kingsbury; Klundt; Knell; Knudson; Kolbo; Kretschmar; Kuchera; Lang; Larson; Laughlin; 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; Shockman; Skjerven; Smette; Solberg; Sorensen;  
 Starke; Stofferahn; Strinden; Thompson; Tokach;  
 Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald;  
 Watne; Whalen; Wilkie; Williams, C.; Williams, W.;  
 Winkelman; Speaker Kloubec

NAYS: Aas; Halmrast; Koland; Lautenschlager; Shide;  
 Wentz; Williams, A.

ABSENT AND NOT VOTING: Berg, G.; Graba

HB 1363 passed and the title was agreed to.

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HB 1368: A BILL for an Act to amend and reenact section  
 20.1-03-07.1 of the North Dakota Century Code, relating to  
 nonresident waterfowl hunting licenses.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was  
 called and there were 48 YEAS, 56 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aas; Berg, R.; Christman; Cleveland; Dotzenrod;  
 Flaagan; Gates; Gunsch; Hanson, O.; Haugen; Haugland;  
 Hausauer, A.; Hokana; Kent; Knell; Knudson; Koland;  
 Kolbo; Larson; Laughlin; Lindgren; Martin; Mertens;  
 Meyer; Myrdal; Nelson, C.; Nowatzki; O'Connell;  
 Olsen, D.; Olson, A.; Olson, V.; Opedahl; Peterson;  
 Schindler; Schneider; Shaw; Shide; Shockman; Sorensen;  
 Stofferahn; Tokach; Tomac; Ulmer; Vander Vorst; Wald;  
 Wentz; Whalen; Winkelman

NAYS: Almlie; Anderson; Belter; Brokaw; Dalrymple;  
 DeMers, J.; DeMers, P.; Dorso; Enget; Frey; Gerntholz;  
 Goetz; Gorman; Halmrast; Hamerlik; Hanson, L.;  
 Hausauer, R.; Hill; Hoffner; Kelly; Kingsbury; Klundt;  
 Kretschmar; Kuchera; Lang; Lautenschlager; Linderman;  
 Marks; Martinson; Melby; Moore; Murphy; Nelson, J.;  
 Nicholas; Oban; O'Shea; Payne; Rice; Riehl; Rydell;  
 Scherber; Shaft; Skjerven; Smette; Solberg; Starke;  
 Strinden; Thompson; Tollefson; Trautman; Watne; Wilkie;  
 Williams, A.; Williams, C.; Williams, W.;  
 Speaker Kloubec

ABSENT AND NOT VOTING: Berg, G.; Graba

HB 1368 was declared lost.

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HB 1388: A BILL for an Act to amend and reenact section 20.1-03-17 of the North Dakota Century Code, relating to fees for issuing game and fish licenses.

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; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; 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; 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: Belter

ABSENT AND NOT VOTING: Berg, G.; Graba; Hausauer, A.

HB 1388 passed and the title was agreed to.

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HB 1393: A BILL for an Act to amend and reenact sections 39-05-20.1 and 39-05-20.2 of the North Dakota Century Code, relating to issuance and contents of motor vehicle salvage certificates of title.

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, 3 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey;

Gates; Gerntholz; Goetz; Gorman; Gunsch; Halmrast; Hanson, L.; 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; 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; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Hamerlik; Murphy; Ulmer

ABSENT AND NOT VOTING: Berg, G.; Graba; Peterson

HB 1393 passed and the title was agreed to.

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#### REQUEST

REP. MERTENS REQUESTED that the record show that Rep. G. Berg was absent as he was hospitalized, which request was granted.

#### SECOND READING OF HOUSE BILLS

HB 1400: A BILL for an Act to create and enact a new section to chapter 39-10 of the North Dakota Century Code, relating to ownership of motor vehicles used in violation of duty to stop for certain schoolbuses.

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, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gunsch; Halmrast; Hamerlik; Hanson, L.; 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; 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:** Berg, G.; Gorman; Graba; Peterson

HB 1400 passed and the title was agreed to.

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**HB 1425:** A BILL for an Act to amend and reenact sections 4-34-01, 4-34-02, 4-34-08, 4-34-09, 4-34-10, and 4-34-11 of the North Dakota Century Code, relating to beef promotion; to provide a penalty; and to provide an effective date.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 100 YEAS, 3 NAYS, 3 ABSENT AND NOT VOTING.

**YEAS:** Aas; Almlie; Anderson; Belter; Berg, R.; Christman;  
 Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso;  
 Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz;  
 Goetz; Gorman; Gunsch; Halmrast; Hamerlik; Hanson, L.;  
 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; 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; 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:** Brokaw; Murphy; Shockman

**ABSENT AND NOT VOTING:** Berg, G.; Graba; Thompson

HB 1425 passed and the title was agreed to.

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HB 1437: A BILL for an Act to amend and reenact section 20.1-08-04.4 of the North Dakota Century Code, relating to the governor's proclamation concerning underwater spearfishing.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 89 YEAS, 14 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Berg, R.; Christman; Cleveland; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Goetz; Gorman; 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; Lindgren; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Opedahl; O'Shea; Peterson; Rice; Riehl; Rydell; Schindler; Schneider; Shaft; Shaw; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Starke; Stofferahn; Strinden; Thompson; Tokach; Tollefson; Tomac; Ulmer; Vander Vorst; Wald; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Winkelman; Speaker Kloubec

NAYS: Belter; Brokaw; Dalrymple; Dotzenrod; Gerntholz; Hanson, L.; Linderman; Marks; Olson, V.; Payne; Scherber; Trautman; Watne; Williams, W.

ABSENT AND NOT VOTING: Berg, G.; Gates; Graba

HB 1437 passed and the title was agreed to.

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HB 1440: A BILL for an Act to create and enact seven new sections to chapter 65-12 of the North Dakota Century Code, relating to the licensure of boiler 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 11 YEAS, 92 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Brokaw; Dalrymple; Frey; Hamerlik; Hanson, L.; Haugland; Hoffner; Oban; Rydell; Scherber; Skjerven

**NAYS:** Aas; Almlie; Anderson; Belter; Berg, R.; Christman; Cleveland; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Gates; Gerntholz; Goetz; Gorman; Gunsch; Halmrast; Hanson, O.; Haugen; 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; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Peterson; Rice; Riehl; Schindler; Schneider; Shaft; Shaw; Shide; Shockman; 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:** Berg, G.; Graba; Stofferahn

HB 1440 was declared lost.

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**HB 1443:** A BILL for an Act to create and enact a new section to chapter 47-16 of the North Dakota Century Code, relating to local programs to resolve landlord and tenant grievances.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 21 YEAS, 81 NAYS, 4 ABSENT AND NOT VOTING.

**YEAS:** Brokaw; DeMers, J.; DeMers, P.; Frey; Halmrast; Hanson, L.; Hoffner; Hokana; Kelly; Laughlin; Marks; Mertens; Nelson, C.; Oban; O'Connell; Schneider; Starke; Stofferahn; Watne; Williams, A.; Williams, W.

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

ABSENT AND NOT VOTING: Berg, G.; Graba; Thompson; Whalen  
HB 1443 was declared lost.

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MOTION

REP. STRINDEN MOVED that HB 1444 be placed at the bottom of the calendar, which motion prevailed.

MESSAGES FROM THE SENATE  
SENATE CHAMBER

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

HB 1058

PERRY GROTEBERG, Secretary

SENATE CHAMBER

MR. SPEAKER: I have the honor to transmit herewith the following which the President Pro Tem has signed and your signature is respectfully requested:

SCR 4044

PERRY GROTEBERG, Secretary

SENATE CHAMBER

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

HCR 3054, HCR 3055

PERRY GROTEBERG, Secretary

SIGNING OF BILLS AND RESOLUTIONS

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following:

SCR 4044

ROY GILBREATH, Chief Clerk

MESSAGE TO THE SENATE  
HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to return herewith the following which the Speaker has signed:

SCR 4044

ROY GILBREATH, Chief Clerk

SECOND READING OF HOUSE BILL

HB 1482: A BILL for an Act to authorize cities to establish mobile home park conciliation boards and to provide for the membership on the boards and the activities of the boards.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 24 YEAS, 79 NAYS, 3 ABSENT AND NOT VOTING.

**YEAS:** Berg, R.; Brokaw; Christman; Dalrymple; Enget; Frey; Halmrast; Hausauer, A.; Hoffner; Kelly; Klundt; Lang; Larson; Lindgren; Meyer; Moore; Nelson, C.; Oban; Scherber; Shaft; Shaw; Sorensen; Starke; Wilkie

**NAYS:** Aas; Almlie; Anderson; Belter; Cleveland; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Flaagan; Gates; Gerntholz; Goetz; Gorman; Gunsch; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, R.; Hill; Hokana; Kent; Kingsbury; Knell; Knudson; Koland; Kolbo; Kretschmar; Kuchera; Laughlin; Lautenschlager; Linderman; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson, J.; Nicholas; Nowatzki; O'Connell; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Rice; Riehl; Rydell; Schindler; Schneider; Shide; Shockman; Skjerven; Smette; Solberg; Stofferahn; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

**ABSENT AND NOT VOTING:** Berg, G.; Graba; Opedahl

HB 1482 was declared lost.

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## DELIVERY OF ENROLLED BILL

THE SPEAKER ANNOUNCED that the following bill was delivered to the Governor for his approval at the hour of 3:08 p.m., February 9, 1987:

HB 1058

## SIGNING OF BILLS AND RESOLUTIONS

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following:

HCR 3054, HCR 3055

ROY GILBREATH, Chief Clerk

MESSAGE TO THE SENATE  
HOUSE CHAMBER

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

HCR 3054, HCR 3055

ROY GILBREATH, Chief Clerk

## MOTIONS

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 be on the Thirteenth order of business, and at the conclusion of the Thirteenth order, the House stand adjourned until 12:30 p.m., Tuesday, February 10, 1987, which motion prevailed.

## REPORTS OF STANDING COMMITTEES

MR. SPEAKER: Your Committee on Education to which was referred HB 1091 has had the same under consideration and recommends by a vote of 13 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 2, line 9, delete the word "a" and insert in lieu thereof the word "the", and after the word "school" insert the words "in which the pupils are enrolled,", and after the word "district" insert an underscored comma

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

HB 1091 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Natural Resources to which was referred HB 1245 has had the same under consideration and recommends by a vote of 9 YEAS, 6 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 word "section" and insert in lieu thereof the word "sections" and after the numerals "23-20.3-04.1" insert the word and numerals "and 23-20.3-04.2"

On page 2, line 14, after the word "any" insert the word "hazardous"

On page 3, line 14, after the word "owns" insert the words "or operates"

On page 3, line 17, after the word "owned" insert the words "or operated"

On page 4, delete line 3

On page 9, after line 5, insert the following: "However, regulations adopted by the department may not be more

stringent than applicable federal rules adopted pursuant to Public Law 98-616 [98 Stat. 3277; 42 U.S.C. 6991 et seq.].

**SECTION 6.** Section 23-20.3-04.2 of the North Dakota Century Code is hereby created and enacted to read as follows:

23-20.3-04.2. Municipal underground storage tank ordinances. A county, city, or township may not enact and enforce an underground storage tank ordinance if the ordinance is more stringent than this chapter and the rules authorized to be adopted pursuant to this chapter."

On page 10, line 25, after the word "owner" insert the words "or operator"

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

HB 1245 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 1274 has had the same under consideration and recommends by a vote of 12 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

**REP. A. HAUSAUER, Chairman**

HB 1274 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MR. SPEAKER:** Your Committee on Agriculture to which was referred HB 1318 has had the same under consideration and recommends by a vote of 12 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 16, delete the words "Duty to adopt standards" and insert in lieu thereof the word "Duties"

On page 1, line 27, delete the word "adopt" and insert in lieu thereof the word ": 1. Adopt"

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

"2. Prior to the adoption, amendment, or repeal of any rule shall consult with members of the alfalfa leafcutter bee industry.

**4-12.3-03. Emergency orders and rules.** Where an emergency exists requiring immediate action, the commissioner may, without notice or hearing:

1. Issue an order reciting the existence of the emergency and requiring that the necessary action be taken to meet the emergency; or
2. Adopt emergency rules which recite the existence of an emergency and provide a solution to the emergency.

An emergency order or emergency rule is effective immediately, but may not be effective for more than ninety days.

**4-12.3-04. State alfalfa leafcutter bee inspector - Appointment - Qualifications.** The commissioner shall appoint a person qualified by scientific training or practical experience as state alfalfa leafcutter bee inspector. The bee inspector shall be furnished with all supplies, equipment, and support necessary to carry out this chapter. The commissioner shall, on the recommendation of the inspector, appoint and dismiss deputy inspectors to assist the inspector in performing the inspector's duties."

On page 2, line 3, delete the numerals "4-12.3-03" and insert in lieu thereof the numerals "4-12.3-05"

On page 2, line 10, delete the words "or brood"

On page 2, after line 32, insert the following new subsection:

"7. Prior to the adoption, amendment, or repeal of any rule, the inspector or deputy inspector, shall consult with members of the alfalfa leafcutter bee industry."

On page 2, line 33, delete the numerals "4-12.3-04" and insert in lieu thereof the numerals "4-12.3-06"

On page 3, line 10, delete the words "general location" and insert in lieu thereof the words "locations of the shelters to the nearest quarter section"

On page 3, line 35, delete the numerals "4-12.3-05" and insert in lieu thereof the numerals "4-12.3-07"

On page 4, line 6, delete the word "must" and insert in lieu thereof the word "may"

On page 4, line 16, delete the numerals "4-12.3-06" and insert in lieu thereof the numerals "4-12.3-08"

On page 4, after line 29, insert the following new section:

**"4-12.3-09. Abandoned apiary and abandoned equipment - Seizure, destruction, or sale.** Any bees, equipment, or nesting

materials not regularly maintained and attended to in accordance with this chapter or which comprise a hazard or threat to disease control in the beekeeping industry may be considered abandoned and will be subject to seizure by the state bee inspector. Any bees not properly maintained so as to prevent possible spread of disease may be considered abandoned. Any diseased bees, equipment, or nesting materials which have been seized may, when necessary, be immediately burned or otherwise destroyed and any bees, equipment, or nesting materials not destroyed may be sold at public auction. The proceeds, after the cost of sale are deducted, shall be returned to the former owner or the former owner's estate; provided, however, that before causing the bees, equipment, or nesting materials to be sold, the state bee inspector must give the beekeeper a written notice at least five days prior to the date on which the property will be sold. This notice is to be given by registered mail or by personal service upon the owner, or person in charge, of such property."

On page 4, line 30, delete the numerals "4-12.3-07" and insert in lieu thereof the numerals "4-12.3-10"

And renumber the lines, subsections, sections, and pages accordingly

REP. NICHOLAS, Chairman

HB 1318 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Agriculture to which was referred HB 1347 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 12, remove the overstrike over the word "~~grain~~" and delete the words "~~agricultural products~~" and insert in lieu thereof the words "or potatoes"

On page 1, line 28, remove the overstrike over the word "~~grain~~", delete the words "~~an agricultural product~~", and overstrike the word "is" and insert immediately thereafter the words "or potatoes are"

On page 2, line 14, overstrike the word "Arbitration" and after the word "~~commission~~" insert the word "Determination"

On page 2, line 16, overstrike the words "serve as an"

On page 2, line 17, overstrike the words "arbitrator of" and insert immediately thereafter the word "determine"



On page 2, line 18, delete the words "then arbitrate" and insert in lieu thereof the word "determine"

On page 2, line 19, overstrike the numerals "32-29" and insert immediately thereafter the numerals "28-32"

On page 2, line 20, overstrike the numerals "32-29" and delete the period and insert in lieu thereof the numerals "28-32."

On page 2, line 22, delete the underscored period and insert in lieu thereof a period and overstrike the word "arbitration" and insert immediately thereafter the word "determination"

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

HB 1347 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 HB 1385 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION:

On page 1, line 17, delete the word "a" and insert in lieu thereof the word "the", after the word "school" insert the words "in which the pupils are enrolled," and after the word "district" insert an underscored comma

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

HB 1385 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Agriculture to which was referred HB 1395 has had the same under consideration and recommends by a vote of 10 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

On page 1, line 11, delete the words "a report" and insert in lieu thereof the words "the approval"

On page 1, line 12, delete the words "a hydrological engineer serving"

On page 1, line 13, delete the word "drain" and insert in lieu thereof the word "watercourse" and delete the word "report" and insert in lieu thereof the word "approval"

On page 1, line 16, after the first word "roadway" insert the words "in an average event"

On page 1, line 19, delete the words "hydrological engineer's report" and insert in lieu thereof the words "water resource district's determination" and delete the words "political subdivision" and insert in lieu thereof the word "county"

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

HB 1395 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation to which was referred HB 1410 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 3, after the word "plates" insert the words "; and to declare an emergency"

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

"SECTION 2. EMERGENCY. This Act is declared to be an emergency measure and is in effect upon its filing with the secretary of state or on a date specified in this Act."

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

HB 1410 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 1432 has had the same under consideration and recommends by a vote of 12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

REP. KRETSCHMAR, Chairman

HB 1432 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 1439 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2, line 6, overstrike the word "six"

On page 2, line 7, overstrike the word "hundred" and insert immediately thereafter the words "one thousand"

On page 2, line 11, delete the words "one hundred" and insert in lieu thereof the word "fifty"

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

HB 1439 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Natural Resources to which was referred HB 1442 has had the same under consideration and recommends by a vote of 11 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

On page 1, line 18, after the word "institution" insert the words "within the state of North Dakota"

On page 1, line 25, after the word "institution" insert the words "within the state of North Dakota"

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

HB 1442 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 1469 has had the same under consideration and recommends by a vote of 11 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

REP. KRETSCHMAR, Chairman

HB 1469 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 1496 has had the same under consideration and recommends by a vote of 10 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. A. HAUSAUER, Chairman

HB 1496 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Natural Resources to which was referred HB 1497 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 3, delete the word "firearms" and insert in lieu thereof the words "long guns"

On page 1, line 10, delete the word "firearms" and insert in lieu thereof the words "long guns" and delete the word "shall" and insert in lieu thereof the word "may"

On page 1, line 12, delete the word "firearms" and insert in lieu thereof the words "long guns"

On page 1, line 14, delete the word "firearms" and insert in lieu thereof the words "long guns"

On page 1, line 16, delete the word "firearm" and insert in lieu thereof the words "long gun"

On page 1, line 17, delete the word "firearm" and insert in lieu thereof the words "long gun"

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

HB 1497 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 1527 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION:

On page 1, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to create and enact a new subsection to section 57-39.2-04 of the North Dakota Century Code, relating to a sales and use tax exemption for repair or replacement parts for farm machinery; and to amend and reenact sections 57-39.2-02.1, 57-39.2-08.2, and 57-40.2-02.1 of the North Dakota Century Code as contained in sections 1, 3, and 4 of Senate Bill No. 2901, as approved by the fiftieth legislative assembly, relating to imposition of sales and use taxes on farm machinery repair parts.

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

**SECTION 1. AMENDMENT.** 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, is hereby amended and reenacted to read as follows:

**57-39.2-02.1. Sales tax imposed.**

1. Except as otherwise expressly provided in subsection 2 for sales of mobile homes used for

residential or business purposes and for sales of farm machinery, ~~farm machinery repair parts~~, and irrigation equipment used exclusively for agricultural purposes and except as otherwise expressly provided in this chapter, there is imposed a tax of five percent upon the gross receipts of retailers from all sales at retail including the leasing or renting of tangible personal property as provided in this section, within the state of North Dakota of the following to consumers or users:

- a. Tangible personal property, consisting of goods, wares, or merchandise, except mobile homes used for residential or business purposes and farm machinery, ~~farm machinery repair parts~~, and irrigation equipment used exclusively for agricultural purposes.
  - b. The furnishing or service of gas, communication services, or steam other than steam used for processing agricultural products.
  - c. Tickets or admissions to places of amusement or entertainment or athletic events, including amounts charged for participation in an amusement, entertainment, or athletic activity, and including the playing of any machine for amusement or entertainment in response to the use of a coin.
  - d. Magazines and other periodicals.
  - e. The leasing or renting of a hotel or motel room or tourist court accommodations.
  - f. The leasing or renting of tangible personal property the transfer of title to which has not been subjected to a retail sales tax under this chapter or a use tax under chapter 57-40.2.
2. There is hereby imposed a tax of three percent upon the gross receipts of retailers from all sales at retail of mobile homes used for residential or business purposes, except as provided in subsection 35 of section 57-39.2-04, and of farm machinery, ~~farm machinery repair parts~~, and irrigation equipment used exclusively for agricultural purposes, including the leasing or renting of farm machinery and irrigation equipment used exclusively for agricultural

purposes within the state of North Dakota to consumers or users.

3. In the case of a contract awarded for the construction of highways, roads, streets, bridges, and buildings prior to December 1, 1986, the contractor receiving the award shall be liable only for the sales or use tax at the rate of tax in effect on the date of contract.

SECTION 2. A new subsection to section 57-39.2-04 of the North Dakota Century Code is hereby created and enacted to read as follows:

Gross receipts from the sales of repair or replacement parts, except tires, used for maintenance or repair of farm machinery.

SECTION 3. AMENDMENT. Section 57-39.2-08.2 of the North Dakota Century Code as contained in section 3 of Senate Bill No. 2901, as approved by the fiftieth legislative assembly, is hereby amended and reenacted to read as follows:

57-39.2-08.2. Sales tax to be added to purchase price and be a debt.

1. Except as otherwise provided in subsection 2, retailers shall add the tax imposed under this chapter, or the average equivalent thereof, to the sales price or charge, and when added, such tax shall constitute a part of such price or charge, shall be a debt from the consumer or user to the retailer until paid, and shall be recoverable at law in the same manner as other debts. In adding such tax to the price or charge, retailers shall adopt the following bracket system for the application of the tax:

\$0.01 to \$0.15 .....	no tax
\$0.16 through \$0.20 .....	1¢ tax
\$0.21 through \$0.40 .....	2¢ tax
\$0.41 through \$0.60 .....	3¢ tax
\$0.61 through \$0.80 .....	4¢ tax
\$0.81 through \$1.00 .....	5¢ tax
Each additional \$1.00 - 5¢ additional tax, or	
each additional 20¢ or fraction thereof over	
\$1.00 - 1¢ additional tax.	

2. On retail sales of mobile homes used for residential or business purposes, except as provided in subsection 35 of section 57-39.2-04, and of farm machinery, ~~farm machinery repair parts~~, and irrigation equipment used exclusively

for agricultural purposes, retailers shall add the tax imposed under this chapter, or the average equivalent thereof, to the sales price or charge, and when added, such tax shall constitute a part of such price or charge, shall be a debt from the consumer or user to the retailer until paid, and shall be recoverable at law in the same manner as other debts. In adding such tax to the price or charge, retailers shall add to it three percent of such price or charge.

**SECTION 4. AMENDMENT.** Section 57-40.2-02.1 of the North Dakota Century Code as contained in section 4 of Senate Bill No. 2901, as approved by the fiftieth legislative assembly, is hereby amended and reenacted to read as follows:

**57-40.2-02.1. Use tax imposed.**

1. Except as otherwise expressly provided in subsection 2 for purchases of mobile homes used for residential or business purposes and for purchases of farm machinery, ~~farm machinery repair parts~~, and irrigation equipment used exclusively for agricultural purposes, an excise tax is imposed on the storage, use, or consumption in this state of tangible personal property purchased at retail for storage, use, or consumption in this state, at the rate of five percent of the purchase price of such property. Except as limited by section 57-40.2-11, an excise tax is imposed on the storage, use, or consumption in this state of tangible personal property not originally purchased for storage, use, or consumption in this state at the rate of five percent of the fair market value of such property at the time it was brought into this state.
2. An excise tax is imposed on the storage, use, or consumption in this state of mobile homes used for residential or business purposes, except as provided in subsection 19 of section 57-40.2-04, and of farm machinery, ~~farm machinery repair parts~~, and irrigation equipment used exclusively for agricultural purposes purchased at retail for storage, use, or consumption in this state at the rate of three percent of the purchase price thereof. Except as limited by section 57-40.2-11, and except as provided in subsection 35 of section 57-39.2-04, an excise tax is imposed on the storage, use, or consumption in this state of mobile homes used for residential or business purposes and of farm machinery, ~~farm~~

~~machinery repair parts~~, and irrigation equipment used exclusively for agricultural purposes not originally purchased for storage, use, or consumption in this state at the rate of three percent of the fair market value of such mobile homes used for residential or business purposes and of such farm machinery, ~~farm machinery repair parts~~, and irrigation equipment used exclusively for agricultural purposes at the time it was brought into this state.

3. In the case of a contract awarded for the construction of highways, roads, streets, bridges, and buildings prior to December 1, 1986, the contractor receiving the award shall be liable only for the sales or use tax at the rate of tax in effect on the date of contract."

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

HB 1527 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Agriculture to which was referred HB 1584 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2, line 18, after the word "the" insert the words "majority of the"

On page 2, line 29, delete the word "shall" and insert in lieu thereof the word "may"

On page 2, line 33, delete the words "farmers under" and insert in lieu thereof the words "lenders for the purposes of"

On page 3, line 1, delete the word "shall" and insert in lieu thereof the word "may"

On page 3, line 3, delete the word "under" and insert in lieu thereof the words "by financial institutions for the purposes as set forth in section 5 of"

On page 3, line 12, delete the words "Funds loaned by the industrial commission or the Bank of" and insert in lieu thereof the word "The"

On page 3, delete line 13



On page 3, line 14, after the word "purposes" insert the words  
"are eligible to be funded by bond proceeds or loan  
participations under this Act"

On page 3, line 15, after the word "Purchasing" insert the words  
"or leasing"

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

HB 1584 was placed on the Sixth order of business on the calendar  
for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation to which was referred  
HB 1613 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 word "to" insert the words "create  
and enact a new paragraph to subdivision b of subsection 3  
of section 39-06.1-10 of the North Dakota Century Code,  
relating to driver's license penalty point assessments for  
driving without liability insurance after involvement in an  
accident; and to"

On page 1, line 11, overstrike the word "Operating" and insert  
immediately thereafter the words "Except as provided in  
section 2 of this Act, operating", remove the overstrike  
over the numeral "6", and delete the numerals "14"

On page 1, after line 14, insert the following new section:

"SECTION 2. A new paragraph to subdivision b of  
subsection 3 of section 39-06.1-10 of the 1985 Supplement  
to the North Dakota Century Code is hereby created and  
enacted to read as follows:

<u>Operating a motor vehicle</u>	<u>14 points</u>
<u>without liability insurance,</u>	
<u>in violation of section</u>	
<u>39-08-20, if the violation</u>	
<u>was discovered as the result</u>	
<u>of investigation of an accident</u>	
<u>in which the driver is the owner"</u>	

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

HB 1613 was placed on the Sixth order of business on the calendar  
for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government to which  
was referred HB 1620 has had the same under consideration and

recommends by a vote of 11 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. MARTINSON, Chairman

HB 1620 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 3031 has had the same under consideration and recommends by a vote of 12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

REP. KRETSCHMAR, Chairman

HCR 3031 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government to which was referred SB 2046 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. MARTINSON, Chairman

SB 2046 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government to which was referred SB 2048 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. MARTINSON, Chairman

SB 2048 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government to which was referred SB 2106 has had the same under consideration and recommends by a vote of 12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

REP. MARTINSON, Chairman

SB 2106 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education to which was referred SB 2118 has had the same under consideration and recommends by a vote of 17 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. GATES, Chairman

SB 2118 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

FIRST READING OF HOUSE BILL

Reps. Kloubec, Strinden introduced:

(Approved by Committee on Delayed Bills)

HB 1669: A BILL for an Act to amend and reenact section 65-02-04 of the North Dakota Century Code, relating to the chairman of the workmen's compensation bureau.

Was read the first time and referred to the Committee on Delayed Bills.

REPORT OF PROCEDURAL COMMITTEE

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

HB 1669

REP. STRINDEN, Chairman

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

ANNOUNCEMENT

SPEAKER KLOUBEC ANNOUNCED that HB 1669 was rereferred to the Committee on Industry, Business and Labor.

FIRST READING OF SENATE BILLS

SB 2058: A BILL for an Act to amend and reenact section 32-03-07 of the North Dakota Century Code, relating to claims for exemplary damages.

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

SB 2117: A BILL for an Act to create and enact a new subsection to section 23-01-05 of the North Dakota Century Code, relating to the powers and duties of the state health officer.

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

SB 2239: A BILL for an Act to create and enact a new subsection to section 20.1-03-12 of the North Dakota Century Code, relating to fees for nonresident fishing licenses; and to amend and reenact subsections 6, 8, and 9 of section 20.1-03-12 of the North Dakota Century Code, relating to fees for fishing licenses; and to provide an effective date.

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

SB 2268: A BILL for an Act to create and enact section 23-25-03.1 of the North Dakota Century Code, relating to certification of asbestos contractors and their workers; and to amend and reenact section 23-25-01 of the North Dakota Century Code, relating to definitions for purposes of air pollution control.

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

**SB 2363:** A BILL for an Act to create and enact a new subdivision to subsection 13 of section 15-10-17 of the North Dakota Century Code, relating to transfer of contributions from the public employees retirement system to the alternate retirement program for employees at institutions under the control of the state board of higher education; to provide for limited retroactive effect of this Act; and to declare an emergency.

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

**SB 2417:** A BILL for an Act to amend and reenact subsection 6 of section 12-59-15 of the North Dakota Century Code, relating to the authority of the parole board.

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

**SB 2426:** A BILL for an Act to amend and reenact section 54-54-03 of the North Dakota Century Code, relating to the North Dakota council on the arts; and to declare an emergency.

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

#### FIRST READING OF A SENATE CONCURRENT RESOLUTION

**SCR 4023:** A concurrent resolution directing the Legislative Council to study property tax credits allowed by law for persons 65 years of age or older with limited income.

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

#### MESSAGE FROM THE SENATE SENATE CHAMBER

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

HCR 3054, HCR 3055

**PERRY GROTEBERG, Secretary**

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

**ROY GILBREATH, Chief Clerk**