

## JOURNAL OF THE HOUSE

## Fiftieth Legislative Assembly

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## THIRTY-FOURTH DAY

Bismarck, February 20, 1987  
The House convened at 8:00 a.m., with Speaker Kloubec presiding.

The prayer was offered by Father Michael O'Reilly, St. Ann's Catholic Church, Belcourt, North Dakota.

## ROLL CALL

The roll was called and all Representatives were present, except Representatives G. Berg, R. Berg, Dalrymple, Graba, Hill, Kelly, Kent, Knutson, Kretschmar, Kuchera, Meyer, Nicholas, Riehl, Schneider, Stofferahn, Watne, 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 Thirty-third Day and finds the same to be correct.

REP. THOMPSON, Chairman

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

## DOCTOR OF THE DAY SCHEDULE

February 25: Gregory L. Culver, M.D. - Minot  
February 26: Fredrick Mitzel, M.D. - Minot  
February 27: Fredrick Mitzel, M.D. - Minot

## COMMUNICATION

State of North Dakota  
EXECUTIVE OFFICE  
Bismarck

February 18, 1987

The Honorable Richard Kloubec  
Speaker of the House  
House Chambers  
State Capitol  
Bismarck, North Dakota 58505

Dear Speaker Kloubec:

This is to inform you that on February 17, 1987, I signed the following:

HB 1057.

Sincerely,

GEORGE A. SINNER  
Governor

#### MOTIONS

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

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

#### SIXTH ORDER OF BUSINESS

REP. WHALEN MOVED that the amendments to HB 1243 as recommended by the Committee on Industry, Business and Labor as printed on page 1273 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1243: A BILL for an Act to require certain insurance companies to submit information to the commissioner of insurance relating to group life and health insurance trust filing and solicitation requirements; and to amend and reenact section 26.1-36-23 of the North Dakota Century Code, relating to the continuation of group hospital insurance benefits.

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, 3 NAYS, 10 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.; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Kent; Kingsbury; Klundt; Knell; Koland; Kolbo; Kretschmar; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; 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; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

**NAYS:** Haugen; Shide; Whalen

**ABSENT AND NOT VOTING:** Berg, G.; Gorman; Graba; Hill; Kelly; Knudson; Kuchera; Meyer; Nicholas; Stofferahn

HB 1243 passed and the title was agreed to.

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#### SIXTH ORDER OF BUSINESS

**REP. WHALEN MOVED** that the amendments to HB 1305 as recommended by the Committee on Industry, Business and Labor as printed on pages 1273-1274 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1305:** A BILL for an Act to amend and reenact section 65-05.2-02 of the North Dakota Century Code, relating to supplementary workmen's compensation benefits; and to provide for application of this Act.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 98 YEAS, 0 NAYS, 8 ABSENT AND NOT VOTING.

**YEAS:** 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; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Kent; Kingsbury; Klundt; Knell; Koland; Kolbo; Kretschmar; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; 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; 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: Graba; Hill; Kelly; Knudson;  
Kuchera; Meyer; Nicholas; Stofferahn

HB 1305 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:

HB 1597, HB 1598, HB 1600, HB 1615, HB 1622, HB 1636,  
HB 1637, HB 1644

ROY GILBREATH, Chief Clerk

MOTION

REP. STRINDEN MOVED that HB 1001, HB 1004, HB 1006, and HB 1014 be placed at the top of the calendar, which motion prevailed.

SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to HB 1001 as recommended by the Committee on Appropriations as printed on pages 1226-1227 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1001: A BILL for an Act providing an appropriation for defraying the expenses of the legislative branch of government; and declaring an emergency.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 98 YEAS, 0 NAYS, 8 ABSENT AND NOT VOTING.

YEAS: 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; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Kent; Kingsbury; Klundt; Knell; Koland; Kolbo; Kretschmar; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; 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; 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:** Graba; Hill; Kelly; Knudson;  
 Kuchera; Meyer; Nicholas; Stofferahn

HB 1001 passed, the title was agreed to, and the emergency clause carried.

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#### SIXTH ORDER OF BUSINESS

**REP. PETERSON** MOVED that the amendments to HB 1002 as recommended by the **Committee on Appropriations** as printed on pages 1196-1202 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1002:** A BILL for an Act making an appropriation for defraying the expenses of the judicial branch of the government of the state of North Dakota; to amend and reenact section 27-05-01 of the North Dakota Century Code, relating to the number of district court judges; and to provide an effective date.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 96 YEAS, 2 NAYS, 8 ABSENT AND NOT VOTING.

**YEAS:** Aas; Almlie; Anderson; Belter; Berg, G.; 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.; Hoffner; Hokana; Kent; Kingsbury; Klundt; Knell; Koland; Kolbo; Kretschmar; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; 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; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz;

Whalen; Wilkie; Williams, A.; Williams, C.;  
Williams, W.; Winkelman; Speaker Kloubec

**NAYS:** Brokaw; Shockman

**ABSENT AND NOT VOTING:** Graba; Hill; Kelly; Knudson;  
Kuchera; Meyer; Nicholas; Stofferahn

HB 1002 passed and the title was agreed to.

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#### SIXTH ORDER OF BUSINESS

**REP. PETERSON MOVED** that the amendments to HB 1004 as recommended by the Committee on Appropriations as printed on page 1228 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1004:** A BILL for an Act making an appropriation for defraying the expenses of the state board of vocational education of the state of North Dakota.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 92 YEAS, 9 NAYS, 5 ABSENT AND NOT VOTING.

**YEAS:** Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dotzenrod; Enget; Frey; Gates; Gertholz; Goetz; Gorman; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Kelly; Kent; Kingsbury; Klundt; Knell; Koland; Kolbo; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Martin; Martinson; Melby; Mertens; Moore; Myrdal; Nelson, C.; Nelson, J.; Nowatzki; Oban; 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; Strinden; Thompson; Tokach; Tollefson; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Winkelman; Speaker Kloubec

**NAYS:** Dorso; Flaagan; Hill; Hokana; Marks; O'Connell; Stofferahn; Tomac; Williams, W.

**ABSENT AND NOT VOTING:** Graba; Knudson; Meyer; Murphy; Nicholas

HB 1004 passed and the title was agreed to.

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#### REQUEST

REP. KUCHERA REQUESTED that the following information be printed in the Journal, which request was granted.

Mr. Speaker: On Wednesday, January 21, 1987, the House Appropriations Committee held a hearing on the preventive health and health services block grant moneys anticipated by the State Department of Health and Consolidated Laboratory Services during the period beginning October 1, 1987, and ending September 30, 1989. If any member of the Legislative Assembly desires copies of the minutes and testimony presented to the House Appropriations Committee during the block grant hearing, the House Appropriations Committee Clerk will make copies available to you. I inform you about the availability of the information at this time, since your approval or disapproval of the appropriation for the State Department of Health and Consolidated Laboratory Services includes the legislative action regarding the use of the federal block grant funds.

#### SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to HB 1006 as recommended by the Committee on Appropriations as printed on pages 1202-1203 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1006: A BILL for an Act making an appropriation for defraying the expenses of the department of health and consolidated laboratory services of the state of North Dakota and providing for a transfer from the abandoned motor vehicle disposal and state fire and tornado funds.

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 84 YEAS, 18 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dotzenrod; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Gunsch; Hamerlik; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Kelly; Kent; Kingsbury; Klundt; Knell; Koland; Kolbo; Kretschmar; Kuchera; Lang; Larson; Laughlin; Linderman; Lindgren; Martin; Martinson; Melby; Moore; Myrdal; Nelson, J.; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, V.; Opedahl; O'Shea; Payne; Peterson; Rice;

Rydell; Scherber; Schindler; Schneider; Shaft; Shaw;  
 Shide; Skjerven; Smette; Solberg; Sorensen; Starke;  
 Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman;  
 Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, C.;  
 Winkelman; Speaker Kloubec

NAYS: Dorso; Enget; Halmrast; Hanson, L.; Hill;  
 Lautenschlager; Marks; Mertens; Nelson, C.; O'Connell;  
 Olson, A.; Riehl; Shockman; Stofferahn; Ulmer; Wilkie;  
 Williams, A.; Williams, W.

ABSENT AND NOT VOTING: Graba; Knudson; Meyer; Murphy

HB 1006 passed and the title was agreed to.

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#### SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to HB 1014 as recommended by the Committee on Appropriations as printed on pages 1203-1206 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1014: A BILL for an Act making an appropriation for defraying the expenses of the state fair association of the state of North Dakota; to provide legislative intent; 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 87 YEAS, 15 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Berg, G.; Berg, R.; Brokaw;  
 Christman; Cleveland; DeMers, J.; Dotzenrod; Enget;  
 Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Gunsch;  
 Halmrast; Hamerlik; Hanson, O.; Haugen; Haugland;  
 Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana;  
 Kelly; Kent; Kingsbury; Klundt; Knell; Koland; Kolbo;  
 Kretschmar; Kuchera; Lang; Laughlin; Lautenschlager;  
 Linderman; Marks; Martin; Martinson; Mertens; Moore;  
 Myrdal; Nelson, J.; Nicholas; Nowatzki; O'Connell;  
 Olsen, D.; Olson, A.; Olson, V.; Opedahl; Payne;  
 Peterson; Rice; Riehl; Rydell; Schindler; Schneider;  
 Shaft; Shaw; Shide; Skjerven; Smette; Solberg; 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: Belter; Dalrymple; DeMers, P.; Dorso; Hanson, L.;  
Larson; Lindgren; Melby; Nelson, C.; Oban; O'Shea;  
Scherber; Shockman; Sorensen; Wilkie

ABSENT AND NOT VOTING: Graba; Knudson; Meyer; Murphy

HB 1014 passed, the title was agreed to, and the emergency clause carried.

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#### REQUEST

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

#### SIXTH ORDER OF BUSINESS

REP. WHALEN MOVED that the amendments to HB 1366 as recommended by the Committee on Industry, Business and Labor as printed on page 1207 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1366: A BILL for an Act to create and enact a new section to chapter 26.1-36 of the North Dakota Century Code, relating to group accident and health insurance conversion and continuation rights for spouses and children.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 77 YEAS, 4 NAYS, 25 ABSENT AND NOT VOTING.

YEAS: Almlie; Anderson; Belter; Berg, G.; Berg, R.;  
Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.;  
DeMers, P.; Dotzenrod; Enget; Flaagan; Frey; Gates;  
Goetz; Gorman; Halmrast; Hamerlik; Hanson, L.;  
Hanson, O.; Haugen; Haugland; Hausauer, A.; Hokana;  
Klundt; Knell; Koland; Kolbo; Kretschmar; Lang; Larson;  
Lautenschlager; Linderman; Lindgren; Marks; Martin;  
Martinson; Melby; Mertens; Moore; Myrdal; Nelson, C.;  
Nelson, J.; Nicholas; Oban; O'Connell; Olsen, D.;  
Olson, A.; Olson, V.; O'Shea; Riehl; Rydell; Scherber;  
Schindler; Schneider; Shaft; Shaw; Shide; Shockman;  
Skjerven; Sorensen; Starke; Stofferahn; Tokach;  
Tollefson; Tomac; Trautman; Ulmer; Watne; Wentz;  
Wilkie; Williams, A.; Williams, C.; Williams, W.;  
Speaker Kloubec

NAYS: Aas; Dorso; Vander Vorst; Whalen

ABSENT AND NOT VOTING: Gerntholz; Graba; Gunsch;  
Hausauer, R.; Hill; Hoffner; Kelly; Kent; Kingsbury;

Knudson; Kuchera; Laughlin; Meyer; Murphy; Nowatzki;  
Opedahl; Payne; Peterson; Rice; Smette; Solberg;  
Strinden; Thompson; Wald; Winkelman

HB 1366 passed and the title was agreed to.

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#### SIXTH ORDER OF BUSINESS

REP. KRETSCHMAR MOVED that the amendments to HB 1375 as recommended by the Committee on Judiciary as printed on page 1207 of the House Journal be adopted, and when so adopted, recommends the same DO NOT PASS, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1375: A BILL for an Act to provide for limitations on attorney contingency fees; to amend and reenact section 28-26-01 of the North Dakota Century Code, relating to attorney contingency fees; 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 3 YEAS, 75 NAYS, 28 ABSENT AND NOT VOTING.

YEAS: Melby; Wilkie; Williams, A.

NAYS: Aas; Almlie; Anderson; Belter; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Goetz; Gorman; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hokana; Klundt; Knell; Koland; Kolbo; Kretschmar; Lang; Larson; Lautenschlager; Linderman; Lindgren; Marks; Martinson; Mertens; Moore; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Riehl; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shide; Shockman; Skjerven; Sorensen; Starke; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Watne; Wentz; Whalen; Williams, C.; Williams, W.; Speaker Kloubec

ABSENT AND NOT VOTING: Berg, G.; Gerntholz; Graba; Gunsch; Hausauer, R.; Hill; Hoffner; Kelly; Kent; Kingsbury; Knudson; Kuchera; Laughlin; Martin; Meyer; Murphy; Nowatzki; Opedahl; Payne; Peterson; Rice; Smette; Solberg; Stofferahn; Strinden; Thompson; Wald; Winkelman

HB 1375 was declared lost.

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## SIXTH ORDER OF BUSINESS

REP. KRETSCHMAR MOVED that the amendments to HB 1376 as recommended by the Committee on Judiciary as printed on page 1208 of the House Journal be adopted, and when so adopted, recommends the same DO NOT PASS, which motion prevailed.

## SECOND READING OF HOUSE BILL

HB 1376: A BILL for an Act to provide for limitations on punitive damage awards and to establish a North Dakota punitive damages trust fund; and to repeal section 32-03-07 of the North Dakota Century Code, relating to the award of exemplary damages.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 0 YEAS, 79 NAYS, 27 ABSENT AND NOT VOTING.

YEAS: None

NAYS: Aas; Almlie; Anderson; Belter; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Goetz; Gorman; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hokana; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Lang; Larson; Lautenschlager; Linderman; Lindgren; Marks; Martinson; Melby; Mertens; Moore; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Riehl; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shide; Shockman; Skjerven; Sorensen; Starke; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Speaker Kloubec

ABSENT AND NOT VOTING: Berg, G.; Gerntholz; Graba; Gunsch; Hausauer, R.; Hill; Hoffner; Kelly; Kent; Kingsbury; Kuchera; Laughlin; Martin; Meyer; Murphy; Nowatzki; Opedahl; Payne; Peterson; Rice; Smette; Solberg; Stofferahn; Strinden; Thompson; Wald; Winkelman

HB 1376 was declared lost.

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## SIXTH ORDER OF BUSINESS

REP. KRETSCHMAR MOVED that the amendments to HB 1391 as recommended by the Committee on Judiciary as printed on page 1208 of

the House Journal be adopted, and when so adopted, recommends the same DO NOT PASS, which motion prevailed.

### SECOND READING OF HOUSE BILL

**HB 1391:** A BILL for an Act to limit the amount of noneconomic damages recoverable in any personal injury or wrongful death action.

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 7 YEAS, 71 NAYS, 28 ABSENT AND NOT VOTING.

**YEAS:** Myrdal; Olsen, D.; Olson, A.; Shide; Skjerven; Vander Vorst; Wilkie

**NAYS:** Aas; Almlie; Anderson; Belter; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dotzenrod; Enget; Flaagan; Frey; Gates; Goetz; Gorman; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hokana; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Lang; Larson; Lautenschlager; Linderman; Lindgren; Marks; Martinson; Melby; Mertens; Moore; Nelson, C.; Nelson, J.; Nicholas; Oban; O'Connell; Olson, V.; O'Shea; Riehl; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shockman; Sorensen; Starke; Tokach; Tollefson; Tomac; Trautman; Ulmer; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Speaker Kloubec

**ABSENT AND NOT VOTING:** Berg, G.; Dorso; Gerntholz; Graba; Gunsch; Hausauer, R.; Hill; Hoffner; Kelly; Kent; Kingsbury; Kuchera; Laughlin; Martin; Meyer; Murphy; Nowatzki; Opedahl; Payne; Peterson; Rice; Smette; Solberg; Stofferahn; Strinden; Thompson; Wald; Winkelman

HB 1391 was declared lost.

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### SIXTH ORDER OF BUSINESS

**REP. WHALEN** MOVED that the amendments to HB 1433 as recommended by the Committee on Industry, Business and Labor as printed on page 1208 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

### SECOND READING OF HOUSE BILL

**HB 1433:** A BILL for an Act to amend and reenact subsections 12 and 13 of section 52-06-02 of the North Dakota Century

Code, relating to disqualifications for unemployment compensation benefits.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 80 YEAS, 0 NAYS, 26 ABSENT AND NOT VOTING.

**YEAS:** Aas; Almlie; Anderson; Belter; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Goetz; Gorman; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Hausauer, A.; Hokana; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Lang; Larson; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Meyer; Moore; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Riehl; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shide; Shockman; Skjerven; Sorensen; Starke; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Speaker Kloubec

**NAYS:** None

**ABSENT AND NOT VOTING:** Berg, G.; Gerntholz; Graba; Gunsch; Haugland; Hausauer, R.; Hill; Hoffner; Kelly; Kent; Kingsbury; Kuchera; Laughlin; Murphy; Nowatzki; Opedahl; Payne; Peterson; Rice; Smette; Solberg; Stofferahn; Strinden; Thompson; Wald; Winkelman

HB 1433 passed and the title was agreed to.

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#### MOTION

REP. GOETZ MOVED that HB 1505, HB 1565, HB 1623, HB 1625, and HB 1631 be placed at the top of the calendar, which motion prevailed.

#### SIXTH ORDER OF BUSINESS

REP. WHALEN MOVED that the amendments to HB 1505 as recommended by the Committee on Industry, Business and Labor as printed on pages 1211-1212 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1505: A BILL for an Act to amend and reenact section 45-11-02 of the North Dakota Century Code, relating to fictitious partnership name 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 76 YEAS, 5 NAYS, 25 ABSENT AND NOT VOTING.

**YEAS:** Aas; Almlie; Anderson; Belter; Berg, R.; Brokaw; Christman; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Goetz; Gorman; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hokana; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Lang; Larson; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Meyer; Moore; Nelson, C.; Nelson, J.; Nicholas; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Riehl; Scherber; Schindler; Schneider; Shaft; Shaw; Shide; Shockman; Skjerven; Starke; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Speaker Kloubec

**NAYS:** Cleveland; Hamerlik; Myrdal; Rydell; Sorensen

**ABSENT AND NOT VOTING:** Berg, G.; Gerntholz; Graba; Gunsch; Hausauer, R.; Hill; Hoffner; Kelly; Kent; Kingsbury; Kuchera; Laughlin; Murphy; Nowatzki; Opedahl; Payne; Peterson; Rice; Smette; Solberg; Stofferahn; Strinden; Thompson; Wald; Winkelman

HB 1505 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 3047, HCR 3048, HCR 3049, HCR 3051, HCR 3053, HCR 3056,  
HCR 3057, HCR 3058, HCR 3059, HCR 3060, HCR 3062, HCR 3063

**ROY GILBREATH, Chief Clerk**

## SIXTH ORDER OF BUSINESS

**REP. WHALEN** MOVED that the amendments to HB 1565 as recommended by the Committee on Industry, Business and Labor as printed on page 1212 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

## SECOND READING OF HOUSE BILL

**HB 1565:** A BILL for an Act to create and enact a new section to chapter 65-14 of the North Dakota Century Code, relating to

jurisdiction of the employee information program; and to repeal subsection 6 of section 65-14-02 of the North Dakota Century Code, relating to jurisdiction of the employee information program.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 79 YEAS, 1 NAY, 26 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, R.; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Goetz; Gorman; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hokana; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Lang; Larson; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Meyer; Moore; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Riehl; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shide; Shockman; Skjerven; Sorensen; Starke; Tokach; Tollefson; Trautman; Ulmer; Vander Vorst; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Speaker Kloubec

NAYS: Brokaw

ABSENT AND NOT VOTING: Berg, G.; Gerntholz; Graba; Gunsch; Hausauer, R.; Hill; Hoffner; Kelly; Kent; Kingsbury; Kuchera; Laughlin; Murphy; Nowatzki; Opedahl; Payne; Peterson; Rice; Smette; Solberg; Stofferahn; Strinden; Thompson; Tomac; Wald; Winkelman

HB 1565 passed and the title was agreed to.

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#### SIXTH ORDER OF BUSINESS

REP. KRETSCHMAR MOVED that the amendments to HB 1623 as recommended by the Committee on Judiciary as printed on page 1213 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

#### SIXTH ORDER OF BUSINESS

HB 1623: A BILL for an Act to amend and reenact section 32-18-01 of the North Dakota Century Code, relating to cancellation of contracts for deed involving agricultural property.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 79 YEAS, 0 NAYS, 27 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Goetz; Gorman; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hokana; Klundt; Knell; Koland; Kolbo; Kretschmar; Lang; Larson; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Meyer; Moore; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Riehl; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shide; Shockman; Skjerven; Sorensen; Starke; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Speaker Kloubec

NAYS: None

ABSENT AND NOT VOTING: Berg, G.; Gerntholz; Graba; Gunsch; Haugen; Hausauer, R.; Hill; Hoffner; Kelly; Kent; Kingsbury; Knudson; Kuchera; Laughlin; Murphy; Nowatzki; Opedahl; Payne; Peterson; Rice; Smette; Solberg; Stofferahn; Strinden; Thompson; Wald; Winkelman

HB 1623 passed and the title was agreed to.

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## MOTION

REP. GOETZ MOVED that HB 1625 be placed at the foot of the Sixth order on the calendar, which motion prevailed.

## SIXTH ORDER OF BUSINESS

REP. KRETSCHMAR MOVED that the amendments to HB 1631 as recommended by the Committee on Judiciary as printed on page 1216 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

## SECOND READING OF HOUSE BILL

HB 1631: A BILL for an Act to create and enact chapter 32-03.1 of the North Dakota Century Code, relating to exemption for liability to encourage the public to render assistance to victims of accident and illness.

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 81 YEAS, 0 NAYS, 25 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; Goetz; Gorman; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hokana; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Lang; Larson; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Meyer; Moore; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Riehl; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shide; Shockman; Skjerven; Sorensen; Starke; Strinden; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kloubec

NAYS: None

ABSENT AND NOT VOTING: Berg, G.; Gerntholz; Graba; Gunsch; Hausauer, R.; Hill; Hoffner; Kelly; Kent; Kingsbury; Kuchera; Laughlin; Murphy; Nowatzki; Opedahl; Payne; Peterson; Rice; Smette; Solberg; Stofferahn; Thompson; Wald; Williams, C.; Winkelman

HB 1631 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:

HCN 3020, HCN 3021, HCN 3022, HCN 3023, HCN 3027, HCN 3028,  
HCN 3031, HCN 3032, HCN 3035, HCN 3045, HCN 3046  
ROY GILBREATH, Chief Clerk

## MOTION

REP. GOETZ MOVED that HB 1450, HB 1549, HB 1567, HB 1646, and HB 1649 be placed at the top of the Eleventh order on the calendar, which motion prevailed.

## SECOND READING OF HOUSE BILLS

HB 1450: A BILL for an Act to amend and reenact section 43-23-07 of the North Dakota Century Code, relating to exceptions to real estate licensure.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 74 YEAS, 8 NAYS, 24 ABSENT AND NOT VOTING.

**YEAS:** Aas; Almlie; Anderson; Belter; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, P.; Dorso; Dotzenrod; Flaagan; Frey; Gates; Goetz; Gorman; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hokana; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Larson; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Meyer; Moore; Myrdal; Nelson, J.; Nicholas; Olsen, D.; Olson, A.; Olson, V.; Riehl; Rydell; Scherber; Schindler; Shaft; Shaw; Shide; Shockman; Skjerven; Sorensen; Starke; Strinden; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Speaker Kloubec

**NAYS:** DeMers, J.; Enget; Lang; Nelson, C.; Oban; O'Connell; O'Shea; Schneider

**ABSENT AND NOT VOTING:** Berg, G.; Gerntholz; Graba; Gunsch; Hausauer, R.; Hill; Hoffner; Kelly; Kent; Kingsbury; Kuchera; Laughlin; Murphy; Nowatzki; Opedahl; Payne; Peterson; Rice; Smette; Solberg; Stofferahn; Thompson; Wald; Winkelman

HB 1450 passed and the title was agreed to.

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HB 1549: A BILL for an Act to amend and reenact section 24-02-26.1 of the North Dakota Century Code, relating to contractors' claims submitted for arbitration.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 81 YEAS, 0 NAYS, 25 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; Goetz; Gorman; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hokana; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Lang; Larson; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Mertens; Meyer; Moore; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Riehl; Rydell; Scherber; Schindler; Schneider; Shaft;

Shaw; Shide; Shockman; Skjerven; Sorensen; Starke;  
 Strinden; Tokach; Tollefson; Tomac; Trautman; Ulmer;  
 Vander Vorst; Watne; Wentz; Whalen; Wilkie;  
 Williams, A.; Williams, C.; Williams, W.;  
 Speaker Kloubec

NAYS: None

ABSENT AND NOT VOTING: Berg, G.; Gerntholz; Graba;  
 Gunsch; Hausauer, R.; Hill; Hoffner; Kelly; Kent;  
 Kingsbury; Kuchera; Laughlin; Melby; Murphy; Nowatzki;  
 Opedahl; Payne; Peterson; Rice; Smette; Solberg;  
 Stoifferahn; Thompson; Wald; Winkelman

HB 1549 passed and the title was agreed to.

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#### MOTION

REP. STRINDEN MOVED that HB 1567, HB 1646, and HB 1649 be placed at the foot of the calendar, which motion prevailed.

#### SECOND READING OF HOUSE BILLS

HB 1603: A BILL for an Act to amend and reenact subsection 3 of section 28-G1-18 of the North Dakota Century Code, relating to limitations on actions for malpractice.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 4 YEAS, 79 NAYS, 23 ABSENT AND NOT VOTING.

YEAS: Martinson; Melby; Sorensen; Wilkie

NAYS: Aas; Almlie; Anderson; Belter; Berg, R.; Brokaw;  
 Christman; Cleveland; Dalrymple; DeMers, J.;  
 DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey;  
 Gates; Coetz; Gorman; Halmraet; Hamerlik; Hanson, L.;  
 Hanson, O.; Haugen; Haugland; Hausauer, A.; Hokana;  
 Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar;  
 Lang; Larson; Lautenschlager; Linderman; Lindgren;  
 Marks; Martin; Mertens; Meyer; Moore; Murphy; Myrdal;  
 Nelson, C.; Nelson, J.; Nicholas; Oban; O'Connell;  
 Olsen, D.; Olson, A.; Olson, V.; O'Shea; Riehl; Rydell;  
 Scherber; Schindler; Schneider; Shaft; Shaw; Shide;  
 Shockman; Skjerven; Starke; Strinden; Tokach;  
 Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Watne;  
 Wentz; Whalen; Williams, A.; Williams, C.;  
 Williams, W.; Speaker Kloubec

ABSENT AND NOT VOTING: Berg, G.; Gerntholz; Graba;  
 Gunsch; Hausauer, R.; Hill; Hoffner; Kelly; Kent;  
 Kingsbury; Kuchera; Laughlin; Nowatzki; Opedahl; Payne;

Peterson; Rice; Smette; Solberg; Stofferahn; Thompson;  
Wald; Winkelman

HB 1603 was declared lost.

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HB 1647: A BILL for an Act to amend and reenact subsection 1 of section 30.1-06-01 of the North Dakota Century Code, relating to provision for omitted spouse by transfer outside the will.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 11 YEAS, 69 NAYS, 26 ABSENT AND NOT VOTING.

YEAS: DeMers, J.; DeMers, P.; Dotzenrod; Melby;  
Nelson, C.; O'Connell; Olson, V.; Rydell; Schneider;  
Ulmer; Williams, W.

NAYS: Aas; Almlie; Anderson; Belter; Berg, R.; Brokaw;  
Christman; Cleveland; Dalrymple; Dorso; Enget; Flaagan;  
Frey; Gates; Goetz; Gorman; Halmrast; Hamerlik;  
Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.;  
Hokana; Klundt; Knell; Knudson; Koland; Kolbo;  
Kretschmar; Lang; Larson; Lautenschlager; Linderman;  
Lindgren; Marks; Martin; Martinson; Mertens; Moore;  
Murphy; Myrdal; Nicholas; Oban; Olsen, D.; Olson, A.;  
O'Shea; Riehl; Scherber; Schindler; Shaft; Shaw; Shide;  
Shockman; Skjerven; Sorensen; Strinden; Tokach;  
Tollefson; Tomac; Trautman; Vander Vorst; Watne; Wentz;  
Whalen; Wilkie; Williams, A.; Williams, C.;  
Speaker Kloubec

ABSENT AND NOT VOTING: Berg, G.; Gerntholz; Graba;  
Gunsch; Hausauer, R.; Hill; Hoffner; Kelly; Kent;  
Kingsbury; Kuchera; Laughlin; Meyer; Nelson, J.;  
Nowatzki; Opedahl; Payne; Peterson; Rice; Smette;  
Solberg; Starke; Stofferahn; Thompson; Wald; Winkelman

HB 1647 was declared lost.

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#### SIXTH ORDER OF BUSINESS

REP. KRETSCHMAR MOVED that the amendments to HB 1474 as recommended by the Committee on Judiciary as printed on pages 1275-1277 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1474 was placed on the Eleventh order of business on the calendar.

REP. WHALEN MOVED that the amendments to HB 1492 as recommended by the **Committee on Industry, Business and Labor** as printed on pages 1277-1278 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1492 was placed on the Eleventh order of business on the calendar.

REP. WHALEN MOVED that the amendments to HB 1504 as recommended by the **Committee on Industry, Business and Labor** as printed on page 1278 of the House Journal be adopted, and when so adopted, recommends the same DO NOT PASS, which motion prevailed.

HB 1504 was placed on the Eleventh order of business on the calendar.

REP. WHALEN MOVED that the amendments to HB 1543 as recommended by the **Committee on Industry, Business and Labor** as printed on pages 1278-1279 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1543 was placed on the Eleventh order of business on the calendar.

REP. WHALEN MOVED that the amendments to HB 1555 as recommended by the **Committee on Industry, Business and Labor** as printed on page 1212 of the House Journal be adopted, and when so adopted, recommends the same DO NOT PASS, which motion prevailed.

HB 1555 was placed on the Eleventh order of business on the calendar.

#### MOTION

REP. GOETZ MOVED that HB 1557 be placed at the bottom of the Sixth order on the calendar, which motion prevailed.

#### SIXTH ORDER OF BUSINESS

REP. WHALEN MOVED that the amendments to HB 1560 as recommended by the **Committee on Industry, Business and Labor** as printed on page 1280 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1560 was placed on the Eleventh order of business on the calendar.

REP. A. HAUSAUER MOVED that the amendments to HB 1590 as recommended by the **Committee on Finance and Taxation** as printed on pages 1280-1283 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1590 was placed on the Eleventh order of business on the calendar.

REP. WHALEN MOVED that the amendments to HB 1629 as recommended by the Committee on Industry, Business and Labor as printed on pages 1213-1216 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1629 was placed on the Eleventh order of business on the calendar.

REP. WHALEN MOVED that the amendments to HB 1633 as recommended by the Committee on Industry, Business and Labor as printed on pages 1230-1231 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1633 was placed on the Eleventh order of business on the calendar.

REP. WHALEN MOVED that the amendments to HB 1634 as recommended by the Committee on Industry, Business and Labor as printed on page 1283 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1634 was placed on the Eleventh order of business on the calendar.

REP. A. HAUSAUER MOVED that the amendments to HB 1645 as recommended by the Committee on Finance and Taxation as printed on pages 1283-1284 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

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

REP. WHALEN MOVED that the amendments to HB 1652 as recommended by the Committee on Industry, Business and Labor as printed on pages 1216-1217 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1652 was placed on the Eleventh order of business on the calendar.

REP. A. HAUSAUER MOVED that the amendments to HB 1667 as recommended by the Committee on Finance and Taxation as printed on pages 1284-1285 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1667 was placed on the Eleventh order of business on the calendar.

#### MOTION

REP. STRINDEN MOVED that the rules be suspended and that HB 1555 and HB 1629 be placed on the Eleventh order, as amended, for second reading and final passage, which motion prevailed.

## SECOND READING OF HOUSE BILL

HB 1555: A BILL for an Act to amend and reenact section 26.1-25-04.1 of the North Dakota Century Code, relating to discounts from certain motor vehicle insurance premiums.

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 3 YEAS, 76 NAYS, 27 ABSENT AND NOT VOTING.

YEAS: Enget; Kolbo; Oban

NAYS: Aas; Anderson; Belter; Berg, R.; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Flaagan; Frey; Gates; Goetz; Gorman; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hokana; Klundt; Knell; Knudson; Koland; Kretschmar; Lang; Larson; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; O'Connell; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Riehl; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shide; Shockman; Skjerven; Starke; Strinden; Tokach; Tollefson; Trautman; Ulmer; Vander Vorst; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Speaker Kloubec

ABSENT AND NOT VOTING: Almlie; Berg, G.; Brokaw; Gerntholz; Graba; Gunsch; Hausauer, R.; Hill; Hoffner; Kelly; Kent; Kingsbury; Kuchera; Laughlin; Nowatzki; Opedahl; Payne; Peterson; Rice; Smette; Solberg; Sorensen; Stofferahn; Thompson; Tomac; Wald; Winkelman

HB 1555 was declared lost.

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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:

HB 1012, HB 1017, HB 1018, HB 1028, HB 1077, HB 1118,  
HB 1233, HB 1241, HB 1332, HB 1360, HB 1491, HB 1494,  
HB 1526, HB 1533, HB 1559, HB 1571

ROY GILBREATH, Chief Clerk

## SECOND READING OF HOUSE BILL

HB 1629: A BILL for an Act to provide for regulation of long-term care insurance; and to amend and reenact section

26.1-36-37 of the North Dakota Century Code, relating to nursing home policies.

Which has been read.

#### ROLL CALL

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

**YEAS:** Aas; Almlie; Anderson; Belter; Berg, R.; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Goetz; Gorman; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hokana; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Lang; Larson; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Meyer; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Oban; O'Connell; Olsen, D.; Olson, V.; O'Shea; Riehl; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shide; Shockman; Skjerven; Sorensen; Starke; Tokach; Tollefson; Trautman; Ulmer; Vander Vorst; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Speaker Kloubec

**NAYS:** None

**ABSENT AND NOT VOTING:** Berg, G.; Brokaw; Gerntholz; Graba; Gunsch; Hausauer, R.; Hill; Hoffner; Kelly; Kent; Kingsbury; Kuchera; Laughlin; Mertens; Nowatzki; Olson, A.; Opedahl; Payne; Peterson; Rice; Smette; Solberg; Stofferahn; Strinden; Thompson; Tomac; Wald; Winkelman

HB 1629 passed and the title was agreed to.

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#### REPORTS OF STANDING COMMITTEES

**MR. SPEAKER:** A majority of your Committee on Finance and Taxation to which was referred HB 1065 has had the same under consideration and recommends 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 section to chapter 57-61 of the North Dakota Century Code, relating to the coal severance tax and lignite research contracts; to" and after the numerals "57-61-01" insert the numerals ", 57-61-10,"

On page 1, line 4, after the word "fund" insert the words "to provide an appropriation; and to provide an expiration date"



On page 2, line 11, delete the word "sixty" and insert in lieu thereof the word "seventy-five"

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

"SECTION 2. AMENDMENT. Section 57-61-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-61-10. Coal development fund established. Moneys collected by the state tax commissioner pursuant to the provisions of sections 57-61-01 through 57-61-09 shall be paid to the state treasurer within fifteen days from the date they are received by the state tax commissioner and shall be credited to a special fund in the state treasury, to be known as the coal development fund. The moneys accumulated in such fund shall be allocated by the state treasurer as provided by law and as appropriated by the legislative assembly ~~and such allocation shall occur within fifteen days from the date the moneys are received by the state treasurer from the state tax commissioner.~~"

On page 2, line 27, overstrike the word "quarterly" and insert immediately thereafter the word "monthly"

On page 2, line 28, delete the word "Fifteen" and overstrike the words "percent shall be credited to a special"

On page 2, overstrike lines 29 through 33

On page 2, line 34, overstrike the numeral "2."

On page 3, line 24, overstrike the numeral "3." and insert immediately thereafter the numeral "2." and delete the word "Thirty-five" and insert in lieu thereof the word "Twenty-nine"

On page 3, line 29, overstrike the word "quarterly" and insert immediately thereafter the word "monthly"

On page 6, line 30, overstrike the word "produces" and insert immediately thereafter the word "produced"

On page 6, line 32, after the word "the" insert the word "prior"

On page 7, line 2, overstrike the word "are" and insert immediately thereafter the word "were" and after the word "the" insert the word "prior"

On page 7, line 6, overstrike the word "are" and insert immediately thereafter the word "were" and after the word "the" insert the word "prior"

On page 7, line 12, overstrike the word "are" and insert immediately thereafter the word "were" and after the word "the" insert the word "prior"

On page 7, line 16, overstrike the word "quarterly" and insert immediately thereafter the word "monthly"

On page 7, line 22, overstrike the word "quarterly" and insert immediately thereafter the word "monthly"

On page 7, line 23, overstrike the numeral "4." and insert immediately thereafter the numeral "3." and delete the word "Thirty-five" and insert in lieu thereof the word "Fifty-six"

On page 7, after line 24, insert the following new sections:

"SECTION 4. A new section to chapter 57-61 of the North Dakota Century Code is hereby created and enacted to read as follows:

Separate and additional coal severance tax - Lignite reasearch contracts. There is hereby imposed upon all coal severed for sale or for industrial purposes from coal mines within the state a tax, separate from and additional to the tax imposed by section 57-61-01, of two cents per ton of two thousand pounds [907.18 kilograms]. All of the provisions of this chapter for administration of the coal severance tax apply to the tax imposed under this section. The state tax commissioner shall transfer revenue from the tax imposed by this section to the state treasurer for deposit in a special fund in the state treasury, which is hereby created, to be known as the lignite research fund. Moneys in the lignite research fund shall be available to the industrial commission for contracts with research facilities within this state. Such moneys must be used for contracts for land reclamation research projects and for lignite development research and hydroelectricity impact studies. The industrial commission shall adopt rules for submission and consideration of research proposals and entering into contracts under this section.

SECTION 5. APPROPRIATION. There is hereby appropriated out of any moneys in the lignite research fund in the state treasury, not otherwise appropriated, the sum of \$1,000,000, or so much thereof as may be necessary, to the industrial commission for the purposes of entering into contracts for land reclamation research, lignite development research, and hydroelectricity impact studies under section 4 of this Act for the biennium beginning July 1, 1987, and ending June 30, 1989.

**SECTION 6. EXPIRATION DATE.** Section 4 of this Act is effective through June 30, 1989, and after that date is ineffective."

And renumber the lines, sections, and pages accordingly

Rep. A. Hausauer  
Rep. Anderson  
Rep. J. DeMers  
Rep. Haugen  
Rep. Martin  
Rep. Schneider  
Rep. Tomac  
Rep. Watne  
Rep. W. Williams

**MR. SPEAKER:** A minority of your Committee on Finance and Taxation to which was referred HB 1065 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 1, after the word "Act" insert the words "to create and enact two new sections to chapter 57-61 of the North Dakota Century Code, relating to a reduction in the rate of the coal severance tax for coal mined for use in coal conversion facilities and a separate and additional coal severance tax and allocation of revenue from the tax;" and after the numerals "57-61-01" insert the numerals ", 57-61-10,"

On page 1, line 4, after the word "fund" insert the words "; to provide an appropriation; and to provide an expiration date"

On page 2, line 11, delete the word "sixty" and insert in lieu thereof the word "ninety-five"

On page 2, after line 21, insert the following new sections:

"**SECTION 2.** A new section to chapter 57-61 of the North Dakota Century Code is hereby created and enacted to read as follows:

Reduced coal severance tax rate for coal used in coal conversion facilities. The rate of the coal severance tax under section 57-61-01 shall be reduced as provided in this section for coal severed and subsequently used in a coal conversion facility that is being taxed under chapter 57-60 or that is located outside of this state. The reduction under this section is twenty cents per ton for coal severed after June 30, 1987, and before July 1, 1988, and thirty-five cents per ton for coal severed after June 30, 1988.

**SECTION 3.** A new section to chapter 57-61 of the North Dakota Century Code is hereby created and enacted to read as follows:

Separate and additional coal severance tax - Lignite research contracts. There is hereby imposed upon all coal severed for sale or for industrial purposes by coal mines within the state a tax, separate from and additional to the tax imposed by section 57-61-01, of two cents per ton of two thousand pounds [907.18 kilograms]. All of the provisions of this chapter for administration of the coal severance tax apply to the tax imposed under this section. The state tax commissioner shall transfer revenue from the tax imposed by this section to the state treasurer for deposit in a special fund in the state treasury, which is hereby created, to be known as the lignite research fund. Moneys in the lignite research fund shall be available to the industrial commission for contracts with research facilities within this state. Such moneys must be used for contracts for land reclamation research projects and for lignite development research and hydroelectricity impact studies. The industrial commission shall adopt rules for submission and consideration of research proposals and entering into contracts under this section.

**SECTION 4. AMENDMENT.** Section 57-61-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**57-61-10. Coal development fund established.** Moneys collected by the state tax commissioner pursuant to the provisions of sections 57-61-01 through 57-61-09 shall be paid to the state treasurer within fifteen days from the date they are received by the state tax commissioner and shall be credited to a special fund in the state treasury, to be known as the coal development fund. The moneys accumulated in such fund shall be allocated by the state treasurer as provided by law and as appropriated by the legislative assembly and such allocation shall occur within fifteen days from the date the moneys are received by the state treasurer from the state tax commissioner."

On page 2, line 27, overstrike the word "quarterly" and insert immediately thereafter the word "monthly"

On page 2, line 28, delete the word "Fifteen" and overstrike the words "percent shall be credited to a special"

On page 2, overstrike lines 29 through 33

On page 2, line 34, overstrike the numeral and period "2."

On page 3, line 24, overstrike the numeral "3." and insert immediately thereafter the numeral "2." and delete the

words "Thirty-five" and insert in lieu thereof the words "Thirty-two"

On page 3, line 29, overstrike the word "quarterly" and insert immediately thereafter the word "monthly"

On page 6, line 30, overstrike the word "produces" and insert immediately thereafter the word "produced"

On page 6, line 32, after the word "the" insert the word "prior"

On page 7, line 2, overstrike the word "are" and insert immediately thereafter the word "were" and after the word "the" insert the word "prior"

On page 7, line 6, overstrike the word "are" and insert immediately thereafter the word "were" and after the word "the" insert the word "prior"

On page 7, line 12, overstrike the word "are" and insert immediately thereafter the word "were" and after the word "the" insert the word "prior"

On page 7, line 16, overstrike the word "quarterly" and insert immediately thereafter the word "monthly"

On page 7, line 22, overstrike the word "quarterly" and insert immediately thereafter the word "monthly"

On page 7, line 23, overstrike the numeral "4." and insert immediately thereafter the numeral "3." and delete the words "Thirty-five" and insert in lieu thereof the words "Fifty-three"

On page 7, after line 24, insert the following new sections:

"SECTION 6. APPROPRIATION. There is hereby appropriated out of any moneys in the lignite research fund in the state treasury, not otherwise appropriated, the sum of \$1,000,000, or so much thereof as may be necessary, to the industrial commission for the purposes of entering contracts for land reclamation research, lignite development research, and hydroelectricity impact studies under section 3 of this Act for the biennium beginning July 1, 1987, and ending June 30, 1989.

SECTION 7. EXPIRATION DATE. Section 3 of this Act is effective through June 30, 1989, and after that date is ineffective."

And renumber the lines, sections, and pages accordingly

Rep. Goetz  
Rep. Belter  
Rep. O. Hanson  
Rep. Linderman (refused to sign)  
Rep. Moore  
Rep. A. Olson  
Rep. Riehl  
Rep. Tollefson

REP. A. HAUSAUER, Chairman

The reports of the majority and the minority were 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 1617 has had the same under consideration and recommends by a vote of 9 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to create and enact section 51-14-03.1 of the North Dakota Century Code, relating to credit service charges on certain credit cards; and to amend and reenact subsection 1 of section 51-14-01 of the North Dakota Century Code, relating to the definition of credit service charge.

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

SECTION 1. AMENDMENT. Subsection 1 of section 51-14-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. "Credit service charge" means the amount, however expressed, which the retail buyer cardholder contracts to pay or pays the retail seller card issuer in excess of the cash sale price of personal property, representing the total charges by the retail seller incident to investigating and making a retail installment sale under a revolving charge agreement and for extending to the retail buyer the privilege of paying in installments therefor amount charged the cardholder by the person who accepts use of the credit card in payment for goods or services.

SECTION 2. Section 51-14-03.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

51-14-03.1. Limitation of credit service charge for financial institutions. A financial institution, as defined in subsection 7.1 of section 6-01-02, which issues a credit card, as defined in subsection 6 of section 51-14.1-01, may contract for and if so contracted, may charge, receive, and collect a service charge. The credit service charge may not exceed one and one-fourth percent per month computed on the outstanding indebtedness from month to month. If the cardholder makes a payment insufficient to pay both the credit service charge and the portion of the outstanding indebtedness then due, the financial institution may apply the payment first to the credit service charge then due."

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

HB 1617 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

#### MOTIONS

REP. STRINDEN MOVED that the rules be suspended and that HB 1474 be placed on the Eleventh order, as amended, for second reading and final passage, which motion prevailed.

REP. STRINDEN MOVED that the rules be suspended, that HB 1065 and HB 1617, on the Sixth order for adoption of amendments, be considered today, which motion prevailed.

REP. STRINDEN MOVED that HB 1474 be placed at the foot of the calendar, which motion prevailed.

#### SIXTH ORDER OF BUSINESS

REP. WHALEN MOVED that the amendments to HB 1617 as recommended by the Committee on Industry, Business and Labor be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

#### MOTION

REP. GOETZ MOVED that the House stand at recess until 11:15 a.m., which motion prevailed.

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

#### MESSAGES 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 1010, HB 1011, HB 1013, HB 1015, HB 1016, HB 1019,  
HB 1021, HB 1342, HB 1349, HB 1350, HB 1356, HB 1509

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 1007, HB 1009, HB 1078, HB 1079, HB 1085, HB 1151,  
HB 1192, HB 1272, HB 1304

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 1450, HB 1549

ROY GILBREATH, Chief Clerk

## SECOND READING OF HOUSE BILL

HB 1617: A BILL for an Act to create and enact section 51-14-03.1 of the North Dakota Century Code, relating to credit service charges on certain credit cards; and to amend and reenact subsection 1 of section 51-14-01 of the North Dakota Century Code, relating to the definition of credit service charge.

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 39 YEAS, 43 NAYS, 24 ABSENT AND NOT VOTING.

YEAS: Brokaw; Cleveland; DeMers, J.; DeMers, P.; Flaagan; Frey; Hamerlik; Hanson, L.; Haugland; Hokana; Klundt; Knudson; Kolbo; Lautenschlager; Marks; Martin; Mertens; Meyer; Murphy; Nelson, C.; Nelson, J.; O'Connell; O'Shea; Riehl; Scherber; Schneider; Shockman; Skjerven; Starke; Tokach; Tomac; Ulmer; Vander Vorst; Watne; Wilkie; Williams, A.; Williams, C.; Williams, W.; Speaker Kloubec

NAYS: Aas; Almlie; Anderson; Belter; Berg, R.; Christman; Dalrymple; Dorso; Dotzenrod; Enget; Gates; Goetz; Gorman; Halmarst; Hanson, O.; Haugen; Hausauer, A.; Knell; Koland; Kretschmar; Lang; Larson; Linderman; Lindgren; Martinson; Melby; Moore; Myrdal; Oban; Olsen, D.; Olson, A.; Olson, V.; Rydell; Schindler; Shaft; Shaw; Shide; Sorensen; Strinden; Tollefson; Trautman; Wentz; Whalen

ABSENT AND NOT VOTING: Berg, G.; Gerntholz; Graba; Gunsch; Hausauer, R.; Hill; Hoffner; Kelly; Kent; Kingsbury; Kuchera; Laughlin; Nicholas; Nowatzki;



Opedahl; Payne; Peterson; Rice; Smette; Solberg;  
Stofferahn; Thompson; Wald; Winkelman

HB 1617 was declared lost.

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#### MOTION

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

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

#### MESSAGES 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 1319, HB 1338, HB 1346, HB 1379, HB 1389, HB 1421,  
HB 1424, HB 1454, HB 1465, HB 1468, HB 1530, HB 1534,  
HB 1538

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 1545, HB 1554, HB 1563, HB 1572, HB 1582, HB 1593

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 1001, HB 1002, HB 1004, HB 1006, HB 1014, HB 1243,  
HB 1305, HB 1366, HB 1433, HB 1505, HB 1565, HB 1623,  
HB 1631

ROY GILBREATH, Chief Clerk

#### MOTION

REP. STRINDEN MOVED that the House stand in recess until 1:15 p.m., which motion prevailed.

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

#### REPORT OF STANDING COMMITTEE

MR. SPEAKER: Your Committee on Appropriations to which was referred HB 1005 has had the same under consideration and recommends by a vote of 12 YEAS, 9 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 line 5

On page 1, line 6, delete the words "fund; and" and delete the words "regarding use" and insert in lieu thereof the words "; and to provide a contingent appropriation"

On page 1, line 7 delete the words "of certain funds from the coal development impact fund"

On page 1, line 22, delete the numerals "15,721,896" and insert in lieu thereof the numerals "14,811,855"

On page 1, line 23, delete the numerals "3,282,122" and insert in lieu thereof the numerals "3,196,905"

On page 1, line 25, delete the numerals "19,564,018" and insert in lieu thereof the numerals "18,568,760"

On page 1, line 26, delete the numerals "10,581,860" and insert in lieu thereof the numerals "10,424,000"

On page 1, line 27, delete the numerals "8,982,158" and insert in lieu thereof the numerals "8,144,760"

On page 2, line 4, delete the numerals "462,446" and insert in lieu thereof the numerals "449,790"

On page 2, line 6, delete the numerals "509,246" and insert in lieu thereof the numerals "496,590"

On page 2, line 10, delete the numerals "419,217" and insert in lieu thereof the numerals "412,217"

On page 2, line 13, delete the numerals "537,221" and insert in lieu thereof the numerals "530,221"

On page 2, line 14, delete the numerals "261,841" and insert in lieu thereof the numerals "289,761"

On page 2, line 15, delete the numerals "275,380" and insert in lieu thereof the numerals "240,460"

On page 2, line 18, delete the numerals "420,177" and insert in lieu thereof the numerals "412,222"

On page 2, line 19, delete the numerals "127,032" and insert in lieu thereof the numerals "115,066"

On page 2, line 20, delete the numerals "148,061" and insert in lieu thereof the numerals "103,061"

- On page 2, line 21, delete the numerals "695,270" and insert in lieu thereof the numerals "630,349"
- On page 2, line 22, delete the numerals "185,028" and insert in lieu thereof the numerals "183,676"
- On page 2, line 23, delete the numerals "510,242" and insert in lieu thereof the numerals "446,673"
- On page 2, line 26, delete the numerals "27,356,742" and insert in lieu thereof the numerals "25,551,799"
- On page 2, line 27, delete the numerals "6,446,989" and insert in lieu thereof the numerals "6,080,831"
- On page 2, line 28, delete the numerals "1,877,585" and insert in lieu thereof the numerals "1,835,585"
- On page 2, line 30, delete the numerals "36,226,316" and insert in lieu thereof the numerals "34,013,215"
- On page 2, line 31, delete the numerals "15,202,161" and insert in lieu thereof the numerals "15,001,037"
- On page 2, line 32, delete the numerals "21,024,155" and insert in lieu thereof the numerals "19,012,178"
- On page 3, after line 1, insert the following:

"DICKINSON EXPERIMENT STATION

Salaries and wages	\$ 683,364
Operating expenses	392,528
Equipment	39,450
Total operating budget	<u>\$ 1,115,342</u>
Less estimated income	286,535
Net operating budget	<u>\$ 828,807</u>
Capital improvements	12,500
Total general fund appropriation	<u>\$ 841,307</u>

Subdivision 7.

CENTRAL GRASSLAND EXPERIMENT STATION

Salaries and wages	\$ 345,421
Operating expenses	304,879
Equipment	118,645
Total operating budget	<u>\$ 768,945</u>
Less estimated income	153,136
Net operating budget	<u>\$ 615,809</u>
Capital improvements	5,000
Total general fund appropriation	<u>\$ 620,809</u>

Subdivision 8.

HETTINGER EXPERIMENT STATION

Salaries and wages	\$ 325,157
Operating expenses	165,392

Equipment	108,463
Total operating budget	\$ 599,012
Less estimated income	201,245
Net operating budget	\$ 397,767
Capital improvements	2,000
Total general fund appropriation	\$ 399,767

## Subdivision 9.

## LANGDON EXPERIMENT STATION

Salaries and wages	\$ 345,346
Operating expenses	164,596
Equipment	40,000
Total operating budget	\$ 549,942
Less estimated income	90,646
Total general fund appropriation	\$ 459,296

## Subdivision 10.

## NORTH CENTRAL EXPERIMENT STATION

Salaries and wages	\$ 359,745
Operating expenses	255,325
Equipment	59,000
Total operating budget	\$ 674,070
Less estimated income	333,923
Total general fund appropriation	\$ 340,147

## Subdivision 11.

## WILLISTON EXPERIMENT STATION

Salaries and wages	\$ 405,895
Operating expenses	109,089
Equipment	10,122
Total operating budget	\$ 525,106
Less estimated income	109,209
Net operating budget	\$ 415,897
Capital improvements	8,000
Total general fund appropriation	\$ 423,897

## Subdivision 12.

## CARRINGTON EXPERIMENT STATION

Salaries and wages	\$ 661,991
Operating expenses	496,891
Equipment	77,500
Total operating budget	\$ 1,236,382
Less estimated income	522,068
Total general fund appropriation	\$ 714,314"

On page 3, delete lines 2 through 9

On page 3, line 12, delete the numerals "222,409" and insert in lieu thereof the numerals "218,443"

On page 3, line 16, delete the numerals "744,829" and insert in lieu thereof the numerals "740,863"

On page 3, line 19, delete the numerals "1,289,496" and insert in lieu thereof the numerals "1,163,541"

On page 3, line 20, delete the numerals "83,535" and insert in lieu thereof the numerals "82,180"

On page 3, line 21, delete the numerals "3,600" and insert in lieu thereof the numerals "18,200"

On page 3, after line 21, insert the following:

"Total all funds	\$1,263,921
Less estimated income	<u>643,026</u>
Total general fund appropriation	\$ 620,895"

On page 3, delete line 22

On page 3, line 23, delete the numerals "34,992,956" and insert in lieu thereof the numerals "32,264,503"

On page 3, line 24, delete the numerals "30,568,848" and insert in lieu thereof the numerals "33,370,715"

On page 3, line 25, delete the numerals "65,561,804" and insert in lieu thereof the numerals "65,635,218"

On page 3, after line 25, insert the following:

"SECTION 2. ADDITIONAL INCOME - APPROPRIATION. Any additional income including funds from the federal government and gifts and donations from private sources received by the North Dakota main experiment station, branch stations, land reclamation research center, northern crops institute, upper great plains transportation institute, and the cooperative extension division, except as otherwise provided by law, is hereby appropriated for the purpose designated in the gift, grant, or donation. All of the moneys in the operating fund shall remain in such fund until expended pursuant to any specific legislative appropriation or an authorization from the emergency commission, and the balances of such moneys except those received from the federal government or as gifts from private sources, shall be used to reduce the amount of moneys to be expended pursuant to the general fund appropriation only to the extent that the unencumbered balance in the operating fund on June 30, 1987, exceeds the estimated income for the biennium ending June 30, 1989."

On page 3, delete lines 26 through 33

On page 4, delete lines 10 through 19

On page 4, line 20, delete the words "In approving section 5 of this Act, it" and insert in lieu thereof the word "It"

On page 4, line 21, after the word "appropriated" insert the words "for the land reclamation research center"

On page 5, after line 20, insert the following new sections:

**"SECTION 7. APPROPRIATION - MAIN EXPERIMENT STATION.**

There is hereby appropriated \$300,000 to the main experiment station, out of any funds available from the sale of animals by the experiment stations due to adverse climate conditions, for the purpose of purchasing replacement animals at the respective experiment stations during the biennium beginning July 1, 1987, and ending June 30, 1989.

**SECTION 8. RESEARCH/EXTENSION CONSTRUCTION - APPROPRIATION - BUDGET SECTION APPROVAL.** The main agricultural experiment station or any of its branch stations is hereby authorized to accept a gift dedicated to the construction of a facility to house research and extension service staff. The facility is to be constructed at or near the station headquarters site. The total construction cost shall not exceed \$1,000,000 and such amount, or so much thereof as may be necessary, is hereby appropriated for the biennium beginning July 1, 1987, and ending June 30, 1989. Funds shall not be spent pursuant to this section without the approval of the legislative council's budget section.

**SECTION 9. APPROPRIATION - MAIN EXPERIMENT STATION - BUDGET SECTION APPROVAL.** There is hereby appropriated \$1,200,000, more or less, or so much thereof as may be necessary, from federal or other funds, to the main experiment station to acquire and equip a demonstration feed processing facility for barley and feed grain milling, including equipment for barley and feed grain milling, for the biennium beginning July 1, 1987, and ending June 30, 1989. Any funds received require budget section approval before they can be spent.

**SECTION 10. APPROPRIATION - MAIN EXPERIMENT STATION - BUDGET SECTION APPROVAL.** There is hereby appropriated \$1,300,000, more or less, or so much thereof as may be necessary, from federal or other funds, to the main experiment station to acquire and equip a pilot durum and hard red spring wheat demonstration milling facility, for the biennium beginning July 1, 1987, and ending June 30, 1989. Any funds received require budget section approval before they can be spent.

**SECTION 11. CONTINGENT APPROPRIATION - NORTH CENTRAL EXPERIMENT STATION - BUDGET SECTION APPROVAL.** If the balance in the north central experiment station reserve income fund on June 30, 1988, is \$180,000 or more, there is hereby appropriated \$95,000 included in such

balance, or so much thereof as may be necessary, for construction of a superintendent's residence on the north central experiment station during the biennium beginning July 1, 1987, and ending June 30, 1989. Any funds to be spent for this purpose require the approval of the budget section of the legislative council."

And renumber the lines, sections, and pages accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### Cooperative Extension Division

The compensation increases of \$287,018, of which \$129,158 is from the general fund, \$80,365 is from other funds, and \$77,495 is from federal funds, included in the executive budget of two percent plus \$50 per month for the last year of the biennium are deleted from the appropriation. To the extent that salary increases are provided by the 50th Legislative Assembly, they will be provided in separate legislation.

An analysis of the change in the general fund and in estimated income is as follows:

<u>Description</u>	<u>Total All Funds Increase/ (Decrease)</u>	<u>General Fund</u>	<u>Estimated Income</u>
<u>Salaries and wages</u>			
Remove the salary increases of two percent plus \$50/month	\$ (287,018)	\$ (129,158)	\$(157,860)
Phase out 55 employees: 26 county personnel, including home economists, and agricultural and area agents	(1,217,717)	(623,023)	(594,694)
29 university personnel, including subject matter specialists, administrators, and support staff			
<u>Operating expenses</u>			
Reduce extension specialists' travel to counties, other travel, and publications	(85,217)	(85,217)	0
<u>Estimated Income</u>			
Increase to anticipated level; \$194,694 other funds and \$400,000 federal funds	594,694	0	594,694

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Total increase/(decrease)	\$ (995,258)	\$ (837,398)	\$ (157,860)
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It is the intent of the Legislative Assembly that any additional funds for the new Federal Employees Retirement System be paid from the division's appropriation as passed by the Legislative Assembly and that the budget reduction was determined in light of the needs for such additional retirement funding.

#### Extension Division - Food and Nutrition Program

The compensation increases of \$12,656 from federal funds included in the executive budget of two percent plus \$50 per month for the last year of the biennium are deleted from the appropriation. To the extent that salary increases are provided by the 50th Legislative Assembly, they will be provided in separate legislation.

#### Upper Great Plains Transportation Institute

The compensation increases of \$7,000, of which \$3,920 is from the general fund and \$3,080 is from other funds, included in the executive budget of two percent plus \$50 per month for the last year of the biennium are deleted from the appropriation. To the extent that salary increases are provided by the 50th Legislative Assembly, they will be provided in separate legislation.

An analysis of the general fund change of \$34,920 and the special fund change of \$27,920 is as follows:

<u>Description</u>	<u>Total Increase/ (Decrease)</u>	<u>General Fund</u>	<u>Estimated Income</u>
<u>Salaries and wages</u>			
Remove the salary increase of two percent plus \$50/month	\$ (7,000)	\$ (3,920)	\$ (3,080)
<u>Operating expenses</u>			
Fund \$25,000 in operating expenses from estimated income rather than the general fund	0	(25,000)	25,000
<u>Equipment</u>			
Fund \$6,000 in equipment from estimated income rather than the general fund	0	(6,000)	6,000
Total increase/(decrease)	\$ (7,000)	\$ (34,920)	\$27,920



Northern Crops Institute

The compensation increases of \$7,955, of which \$6,603 is from the general fund and \$1,352 is from other funds, included in the executive budget of two percent plus \$50 per month for the last year of the biennium are deleted from the appropriation. To the extent that salary increases are provided by the 50th Legislative Assembly, they will be provided in separate legislation.

An analysis of the general fund change of \$63,569 and the special fund change of \$1,352 is as follows:

<u>Description</u>	<u>Total Increase/ (Decrease)</u>	<u>General Fund</u>	<u>Estimated Income</u>
<u>Salaries and wages</u>			
Remove the salary increase of two percent plus \$50/month	\$ (7,955)	\$ (6,603)	\$(1,352)
<u>Operating expenses</u>			
Reduction in operating expenses	\$(11,966)	\$(11,966)	
<u>Equipment</u>			
Reduction in equipment	<u>(45,000)</u>	<u>(45,000)</u>	
Total increase/(decrease)	\$(64,921)	\$(63,569)	\$(1,352)

Main Experiment Station

The compensation increases of \$446,943, of which \$245,819 is from the general fund, \$75,980 is from federal funds, and \$125,144 is from other funds, included in the executive budget of two percent plus \$50 per month for the last year of the biennium are deleted from the appropriation. To the extent that salary increases are provided by the 50th Legislative Assembly, they will be provided in separate legislation.

<u>Description</u>	<u>Total Increase/ (Decrease)</u>	<u>General Fund</u>	<u>Estimated Income</u>
<u>Salaries and wages</u>			
Remove salary increases of two percent plus \$50/month	\$ (446,943)	\$ (245,819)	\$(201,124)
Delete funding, but retaining authorization for 18 FTE:	(1,358,000)	(1,358,000)	0
1.5 microbiology positions			
- \$110,000			
1.5 sheep research positions			

- \$115,000
- 1 social science position
  - \$80,000
- 1 cereal grains research position - \$75,000
- 1 cereal quality research position - \$80,000
- 3 dairy research positions
  - \$210,000
- 1 plant disease research position - \$75,000
- 1 sunflower insect research position - \$75,000
- 1 animal disease research position - \$78,000
- 1.5 potato research positions
  - \$120,000
- 2 agricultural engineering research positions
  - \$160,000
- 1.5 basic science positions
  - \$120,000
- 1 basic wheat breeding research position - \$60,000

Operating expenses

Operating expenses associated with deletion of 18 FTE	(366,158)	(366,158)	0
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Equipment

Equipment associated with deletion of 18 FTE	(42,000)	(42,000)	0
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Total increase/(decrease)	<u>\$(2,213,101)</u>	<u>\$(2,011,977)</u>	<u>\$(201,124)</u>
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The funding for the 18 FTE is deleted; however, the FTE authorization is retained in anticipation of receiving other funds.

Branch Experiment Stations

The compensation increases of \$49,011, of which \$48,521 is from the general fund and \$490 is from other funds, included in the executive budget of two percent plus \$50 per month for the last year of the biennium are deleted from the appropriation. To the extent that salary increases are provided by the 50th Legislative Assembly, they will be provided in separate legislation.

The branch experiment stations appropriation is deleted and individual appropriations for each experiment station are added.

An analysis of the branch experiment station changes is as follows:

<u>Description</u>	<u>Total General Fund Increase/(Decrease)</u>
DICKINSON EXPERIMENT STATION	
<u>Operating expenses</u>	\$(26,204)
Reduce fertilizer, feed, and seed purchases	
<u>Equipment</u>	(39,450)
Deletes electronic weighing system, vehicle, grass drill and microcomputer	
<u>Capital improvements</u>	<u>(12,500)</u>
Total	\$(78,154)
CENTRAL GRASSLAND EXPERIMENT STATION	
<u>Operating expenses</u>	\$(27,671)
Reduce feed, seed herbicide and fertilizer	
<u>Equipment</u>	<u>(30,000)</u>
Deletes a tractor	
Total	\$(57,671)
HETTINGER EXPERIMENT STATION	
<u>Salaries and wages</u>	\$ (8,000)
Reduce overtime and reduce part-time employees	
<u>Operating expenses</u>	(8,000)
Reduce employee travel, land rented, fertilizer, and other areas	
<u>Equipment</u>	(13,137)
<u>Capital improvements</u>	<u>(8,000)</u>
Delete funds for roofing, residing building	
Total	\$(37,137)
LANGDON EXPERIMENT STATION	
<u>Operating expenses</u>	\$(23,168)
Reduce off-site testing, travel and communications	
<u>Equipment</u>	(200)
<u>Capital improvements</u>	<u>(19,300)</u>
Delete funds for siding and roofing two buildings	
Total	\$(42,668)

## NORTH CENTRAL EXPERIMENT STATION

<u>Salaries and wages</u>	\$ (2,000)
Delete 2 off-site trials, maximum yield and no-tillage trials	
<u>Operating expenses</u>	(17,598)
Operating expenses associated with deletion of the above trials	
<u>Equipment</u>	(2,000)
<u>Capital improvements</u>	<u>(10,000)</u>
Delete siding for wooden buildings	
Total	\$(31,598)

## CARRINGTON EXPERIMENT STATION

<u>Operating expenses</u>	\$(12,857)
Delete 3 off-site trails, some production research, and reduce specialty crops	
<u>Equipment</u>	(30,000)
Delete equipment associated with operating reductions	
<u>Capital improvements</u>	<u>(23,500)</u>
Delete capital improvements	
Total	\$(66,357)

## WILLISTON EXPERIMENT STATION

<u>Description</u>	<u>Total Increase/ (Decrease)</u>	<u>General Fund</u>	<u>Estimated Income</u>
<u>Equipment</u>	<u>\$(49,378)</u>	<u>\$(39,378)</u>	<u>\$(10,000)</u>
Deletes all except for a grain drill			
Total	\$(49,378)	\$(39,378)	\$(10,000)

Agronomy Seed Farm

The compensation increases of \$3,966 from other funds included in the executive budget of two percent plus \$50 per month for the last year of the biennium are deleted from the appropriation. To the extent that salary increases are provided by the 50th Legislative Assembly, they will be provided in separate legislation.

Land Reclamation Research Center

The compensation increases of \$26,494, of which \$11,922 is from federal funds and \$14,572 is from the coal development impact fund, included in the executive budget of two percent plus \$50 per month for the last year of the biennium are deleted from the appropriation. To the extent that salary increases are provided by the 50th Legislative Assembly, they will be provided in separate legislation.

An analysis of the general fund and special funds changes is as follows (The following changes are in addition to \$49,011 of 2% plus \$50/month salary decrease.):

<u>Description</u>	<u>Total Increase/ (Decrease)</u>	<u>General Fund</u>	<u>Estimated Income</u>
<u>Salaries and wages</u>			
Remove salary increases of two percent plus \$50/month	\$ (26,494)	\$	\$ (26,494)
Delete funding for 2 FTE:	(99,461)		(99,461)
1 Assistant Soil Scientist - \$65,981			
1 Agriculture Technician III - \$33,480			
<u>Operating expenses</u>	(1,355)		(1,355)
<u>Equipment</u>			
Provide funding for a pickup, irrigation equipment and laboratory and field equipment	14,600		14,600
<u>Estimated income</u>			
Delete funding from the Coal Development Impact Fund - corresponding increase in general fund		\$ 620,895	(620,895)
Total Increase/(Decrease)	\$ (112,710)	\$ 620,895	\$ (733,605)

The Land Reclamation Research Center will be funded from the general fund rather than from the Coal Development Impact Fund. The Coal Development Impact Fund transfer section is deleted.

A new section allows the experiment stations, Land Reclamation Research Center, Northern Crops Institute, Upper Great Plains Transportation Institute, and Cooperative Extension Division to spend federal funds, and grants and gifts from private sources, for the intended use of the moneys.

A new section appropriates \$300,000 from any available funds to the Main Experiment Station to purchase replacements for animals sold due to adverse climate conditions.

A new section appropriates up to \$1,000,000 in gift funds to construct a research and extension service staff facility at the main or branch experiment stations, after obtaining the approval of the Budget Section.

A new section appropriates \$1,200,000 from federal or other funds to the Main Experiment Station for, upon approval of the Budget Section, acquiring and equipping a demonstration feed processing facility for barley and feed grain milling. The equipment for the facility includes barley and feed grain milling equipment. It is intended that general fund moneys will not be utilized to fund additional employees for the facility.

A new section appropriates \$1,300,000 from federal or other funds for acquiring and equipping a pilot durum and hard red spring wheat demonstration milling facility for the biennium beginning July 1, 1987, and ending June 30, 1989. Any funds received require Budget Section approval before they can be spent. It is intended that general fund moneys will not be utilized to fund additional employees for the facility.

A new section appropriates \$95,000 from the North Central Experiment Station reserve income fund for a superintendent's residence, contingent upon the balance in the fund reaching \$180,000 as of June 30, 1988.

SUMMARY OF AMENDMENTS TO 1987 HOUSE BILL NO. 1005  
 DELETION OF SALARY INCREASES AND 8.5 PERCENT GENERAL FUND REDUCTION FOR THE MAIN AND BRANCH EXPERIMENT STATIONS

	<u>Salaries and Wages</u>	<u>Salary Increases</u>	<u>Operating Expenses</u>	<u>Equipment</u>	<u>Capital Improvements</u>	<u>Total Increases/ (Decrease)</u>	<u>Estimated Income</u>	<u>Total General Fund</u>
Cooperative Extension Division	\$ (623,023)	\$(287,018)	\$(85,217)			\$(995,258)	\$(157,860)	\$(837,398)
Extension Division - Food and Nutrition		(12,656)				(12,656)	(12,656)	
Upper Great Plains Transportation Institute		(7,000)	(25,000)	\$ (6,000)		(7,000)	27,920	(34,920)
			<u>25,000</u>	<u>6,000</u>				
			\$ 0	\$ 0				
Northern Crops Institute		(7,955)	(11,966)	(45,000)		(64,921)	(1,352)	(63,569)
Main Experiment Station	(1,358,000)	(446,943)	(366,158)	(42,000)		(2,213,101)	(201,124)	(2,011,977)
Branch experiment stations:		(49,011)				(49,011)	(490)	(48,521)
Dickinson			(26,204)	(39,450)	\$ (12,500)	(78,154)		(78,154)
Central Grassland			(27,671)	(30,000)		(57,671)		(57,671)
Hettinger	(8,000)		(8,000)	(13,137)	(8,000)	(37,137)		(37,137)
Langdon			(23,168)	(200)	(19,300)	(42,668)		(42,668)
North Central	(2,000)		(17,598)	(2,000)	(10,000)	(31,598)		(31,598)
Williston				(49,378)		(49,378)	(10,000)	(39,378)
Carrington			(12,857)	(30,000)	(23,500)	(66,357)		(66,357)
Agronomy Seed Farm		(3,966)				(3,966)	(3,966)	
Land Reclamation Research Center	(99,461)	(26,494)	(1,355)	14,600		(112,710)	(733,605)	620,895
New sections:								
Main Experiment Station								
- Research and extension facility					1,000,000	1,000,000	1,000,000	
- Purchase of animals				300,000		300,000	300,000	
- Barley and feed grain milling facility and equipment					1,200,000	1,200,000	1,200,000	
- Durum and wheat milling facility and equipment					1,300,000	1,300,000	1,300,000	
North Central Experiment Station:								
Superintendent residence					95,000	95,000	95,000	
Total amendments to House Bill No. 1005	<u>\$(2,090,488)</u>	<u>\$(841,043)</u>	<u>\$(580,194)</u>	<u>\$ 63,435</u>	<u>\$3,521,700</u>	<u>\$ 73,414</u>	<u>\$2,801,867</u>	<u>\$(2,728,451)</u>

FRIDAY, FEBRUARY 20, 1987

REP. PETERSON, Chairman

HB 1005 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

## SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to HB 1022 as recommended by the Committee on Appropriations as printed on pages 1270-1271 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

## SECOND READING OF HOUSE BILL

HB 1022: A BILL for an Act making an appropriation for defraying the expenses of the state historical board of the state of North Dakota.

Which has been read.

## ROLL CALL

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

YEAS: Aas; Almlie; Anderson; Belter; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; 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; 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; 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: Berg, G.; DeMers, J.; DeMers, P.; Murphy; Ulmer

ABSENT AND NOT VOTING: Graba; Kuchera

HB 1022 passed and the title was agreed to.

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## SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to HB 1026 as recommended by the Committee on Appropriations as printed on pages



1204-1206 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1026: A BILL for an Act making an appropriation for defraying the expenses of the workmen's compensation bureau and the divisions thereof of the state of North Dakota.

Which has been read.

#### ROLL CALL

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

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, P.; 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; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Starke; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: DeMers, J.; Dorso; Murphy; Stofferahn; Ulmer

ABSENT AND NOT VOTING: Graba; Riehl

HB 1026 passed and the title was agreed to.

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#### SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to HB 1027 as recommended by the Committee on Appropriations as printed on page 1229 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1027: A BILL for an Act making an appropriation for defraying the expenses of the soil conservation committee and soil conservation districts of the state of North Dakota.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 63 YEAS, 41 NAYS, 2 ABSENT AND NOT VOTING.

**YEAS:** Aas; Almlie; Belter; Berg, R.; Christman; Cleveland; Dalrymple; Dorso; Dotzenrod; Gates; Gerntholz; Goetz; Gorman; Gunsch; Hamerlik; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Kent; Kingsbury; Knell; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Lautenschlager; Lindgren; Martin; Martinson; Melby; Meyer; Moore; Myrdal; Nelson, C.; Oban; Olsen, D.; Olson, A.; Olson, V.; Payne; Peterson; Rice; Rydell; Scherber; Schindler; Shaft; Shaw; Shide; Skjerven; Smette; Sorensen; Strinden; Thompson; Tollefson; Ulmer; Wald; Wentz; Whalen; Winkelman; Speaker Kloubec

**NAYS:** Anderson; Berg, G.; Brokaw; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Halmrast; Hanson, L.; Hanson, O.; Hill; Hokana; Kelly; Klundt; Kolbo; Laughlin; Linderman; Marks; Mertens; Murphy; Nelson, J.; Nicholas; Nowatzki; O'Connell; Opedahl; O'Shea; Schneider; Shockman; Solberg; Starke; Stofferahn; Tokach; Tomac; Trautman; Vander Vorst; Watne; Wilkie; Williams, A.; Williams, C.; Williams, W.

**ABSENT AND NOT VOTING:** Graba; Riehl

HB 1027 passed and the title was agreed to.

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#### SIXTH ORDER OF BUSINESS

**REP. PETERSON MOVED** that the amendments to HB 1030 as recommended by the **Committee on Appropriations** as printed on page 1272 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1030:** A BILL for an Act to amend and reenact sections 4-19-01 and 57-57-01 of the North Dakota Century Code, relating to the appointment and duties of the state forester.

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:** Aas; Almlie; Anderson; Belter; Berg, G.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, P.; Dorso; Dotzenrod; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Halmrast; Hamerlik; Hanson, L.; Haugen; Haugland; Hausauer, R.; Hill; Kelly; Kent; Kingsbury; Knell; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Mertens; Moore; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Olson, V.; Opedahl; Payne; Peterson; Rice; Rydell; Scherber; Schindler; Schneider; Shaft; Shide; Smette; Solberg; Sorensen; Stofferahn; Strinden; Thompson; Tollefson; Trautman; Wald; Watne; Wentz; Whalen; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

**NAYS:** Berg, R.; DeMers, J.; Enget; Gunsch; Hanson, O.; Hausauer, A.; Hoffner; Hokana; Klundt; Kolbo; Laughlin; Melby; Meyer; Murphy; Oban; O'Connell; O'Shea; Shaw; Shockman; Skjerven; Starke; Tokach; Tomac; Ulmer; Vander Vorst; Wilkie; Williams, A.

**ABSENT AND NOT VOTING:** Graba; Riehl

HB 1030 passed and the title was agreed to.

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#### SIXTH ORDER OF BUSINESS

**REP. PETERSON** MOVED that the amendments to HB 1037 as recommended by the Committee on Appropriations as printed on page 1230 of the House Journal be adopted, and when so adopted, recommends the same DO PASS which motion prevailed.

#### MOTION

**REP. LINDGREN** MOVED the previous question, which motion prevailed.

#### REQUEST

**REP. HOFFNER** REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to HB 1037, which request was granted.

#### ROLL CALL

The question being on the motion to adopt the amendments to HB 1037, the roll was called and there were 43 YEAS, 61 NAYS, 2 ABSENT AND NOT VOTING.

**YEAS:** Aas; Anderson; Belter; Cleveland; Dalrymple; Dorso; Dotzenrod; Gates; Goetz; Gunsch; Hamerlik; Hanson, O.; Haugen; Hausauer, R.; Kent; Kingsbury; Knell; Knudson; Kuchera; Lang; Larson; Lindgren; Melby; Moore; Murphy; Olsen, D.; Olson, A.; Opedahl; Rice; Schindler; Shaft; Shaw; Shide; Smette; Strinden; Thompson; Tokach;

Tollefson; Tomac; Trautman; Wald; Whalen;  
Speaker Kloubec

NAYS: Almlie; Berg, G.; Berg, R.; Brokaw; Christman;  
DeMers, J.; DeMers, P.; Enget; Flaagan; Frey;  
Gerntholz; Gorman; Halmrast; Hanson, L.; Haugland;  
Hausauer, A.; Hill; Hoffner; Hokana; Kelly; Klundt;  
Koland; Kolbo; Kretschmar; Laughlin; Lautenschlager;  
Linderman; Marks; Martin; Martinson; Mertens; Meyer;  
Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki;  
Oban; O'Connell; Olson, V.; O'Shea; Payne; Riehl;  
Rydell; Scherber; Schneider; Shockman; Skjerven;  
Solberg; Sorensen; Starke; Stofferahn; Ulmer;  
Vander Vorst; Watne; Wentz; Wilkie; Williams, A.;  
Williams, C.; Williams, W.; Winkelman

ABSENT AND NOT VOTING: Graba; Peterson

The motion to adopt the amendments to HB 1037 lost.

#### SECOND READING OF HOUSE BILL

HB 1037: A BILL for an Act to amend and reenact section 15-40.1-07 of the North Dakota Century Code, relating to proportionate payments to school districts for high school summer programs and the superintendent of public instruction's authority to adopt rules for those payments.

Which has been read.

#### MOTION

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

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 68 YEAS, 36 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Almlie; Berg, G.; Berg, R.; Brokaw; Christman;  
Cleveland; DeMers, J.; DeMers, P.; Dotzenrod; Enget;  
Flaagan; Frey; Gerntholz; Gorman; Halmrast; Hanson, L.;  
Haugland; Hausauer, A.; Hill; Hoffner; Hokana; Kelly;  
Klundt; Knudsen; Koland; Kolbo; Kretschmar; Laughlin;  
Lautenschlager; Linderman; Marks; Martin; Martinson;  
Mertens; Meyer; Moore; Myrdal; Nelson, C.; Nelson, J.;  
Nicholas; Nowatzki; Oban; O'Connell; Olson, V.;  
Opedahl; O'Shea; Payne; Riehl; Rydell; Scherber;  
Schindler; Schneider; Shaft; Shockman; Skjerven;  
Solberg; Sorensen; Starke; Stofferahn; Ulmer;  
Vander Vorst; Watne; Wentz; Williams, A.; Williams, C.;  
Williams, W.; Winkelman; Speaker Kloubec

NAYS: Aas; Anderson; Belter; Dalrymple; Dorso; Gates;  
Goetz; Gunsch; Hamerlik; Hanson, O.; Haugen;  
Hausauer, R.; Kent; Kingsbury; Knell; Kuchera; Lang;

Larson; Lindgren; Melby; Murphy; Olsen, D.; Olson, A.;  
Rice; Shaw; Shide; Smette; Strinden; Thompson; Tokach;  
Tollefson; Tomac; Trautman; Wald; Whalen; Wilkie

ABSENT AND NOT VOTING: Graba; Peterson

HB 1037 passed and the title was agreed to.

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#### SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to HB 1088 as recommended by the Committee on Appropriations as printed on page 1206 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1088: A BILL for an Act to establish the North Dakota court of appeals; to create and enact a new section to chapter 27-17 of the North Dakota Century Code, relating to the retirement of judges of the court of appeals; to amend and reenact section 12-55-34, subsection 5 of section 12.1-01-04, sections 16.1-11-01, 16.1-11-08, 16.1-15-22, 27-01-01, 27-01-01.1, 27-05-03.1, 27-05-03.2, 27-17-01, 27-17-02, 27-17-03, subsection 2 of section 27-23-01, subsection 1 of section 27-24-01, section 27-25-01, subsection 4 of section 27-25-02, subsection 2 of section 27-26-02, section 44-02-03, subsection 1 of section 44-05-01, sections 54-52-02.3, 54-52-06.1, subsection 4 of section 54-52-17, and section 59-04-27 of the North Dakota Century Code, relating to references to the court of appeals and judges of the court of appeals; to provide an appropriation; and to provide an effective date.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 37 YEAS, 65 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Berg, G.; Cleveland; Flaagan; Gerntholz; Gorman;  
Hoffner; Hokana; Kelly; Kingsbury; Klundt; Kolbo;  
Kretschmar; Kuchera; Laughlin; Lautenschlager;  
Linderman; Lindgren; Marks; Mertens; Murphy;  
Nelson, J.; Nowatzki; O'Connell; Opedahl; Schneider;  
Shaft; Shockman; Smette; Sorensen; Stofferahn;  
Strinden; Ulmer; Wentz; Williams, A.; Williams, C.;  
Williams, W.; Winkelman

NAYS: Aas; Almlie; Anderson; Belter; Berg, R.; Brokaw;  
Christman; Dalrymple; DeMers, J.; DeMers, P.; Dorso;  
Dotzenrod; Enget; Gates; Goetz; Gunsch; Halmrast;  
Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland;

Hausauer, A.; Hausauer, R.; Hill; Kent; Knell; Knudson;  
 Koland; Lang; Larson; Martin; Martinson; Melby; Meyer;  
 Moore; Myrdal; Nicholas; Oban; Olsen, D.; Olson, A.;  
 Olson, V.; O'Shea; Payne; Rice; Riehl; Rydell;  
 Scherber; Schindler; Shaw; Shide; Skjerven; Solberg;  
 Starke; Thompson; Tokach; Tollefson; Tomac; Trautman;  
 Vander Vorst; Wald; Watne; Whalen; Wilkie;  
 Speaker Kloubec

ABSENT AND NOT VOTING: Frey; Graba; Nelson, C.; Peterson

HB 1088 was declared lost.

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#### SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to HB 1193 as recommended by the Committee on Appropriations as printed on page 1272 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1193: A BILL for an Act to amend and reenact section 57-51-15 of the North Dakota Century Code, relating to apportionment of proceeds from the oil and gas gross production tax.

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 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; 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: Frey; Graba; Peterson

HB 1193 passed and the title was agreed to.

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#### SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to HB 1295 as recommended by the Committee on Appropriations as printed on pages 1206-1207 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1295: A BILL for an Act to create and enact four new sections to chapter 63-01.1 and a new subsection to section 63-01.1-06 of the North Dakota Century Code, relating to the designation and duties of the state weed coordinator, establishing a noxious weed cost-share review board, making certain people in charge of weed control efforts ex officio members of the North Dakota weed control association, and authorizing funding to conduct research for the control of leafy spurge; to amend and reenact subsection 2 of section 4-33-11, sections 63-01.1-02, 63-01.1-03, subsection 1 of section 63-01.1-04.1, sections 63-01.1-05, 63-01.1-05.1, subsections 1 and 2 of section 63-01.1-06, subsection 3 of section 63-01.1-06.5, subsections 1 and 2 of section 63-01.1-08, sections 63-01.1-13, 63-01.1-14, 63-01.1-15, and 63-01.1-16 of the North Dakota Century Code, relating to references to noxious weed control officers and consultations with the cost-share review board; and to provide an appropriation.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 99 YEAS, 2 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; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; 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; 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

**NAYS:** Kelly; Stofferahn

**ABSENT AND NOT VOTING:** Gorman; Graba; Kuchera; Peterson;  
 Schneider

HB 1295 passed and the title was agreed to.

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#### SIXTH ORDER OF BUSINESS

**REP. PETERSON** MOVED that the amendments to HB 1438 as recommended by the Committee on Appropriations as printed on page 1274 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1438:** A BILL for an Act relating to the use by state institutions of North Dakota native lignite coal or coal mined in other jurisdictions meeting certain standards.

Which has been read.

#### MOTION

**REP. GOETZ** MOVED the previous question, which motion prevailed.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 46 YEAS, 58 NAYS, 2 ABSENT AND NOT VOTING.

**YEAS:** Aas; Almlie; Anderson; Belter; Berg, R.; Gates; Gerntholz; Goetz; Gorman; Gunsch; Haugen; Hausauer, R.; Hoffner; Kelly; Kent; Kingsbury; Knell; Kretschmar; Kuchera; Lang; Murphy; Nelson, C.; Nelson, J.; Oban; Olsen, D.; Olson, A.; Olson, V.; Opedahl; Peterson; Rice; Rydell; Schneider; Shaw; Shide; Shockman; Sorensen; Stofferahn; Tokach; Tollefson; Tomac; Trautman; Wald; Watne; Whalen; Williams, A.; Winkelman

**NAYS:** Berg, G.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hill; Hokana; Klundt; Knudson; Koland; Kolbo; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Moore; Myrdal; Nicholas; Nowatzki; O'Connell; O'Shea; Payne; Riehl; Scherber; Schindler; Shaft; Skjerven; Smette; Solberg; Starke; Strinden; Thompson; Ulmer; Vander Vorst; Wentz; Wilkie; Williams, C.; Williams, W.; Speaker Kloubec



ABSENT AND NOT VOTING: Graba; Meyer

HB 1438 was declared lost.

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#### SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to HB 1005 as recommended by the Committee on Appropriations be adopted, and when so adopted, recommends the same DO PASS.

#### REQUEST

REP. MERTENS REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to HB 1005, which request was granted.

#### ROLL CALL

The question being on the motion to adopt the amendments to HB 1005, the roll was called and there were 63 YEAS, 41 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, R.; Brokaw; Cleveland; Dalrymple; Dorso; Dotzenrod; Gates; Gertholz; Goetz; Gunsch; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Kent; Kingsbury; Knell; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Lautenschlager; Lindgren; Martin; Martinson; Melby; Moore; Murphy; Myrdal; Olsen, D.; Olson, A.; Olson, V.; Payne; Peterson; Rice; Rydell; Scherber; Schneider; Shaft; Shaw; Shide; Shockman; Smette; Sorensen; Strinden; Thompson; Tollefson; Vander Vorst; Wald; Wentz; Whalen; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Berg, G.; Christman; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gorman; Halmrast; Hill; Hoffner; Hokana; Kelly; Klundt; Kolbo; Laughlin; Linderman; Marks; Mertens; Meyer; Nelson, C.; Nelson, J.; Nowatzki; Oban; O'Connell; Opedahl; O'Shea; Riehl; Schindler; Skjerven; Solberg; Starke; Stofferahn; Tokach; Tomac; Trautman; Ulmer; Watne; Wilkie; Williams, A.; Williams, C.

ABSENT AND NOT VOTING: Graba; Nicholas

The motion to adopt the amendments to HB 1005 passed.

#### SECOND READING OF HOUSE BILL

HB 1005: A BILL for an Act making an appropriation for defraying the expenses of the cooperative extension division, the upper great plains transportation institute, and the experiment stations of North Dakota state university of agriculture and applied science; to provide a statement of legislative intent; and to provide a contingent appropriation.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 83 YEAS, 21 NAYS, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Berg, G.; Christman; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Hanson, O.; Laughlin; Marks; Meyer; Murphy; Nelson, C.; Nelson, J.; Olson, A.; Riehl; Shockman; Tokach; Trautman; Watne; Wilkie

**ABSENT AND NOT VOTING:** Graba; Nicholas

HB 1005 passed and the title was agreed to.

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#### REPORT OF STANDING COMMITTEE

**MR. SPEAKER:** Your Committee on Appropriations to which was referred HB 1003 has had the same under consideration and recommends by a vote of 19 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 1, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act making an appropriation for defraying the expenses of the state board of higher education and to the various institutions of higher learning under the supervision of the state board of higher education of the state of North Dakota."

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

**SECTION 1. APPROPRIATION.** The funds provided in this section, or so much thereof as may be necessary, are

hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income to the state board of higher education and to the various institutions of higher learning under the supervision of the state board of higher education of the state of North Dakota for the purpose of defraying the expenses thereof, for the biennium beginning July 1, 1987, and ending June 30, 1989, as follows:

## Subdivision 1.

## STATE BOARD OF HIGHER EDUCATION

Salaries and wages	\$ 992,074
Operating expenses	320,032
Data processing	48,665
Equipment	11,000
Reciprocal agreements	2,541,800
National direct student loans	125,245
Title II grant	192,000
Merit scholarship program	155,000
Student financial assistance grants	1,382,600
Board pool	<u>1,200,000</u>
Total all funds	\$ 6,968,416
Less federal funds	<u>592,000</u>
Total general fund appropriation	\$ 6,376,416

## Subdivision 2.

## BISMARCK STATE COMMUNITY COLLEGE

Salaries and wages	\$ 10,125,278
Operating expenses	2,280,000
Equipment	272,700
Capital improvements	<u>204,845</u>
Total all funds	\$ 12,882,823
Less budget adjustment	295,600
Less estimated income	<u>7,177,417</u>
Total general fund appropriation	\$ 5,409,806

## Subdivision 3.

## NORTH DAKOTA STATE COLLEGE OF SCIENCE - DEVILS LAKE

Salaries and wages	\$ 2,605,599
Operating expenses	855,000
Equipment	83,021
Capital improvements	<u>101,921</u>
Total all funds	\$ 3,645,541
Less budget adjustment	92,900
Less estimated income	<u>1,852,741</u>
Total general fund appropriation	\$ 1,699,900

## Subdivision 4.

## UNIVERSITY OF NORTH DAKOTA - WILLISTON

Salaries and wages	\$ 3,285,373
Operating expenses	760,000
Equipment	116,685
Capital improvements	<u>69,439</u>

Total all funds	\$ 4,231,497
Less budget adjustment	99,800
Less estimated income	<u>2,305,995</u>
Total general fund appropriation	\$ 1,825,702

## Subdivision 5.

## UNIVERSITY OF NORTH DAKOTA

Salaries and wages	\$ 66,515,795
Operating expenses	19,490,000
Equipment	1,466,770
Capital improvements	<u>1,467,265</u>
Total all funds	\$ 88,939,830
Less budget adjustment	3,190,900
Less estimated income	<u>27,363,039</u>
Total general fund appropriation	\$ 58,385,891

## Subdivision 6.

NORTH DAKOTA STATE UNIVERSITY  
OF AGRICULTURE AND APPLIED SCIENCE

Salaries and wages	\$ 57,983,724
Operating expenses	16,150,000
Equipment	1,353,031
Capital improvements	<u>1,415,027</u>
Total all funds	\$ 76,901,782
Less budget adjustment	2,730,300
Less estimated income	<u>24,212,487</u>
Total general fund appropriation	\$ 49,958,995

## Subdivision 7.

## NORTH DAKOTA STATE COLLEGE OF SCIENCE

Salaries and wages	\$ 18,838,342
Operating expenses	5,155,032
Equipment	718,864
Capital improvements	<u>410,700</u>
Total all funds	\$ 25,122,938
Less budget adjustment	954,500
Less estimated income	<u>6,703,725</u>
Total general fund appropriation	\$ 17,464,713

## Subdivision 8.

## STATE UNIVERSITY OF NORTH DAKOTA - DICKINSON

Salaries and wages	\$ 8,852,950
Operating expenses	2,689,000
Equipment	139,186
Capital improvements	<u>150,263</u>
Total all funds	\$ 11,831,399
Less budget adjustment	453,500
Less estimated income	<u>3,080,372</u>
Total general fund appropriation	\$ 8,297,527

## Subdivision 9.

## STATE UNIVERSITY OF NORTH DAKOTA - MAYVILLE

Salaries and wages	\$ 5,894,888
Operating expenses	1,753,000

Equipment	86,175
Capital improvements	104,533
Total all funds	\$ 7,838,596
Less budget adjustment	313,800
Less estimated income	1,783,749
Total general fund appropriation	\$ 5,741,047

## Subdivision 10.

## STATE UNIVERSITY OF NORTH DAKOTA - MINOT

Salaries and wages	\$ 18,233,521
Operating expenses	2,936,000
Equipment	299,678
Capital improvements	339,553
Total all funds	\$ 21,808,752
Less budget adjustment	747,800
Less estimated income	7,374,289
Total general fund appropriation	\$ 13,686,663

## Subdivision 11.

## STATE UNIVERSITY OF NORTH DAKOTA - VALLEY CITY

Salaries and wages	\$ 7,779,683
Operating expenses	1,915,000
Equipment	113,163
Capital improvements	191,891
Total all funds	\$ 9,999,737
Less budget adjustment	390,600
Less estimated income	2,461,612
Total general fund appropriation	\$ 7,147,525

## Subdivision 12.

## NORTH DAKOTA STATE UNIVERSITY - BOTTINEAU

Salaries and wages	\$ 2,962,161
Operating expenses	659,434
Equipment	70,329
Capital improvements	94,246
Total all funds	\$ 3,786,170
Less budget adjustment	144,000
Less estimated income	1,007,977
Total general fund appropriation	\$ 2,634,193

## Subdivision 13.

## NORTH DAKOTA STATE UNIVERSITY - STATE TOXICOLOGIST

Salaries and wages	\$ 458,668
Operating expenses	78,210
Equipment	18,000
Total all funds	\$ 554,878
Less budget adjustment	23,000
Less estimated income	111,000
Total general fund appropriation	\$ 420,878

## Subdivision 14.

## NORTH DAKOTA FOREST SERVICE

Salaries and wages	\$ 1,244,306
Operating expenses	301,078

Equipment	56,035
Capital improvements	30,100
Total all funds	\$ 1,631,519
Less budget adjustment	50,300
Less estimated income	661,367
Total general fund appropriation	\$ 919,852

## Subdivision 15.

## UNIVERSITY OF NORTH DAKOTA MEDICAL CENTER

Salaries and wages	\$ 36,849,940
Operating expenses	12,799,820
Equipment	715,068
Psychiatric nursing	436,000
Total all funds	\$ 50,800,828
Less budget adjustment	1,513,000
Less estimated income	21,604,127
Total general fund appropriation	\$ 27,683,701

## Subdivision 16.

## MEDICAL CENTER REHABILITATION HOSPITAL

Salaries and wages	\$ 13,443,965
Operating expenses	5,058,009
Equipment	208,191
Total appropriation from institutional income	\$ 18,710,165

Grand total general fund appropriation H.B. 1003	\$207,652,809
Grand total special funds appropriation H.B. 1003	\$127,002,062
Grand total all funds appropriation H.B. 1003	\$334,654,871

SECTION 2. APPROPRIATION TRANSFER. The board pool in subdivision 1 of section 1 of this Act shall be used for the benefit of the institutions and entities in subdivisions 2 through 14 of section 1 of this Act as determined by the state board of higher education. The board shall notify the office of management and budget of the allocation of general fund authority from the board pool, to the various institutions and which line items in the various institutions and entities shall be adjusted.

SECTION 3. APPROPRIATION. There are hereby appropriated any funds received by the board of higher education, not otherwise appropriated, pursuant to federal acts and private grants for the purpose as designated in such federal acts or private grants for the period beginning July 1, 1987, and ending June 30, 1989.

SECTION 4. ADDITIONAL INCOME. Any additional income not required by law to be deposited in operating funds in the state treasury is hereby appropriated. All income in excess of estimated income in the budget appropriated by the legislative assembly to the institutions of higher learning must be deposited in their respective operating funds in the state treasury is hereby appropriated and can

be spent only upon authorization of the emergency commission.

**SECTION 5. TRANSFER.** The state board of higher education may make such transfers between line items in subdivision 1 of section 1 of this Act, other than reciprocal agreements and student financial assistance grants, as may be necessary and manageable to provide for board or institutional budget requirements. The board shall notify the office of management and budget of each transfer.

**SECTION 6. TRANSFERS.** Each institution or agency included in subdivisions 2 through 16 of section 1 of this Act, upon approval from the board of higher education, may make such transfers between line items in its appropriation as may be determined necessary by the board of higher education for operations of the institution or agency. Each institution or agency shall notify the office of management and budget of each transfer.

**SECTION 7. INTENT, REPEAL, PURPOSE, AND CONSTRUCTION.** All Acts and parts of Acts that may be in conflict herewith are hereby repealed and if for any reason any specific appropriation for any item should be held by the courts to be unconstitutional or illegal or otherwise unavailable for any cause, such holding shall not affect or be construed to apply to the remaining items of appropriation herein or purposes provided for herein.

**SECTION 8. REPORTS TO OFFICE OF MANAGEMENT AND BUDGET.** Each institution included in this Act, upon board of higher education approval, shall notify the office of management and budget of the line item reductions totaling the amount in the less budget adjustment line for each appropriation included in this Act and the office of management and budget shall reduce each line item accordingly. Such notification shall be given to the office of management and budget by June 15, 1987."

And renumber the lines, sections, and pages accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

The following is a summary of the amendments by institution:

## STATEMENT OF PURPOSE OF AMENDMENT:

The following is a summary of the amendments by institution:	Increase (Decrease)															Estimated Income Increase (Decrease) Including Bonding Authority, Debt Fee, and Other Changes
	Restoration of Operating Expenses (To 95 Percent of 1985-87 Appropriation)	Restoration of Requested Salaries and Wages	General Fund for Adjustment of Tuition Income	General Fund for Adjustment of Tuition Income	Reduce Board Pool	Other Adjustments	Delete Student Financial Assistance	Replace Estimated Income With General Fund Appropriation for Dormitory Fees	Adjustments for Faculty Distribution	Subtotal General Fund Increase (Decrease)	General Fund Budget Adjustment	Total General Fund Increase (Decrease)	Bonding Authority Deletion			
Institution	Package															
North Dakota State University	\$11,085,163	\$2,567,189	\$333,722					\$1,017,360		\$ 2,653,108	\$12,730,300	\$ 127,808	\$8,860,000	\$ (5,877,360)		
University of North Dakota	(1,260,943)	441,431	2,172,595			\$177,800			966,116	2,221,619	(3,190,900)	(969,281)	2,525,000	(3,793,516)		
UND-Sioux	(336,081)	368,768	105,168			(120,000)			260,290	\$ 100,350	956,653	(767,800)	208,855	(120,290)		
UND-Dickinson	(168,760)	120,512	173,328	\$1195,000	(165,000)					(216,904)	(453,500)	(668,404)		340,000		
UND-Valley City	(133,057)	(21,075)	194,945							30,813	(190,600)	(159,787)				
UND-Maryville	(107,910)	636,907	185,936			90,000				(208,047)	596,876	(113,800)	283,076	(90,000)		
North Dakota State College of Science	(609,911)	(6,217)	71,013						204,680	(57,711)	(238,366)	(954,500)	(1,192,866)	(204,680)		
NRCS-Dewelle Lake	(54,161)	0	8,290				\$112,000 <sup>2/</sup>			(30,715)	32,610	(92,800)	(60,190)			
Research State Community College	(191,389)	(30,349)	89,358			80,000			63,960	(36,430)	(295,600)	(134,020)	1,600,000	(1,713,960)		
UND-Williston	(65,998)	176,537	31,022						16,400	(71,813)	84,118	(89,800)	(15,682)	(16,000)		
UND-Bottineau	(65,616)	(8,021)				(34,600)			31,684	(166,836)	(202,789)	(166,000)	(366,789)	(17,084)		
UND Medical Center	(725,117) <sup>2/</sup>										(661,792)	(1,513,000)	(1,974,792)	(275,543)		
State Toxicologist	(9,183)						(36,000) <sup>3/</sup>				(65,183)	(23,000)	(68,183)	36,000		
Forest Service	(20,877)										(20,877)	(50,300)	(73,177)			
Medical Center Rehabilitation Hospital	(287,649) <sup>4/</sup>						125,000 <sup>3/</sup>							(162,649)		
Board of Higher Education	(16,690)					(5,188,611)	(2,000)	\$12,500,000 <sup>5/</sup>		(7,707,301)		(7,707,301)				
Total	\$14,870,108	\$4,855,672	\$3,363,343	\$1195,000	\$1,237,400	(5,188,611)	\$199,000	\$12,500,000	\$2,538,690	\$145,572	\$13,153,993	\$111,000,000	\$113,153,993	\$8,985,000	\$111,491,284	



1/ Adds \$112,000 from the general fund to fund the dean position at NDSCS-Devils Lake.

2/ Includes \$273,545 from estimated income.

3/ This amendment is to reflect the impact of House Bill No. 1120 which provides that fees collected by the State Toxicologist are deposited in the toxicologist's operating fund rather than the general fund. The general fund appropriation is reduced by \$36,000 with a corresponding increase in estimated income.

4/ The total \$287,649 is from estimated income.

5/ This amendment increases the estimated income and operating expenses of the Medical Center Rehabilitation Hospital by \$125,000 relating to additional funds for the children's evaluation and training program.

6/ This adjustment is to add \$110,000 to salaries and wages for restoration of the attorney position, \$110,000 from the general fund, and deletion of two accountant I's included in the executive budget totaling \$112,000 from the general fund, \$109,000 in salaries and wages, and \$3,000 in operating expenses.

In addition, these amendments add a merit scholarship program line item of \$155,000 from the general fund and delete the same amount from the student financial assistance grants line item. Also, since other legislation has been introduced to provide for the bonding of capital construction projects, these amendments delete the authorization to issue bonds and appropriations for the following projects:

UND - renovate Abbott Hall	\$2,525,000
NDSU - Computer Center construction	4,860,000
Bismarck State Community College -	1,600,000
Armory purchase	
Total	<u>\$8,985,000</u>

REP. PETERSON, Chairman

HB 1003 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

## SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to HB 1003 as recommended by the Committee on Appropriations be adopted, and when so adopted, recommends the same DO PASS.

## MOTION

REP. A. HAUSAUER MOVED the previous question, which motion prevailed.

## REQUEST

REP. MERTENS REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to HB 1003, which request was granted.

## ROLL CALL

The question being on the motion to adopt the amendments to HB 1003, the roll was called and there were 72 YEAS, 33 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, R.; Christman; Dalrymple; Dorso; Dotzenrod; Gates; Gerntholz; Goetz; Gorman; Gunsch; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Kingsbury; Knell; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Lautenschlager; Linderman; Lindgren; Martin; Martinson; Melby; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Oban; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Peterson; Rice; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shide; Sorensen; Stofferahn; Strinden; Thompson; Tollefson; Trautman; Vander Vorst; Wald; Watne; Wentz; Whalen; Winkelman; Speaker Kloubec

NAYS: Berg, G.; Brokaw; Cleveland; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Klundt; Kolbo; Laughlin; Marks; Mertens; Meyer; Nowatzki; O'Connell; Riehl; Shockman; Skjerven; Smette; Solberg; Starke; Tokach; Tomac; Ulmer; Wilkie; Williams, A.; Williams, C.; Williams, W.

ABSENT AND NOT VOTING: Graba

The motion to adopt the amendments to HB 1003 passed.

## SECOND READING OF HOUSE BILL

HB 1003: A BILL for an Act making an appropriation for defraying the expenses of the state board of higher education and to the various institutions of higher learning under the

supervision of the state board of higher education of the state of North Dakota.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 95 YEAS, 10 NAYS, 1 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; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Martin; Martinson; Mertens; Meyer; Moore; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Peterson; Rice; Riehl; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shide; Smette; Solberg; Sorensen; Starke; Stofferahn; Strinden; Thompson; Tollefson; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

**NAYS:** Berg, G.; Kolbo; Marks; Melby; Murphy; O'Connell; Shockman; Skjerven; Tokach; Tomac

**ABSENT AND NOT VOTING:** Graba

HB 1003 passed and the title was agreed to.

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#### MOTION

REP. STRINDEN MOVED that the House stand in recess for ten minutes, which motion prevailed.

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

#### MESSAGES FROM THE SENATE SENATE CHAMBER

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

SB 2006, SB 2007, SB 2008, SB 2009, SB 2011, SB 2012,  
SB 2013, SB 2014, SB 2020, SB 2025, SB 2026, SB 2028,  
SB 2035, SB 2059, SB 2184, SB 2185, SB 2259, SB 2269,

SB 2279, SB 2314, SB 2330, SB 2366, SB 2367, SB 2380,  
SB 2440, SB 2451, SB 2497, SB 2503, SB 2507, SB 2532,  
SB 2543, SCR 4020, SCR 4035, SCR 4036, SCR 4042, SCR 4045,  
SCR 4046, SCR 4048

PERRY GROTEBERG, Secretary

#### SENATE CHAMBER

MR. SPEAKER: I have the honor to respectfully return herewith the following which the President Pro Tem believes was mistakenly messaged to the Senate because it fails to meet the provisions of House Rule 333, which states "No message enacted or approved by a vote of the electors shall be repealed or amended by the Legislative Assembly for seven years from the effective date of the measure, except by a two-thirds roll call vote of all members elected to each house." since HB 1346 did not receive the necessary two-thirds vote in the House, it cannot be considered by the Senate:

HB 1346

PERRY GROTEBERG, Secretary

#### REPORT OF STANDING COMMITTEE

MR. SPEAKER: Your Committee on Appropriations to which was referred HB 1020 has had the same under consideration and recommends by a vote of 22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 13, delete the numerals "1,406,324" and insert in lieu thereof the numerals "1,381,697"

On page 1, line 16, delete the numerals "1,722,832" and insert in lieu thereof the numerals "1,698,205"

And renumber the lines, sections, and pages accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### Geological Survey

The compensation increases of \$24,627 from the general fund included in the executive budget of two percent plus \$50 per month for the last year of the biennium are deleted from the appropriation. To the extent that salary increases are provided by the 50th Legislative Assembly, they will be provided in separate legislation. It is legislative intent that if additional personnel are necessary, such personnel may be employed from budget savings including savings from vacant positions.

REP. PETERSON, Chairman

HB 1020 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

## SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to HB 1020 as recommended by the Committee on Appropriations be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

## SECOND READING OF HOUSE BILL

HB 1020: A BILL for an Act making an appropriation for defraying the expenses of the geological survey of the state of North Dakota.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 95 YEAS, 5 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Almlie; Anderson; Belter; Berg, G.; 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; Kingsbury; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Meyer; Moore; Myrdal; Nelson, C.; Nicholas; 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; Strinden; Thompson; Tokach; Tollefson; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Brokaw; Murphy; Nelson, J.; Stofferahn; Tomac

ABSENT AND NOT VOTING: Aas; Graba; Kent; Nowatzki; Peterson; Trautman

HB 1020 passed and the title was agreed to.

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## REPORTS OF STANDING COMMITTEES

MR. SPEAKER: Your Committee on Appropriations to which was referred HB 1222 has had the same under consideration and recommends by a vote of 14 YEAS, 9 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 8, delete the numerals "1,000,000" and insert in lieu thereof the numerals "100,000"

On page 1, line 10, after the word "grants" insert the words "  
to be allocated among the counties in the state for  
distribution for projects within the county,"

And renumber the lines, sections, and pages accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

The grants amount is reduced to \$100,000, a \$900,000 general fund reduction. The grants are to be divided among the counties in the state, for distribution within the county, for Centennial projects.

REP. PETERSON, Chairman

HB 1222 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations to which was referred HCR 3018 has had the same under consideration and recommends by a vote of 19 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

REP. PETERSON, Chairman

HCR 3018 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

#### SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to HB 1222 as recommended by the Committee on Appropriations be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1222: A BILL for an Act making an appropriation to the North Dakota centennial commission for the purpose of making grants to centennial projects.

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 53 YEAS, 50 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Berg, G.; Brokaw; Dalrymple; DeMers, J.;  
DeMers, P.; Dotzenrod; Enget; Flaagan; Frey; Halmrast;  
Hamerlik; Hanson, L.; Haugen; Haugland; Hill; Hoffner;  
Hokana; Kelly; Kolbo; Kretschmar; Laughlin;  
Lautenschlager; Linderman; Marks; Martinson; Mertens;  
Meyer; Nelson, C.; Nelson, J.; Nowatzki; Oban;  
O'Connell; Opedahl; O'Shea; Rice; Riehl; Rydell;  
Scherber; Schneider; Shaft; Shockman; Skjerven;  
Solberg; Sorensen; Stofferahn; Tomac; Ulmer; Watne;  
Wentz; Wilkie; Williams, A.; Williams, C.; Williams, W.

**NAYS:** Almlie; Anderson; Belter; Berg, R.; Christman; Cleveland; Dorso; Gates; Gerntholz; Goetz; Gorman; Gunsch; Hanson, O.; Hausauer, A.; Hausauer, R.; Kent; Kingsbury; Klundt; Knell; Knudson; Koland; Kuchera; Lang; Larson; Lindgren; Martin; Melby; Moore; Murphy; Myrdal; Nicholas; Olsen, D.; Olson, A.; Olson, V.; Payne; Peterson; Schindler; Shaw; Shide; Smette; Starke; Strinden; Thompson; Tokach; Tollefson; Vander Vorst; Wald; Whalen; Winkelman; Speaker Kloubec

**ABSENT AND NOT VOTING:** Aas; Graba; Trautman

HB 1222 was declared lost for want of a Constitutional majority.

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#### SIXTH ORDER OF BUSINESS

**REP. A. HAUSAUER** MOVED that the amendments to HB 1065 as recommended by a majority of the Committee on Finance and Taxation be adopted, and when so adopted, recommends the same DO PASS.

#### REQUEST

**REP. MERTENS** REQUESTED a recorded roll call vote on the motion to adopt the proposed majority report amendments to HB 1065, which request was granted.

#### ROLL CALL

The question being on the motion to adopt the proposed majority report amendments to HB 1065, the roll was called and there were 30 YEAS, 73 NAYS, 3 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Berg, G.; Brokaw; DeMers, J.; DeMers, P.; Enget; Flaagan; Halmrast; Haugen; Hausauer, A.; Hill; Hokana; Kelly; Knudson; Kolbo; Laughlin; Lautenschlager; Linderman; Marks; Martin; Mertens; O'Shea; Scherber; Schneider; Shockman; Solberg; Starke; Stofferahn; Tomac; Watne

**NAYS:** Almlie; Belter; Berg, R.; Christman; Cleveland; Dalrymple; Dorso; Dotzenrod; Frey; Gates; Gerntholz; Goetz; Gorman; Gunsch; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, R.; Hoffner; Kent; Kingsbury; Klundt; Knell; Koland; Kretschmar; Kuchera; Lang; Larson; Lindgren; 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; Schindler; Shaft; Shaw; Shide; Skjerven; Smette; Sorensen; Strinden; Thompson; Tokach; Tollefson; Ulmer; Vander Vorst; Wald; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

**ABSENT AND NOT VOTING:** Aas; Graba; Trautman

The motion to adopt the proposed majority report amendments to HB 1065 lost.

**REP. A. HAUSAUER** MOVED that the amendments to HB 1065 as recommended by a minority of the **Committee on Finance and Taxation** be adopted, and when so adopted, recommends the same DO PASS.

#### REQUEST

**REP. MERTENS** REQUESTED a recorded roll call vote on the motion to adopt the proposed minority report amendments to HB 1065, which request was granted.

#### ROLL CALL

The question being on the motion to adopt the proposed minority report amendments to HB 1065, the roll was called and there were 76 YEAS, 27 NAYS, 3 ABSENT AND NOT VOTING.

**YEAS:** Almlie; Belter; Berg, R.; Christman; Cleveland; Dalrymple; Dorso; Dotzenrod; Frey; Gates; Gerntholz; Goetz; Gorman; Gunsch; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Kent; Kingsbury; Knell; Koland; Kretschmar; Kuchera; Lang; Larson; Lindgren; Marks; Martinson; Melby; Meyer; Moore; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; Payne; Peterson; Rice; Riehl; Rydell; Schindler; Shaft; Shaw; Shide; Skjerven; Smette; Sorensen; Starke; Strinden; Thompson; Tokach; Tollefson; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

**NAYS:** Anderson; Berg, G.; Brokaw; DeMers, J.; DeMers, P.; Enget; Flaagan; Halmrast; Hill; Hokana; Kelly; Klundt; Knudson; Kolbo; Laughlin; Lautenschlager; Linderman; Martin; Mertens; Murphy; O'Shea; Scherber; Schneider; Shockman; Solberg; Stofferahn; Tomac

**ABSENT AND NOT VOTING:** Aas; Graba; Trautman

The motion to adopt the proposed minority report amendments to HB 1065 passed.

#### SECOND READING OF HOUSE BILL

**HB 1065:** A BILL for an Act to create and enact two new sections to chapter 57-61 of the North Dakota Century Code, relating to a reduction in the rate of the coal severance tax for coal mined for use in coal conversion facilities and a separate and additional coal severance tax and allocation of revenue from the tax; to amend and reenact sections 57-61-01, 57-61-10, and 57-62-02 of the North Dakota Century Code, relating to the rate of the coal severance tax and the allocation of moneys in the coal development



fund; to provide an appropriation; and to provide an expiration date.

Which has been read.

#### ROLL CALL

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

**YEAS:** Almlie; 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; Kelly; Kent; Kingsbury; Knell; Koland; Kolbo; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Lindgren; Marks; Martin; Martinson; Melby; Meyer; Moore; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; Payne; Peterson; Rice; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shide; Skjerven; Smette; Solberg; Sorensen; Stofferahn; Strinden; Thompson; Tokach; Tollefson; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

**NAYS:** Anderson; Berg, G.; Brokaw; Hokana; Klundt; Knudson; Linderman; Mertens; Murphy; O'Shea; Riehl; Shockman; Starke; Tomac

**ABSENT AND NOT VOTING:** Aas; Graba; Trautman

HB 1065 passed and the title was agreed to.

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#### MOTION

**REP. W. WILLIAMS MOVED** that the House reconsider its action whereby HB 1552 failed to pass for want of a Constitutional majority, which motion prevailed on a verification vote.

#### SECOND READING OF HOUSE BILL

**HB 1552:** A BILL for an Act to amend and reenact section 55-08-05 of the North Dakota Century Code, relating to the sale of beer and wine by concessionaires operating within state parks and state recreation areas.

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, 39 NAYS, 4 ABSENT AND NOT VOTING.

**YEAS:** Almlie; Anderson; Berg, G.; Berg, R.; Brokaw; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Flaagan; Frey; Gates; Goetz; Gorman; Gunsch; Halmrast; Hamerlik; Hanson, L.; Haugen; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Klundt; Knell; Koland; Kretschmar; Kuchera; Larson; Laughlin; Lindgren; Martin; Martinson; Mertens; Meyer; Moore; Murphy; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; Olson, V.; O'Shea; Payne; Peterson; Riehl; Rydell; Scherber; Schneider; Shockman; Starke; Stofferahn; Strinden; Tollefson; Ulmer; Wald; Williams, C.; Williams, W.; Speaker Kloubec

**NAYS:** Belter; Christman; Dotzenrod; Enget; Gerntholz; Hanson, O.; Haugland; Hausauer, A.; Kingsbury; Knudson; Kolbo; Lang; Lautenschlager; Linderman; Marks; Melby; Myrdal; O'Connell; Olsen, D.; Olson, A.; Opedahl; Rice; Schindler; Shaft; Shaw; Shide; Skjerven; Smette; Solberg; Sorensen; Thompson; Tokach; Tomac; Vander Vorst; Watne; Wentz; Wilkie; Williams, A.; Winkelman

**ABSENT AND NOT VOTING:** Aas; Graba; Trautman; Whalen

HB 1552 passed and the title was agreed to.

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## MOTION

**REP. KLUNDT** MOVED that the House reconsider its action whereby HB 1222 failed to pass for want of a Constitutional majority, which motion prevailed on a verification vote.

## SECOND READING OF HOUSE BILL

**HB 1222:** A BILL for an Act making an appropriation to the North Dakota centennial commission for the purpose of making grants to centennial projects.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 62 YEAS, 40 NAYS, 4 ABSENT AND NOT VOTING.

**YEAS:** Berg, G.; Brokaw; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dotzenrod; Enget; Flaagan; Frey; Gerntholz; Halmrast; Hamerlik; Hanson, L.; Haugen; Haugland; Hill; Hoffner; Hokana; Kelly; Klundt; Knudson; Kolbo; Kretschmar; Laughlin; Lautenschlager; Linderman; Marks;

Martin; Mertens; Meyer; Nelson, C.; Nelson, J.;  
 Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.;  
 Opedahl; O'Shea; Peterson; Rice; Riehl; Rydell;  
 Scherber; Schneider; Shaft; Shaw; Shockman; Skjerven;  
 Solberg; Starke; Stofferahn; Tollefson; Tomac; Ulmer;  
 Watne; Wentz; Wilkie; Williams, A.; Williams, C.;  
 Williams, W.

**NAYS:** Almlie; Anderson; Belter; Berg, R.; Christman;  
 Dorso; Gates; Goetz; Gorman; Gunsch; Hanson, O.;  
 Hausauer, A.; Hausauer, R.; Kent; Kingsbury; Knell;  
 Koland; Kuchera; Lang; Larson; Lindgren; Melby; Moore;  
 Murphy; Myrdal; Olson, A.; Olson, V.; Payne; Schindler;  
 Shide; Smette; Sorensen; Strinden; Thompson; Tokach;  
 Vander Vorst; Wald; Whalen; Winkelman; Speaker Kloubec

**ABSENT AND NOT VOTING:** Aas; Graba; Martinson; Trautman

HB 1222 passed and the title was agreed to.

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#### MOTIONS

**REP. BELTER MOVED** that the House reconsider its action whereby  
 HB 1523 failed to pass for want of a Constitutional majority,  
 which motion lost on a verification vote.

**REP. KOLAND MOVED** that the House reconsider its action whereby  
 HB 1123 failed to pass for want of a Constitutional majority,  
 which motion prevailed on a verification vote.

#### SECOND READING OF HOUSE BILL

**HB 1123:** A BILL for an Act to create and enact a new section to  
 chapter 39-08 of the North Dakota Century Code, relating to  
 liability insurance cards being carried with a vehicle; and  
 to provide a penalty.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, as amended,  
 the roll was called and there were 76 YEAS, 27 NAYS, 3 ABSENT AND  
 NOT VOTING.

**YEAS:** Almlie; Berg, R.; Brokaw; Cleveland; Dalrymple;  
 DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget;  
 Flaagan; Frey; Gates; Gertholz; Goetz; Gorman;  
 Halmarst; Hamerlik; Hanson, L.; Hanson, O.; Haugen;  
 Haugland; Hausauer, R.; Hill; Hoffner; Hokana; Kelly;  
 Kent; Klundt; Koland; Kolbo; Kretschmar; Larson;  
 Laughlin; Lautenschlager; Linderman; Lindgren; Marks;  
 Martinson; Mertens; Meyer; Moore; Nelson, C.;  
 Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell;  
 Olson, V.; Opedahl; O'Shea; Payne; Peterson; Rice;

Riehl; Rydell; Scherber; Schneider; Shaft; Shaw; Shockman; Skjerven; Solberg; Starke; Stofferahn; Strinden; Thompson; Tollefson; Trautman; Ulmer; Watne; Wentz; Wilkie; Williams, A.; Williams, C.; Williams, W.

**NAYS:** Anderson; Belter; Christman; Gunsch; Hausauer, A.; Kingsbury; Knell; Knudson; Kuchera; Lang; Martin; Melby; Murphy; Myrdal; Olsen, D.; Olson, A.; Schindler; Shide; Smette; Sorensen; Tokach; Tomac; Vander Vorst; Wald; Whalen; Winkelman; Speaker Kloubec

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

HB 1123 passed and the title was agreed to.

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#### MOTIONS

**REP. KOLAND** MOVED that the House reconsider its action whereby HB 1438 failed to pass.

**REP. LINDGREN** MOVED the previous question, which motion prevailed.

The motion to reconsider HB 1438 prevailed on a verification vote.

#### SECOND READING OF HOUSE BILL

**HB 1438:** A BILL for an Act relating to the use by state institutions of North Dakota native lignite coal or coal mined in other jurisdictions meeting certain standards.

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 50 YEAS, 52 NAYS, 4 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Belter; Cleveland; Dotzenrod; Gates; Gertholz; Gunsch; Hamerlik; Haugen; Haugland; Hoffner; Hokana; Kelly; Kent; Kingsbury; Knell; Knudson; Koland; Kretschmar; Larson; Lindgren; Marks; Martin; Martinson; Melby; Murphy; Nelson, C.; Nelson, J.; Oban; O'Connell; Olsen, D.; Olson, V.; Opedahl; Peterson; Rydell; Schindler; Schneider; Shaft; Shide; Sorensen; Starke; Stofferahn; Strinden; Tokach; Tollefson; Tomac; Vander Vorst; Wald; Wentz; Winkelman

**NAYS:** Almlie; Berg, G.; Berg, R.; Brokaw; Christman; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Goetz; Gorman; Halmrast; Hanson, L.; Hanson, O.; Hausauer, A.; Hausauer, R.; Hill; Klundt; Kolbo; Kuchera; Laughlin; Lautenschlager; Linderman;

Mertens; Meyer; Moore; Myrdal; Nicholas; Nowatzki;  
Olson, A.; O'Shea; Payne; Rice; Riehl; Scherber; Shaw;  
Shockman; Skjerven; Smette; Solberg; Thompson;  
Trautman; Ulmer; Watne; Wilkie; Williams, A.;  
Williams, C.; Williams, W.; Speaker Kloubec

ABSENT AND NOT VOTING: Aas; Graba; Lang; Whalen

HB 1438 was declared lost for want of a Constitutional majority.

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#### SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to HB 1544 as recommended by the Committee on Appropriations as printed on pages 1279-1280 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

#### SECOND READING OF HOUSE BILL

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 contingency loan from the coal trust fund.

Which has been read.

#### ROLL CALL

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

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

HB 1544 passed and the title was agreed to.

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#### SIXTH ORDER OF BUSINESS

**REP. WHALEN MOVED** that the amendments to HB 1451 as recommended by the Committee on Industry, Business and Labor as printed on pages 1209-1211 of the House Journal be adopted, and when so adopted, recommends the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, which motion prevailed.

#### MOTIONS

**REP. STRINDEN MOVED** that HB 1451 be placed after HB 1652 on the calendar, which motion prevailed.

**REP. STRINDEN MOVED** that House Rule 507 be suspended until Wednesday, February 25, 1987, which motion prevailed.

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

#### MESSAGES 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 1003, HB 1005, HB 1020

**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 1022, HB 1026, HB 1030, HB 1037, HB 1193, HB 1295,  
HB 1629

**ROY GILBREATH, Chief Clerk**

#### SECOND READING OF HOUSE BILLS

**HB 1652:** A BILL for an Act to create and enact a new section to chapter 6-03, a new section to chapter 57-35, and a new section to chapter 57-35.2 of the North Dakota Century Code, relating to maintaining houses, offices, and services of merged banks and to taxation of merged banks.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 60 YEAS, 41 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Almlie; Berg, R.; Christman; Cleveland; Dorso; Dotzenrod; Frey; Gates; Gertholz; Goetz; Gorman; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Kelly; Kent; Kingsbury; Koland; Kuchera; Lang; Larson; Lautenschlager; Lindgren; Martinson; Moore; Nelson, C.; Nicholas; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Payne; Peterson; Rice; Rydell; Scherber; Schneider; Shaft; Shaw; Shide; Skjerven; Sorensen; Strinden; Thompson; Tokach; Tollefson; Trautman; Ulmer; Wald; Whalen; Williams, A.; Williams, C.; Winkelman; Speaker Kloubec

NAYS: Anderson; Belter; Berg, G.; Brokaw; DeMers, P.; Enget; Flaagan; Gunsch; Hanson, O.; Haugen; Hokana; Klundt; Knell; Knudson; Kolbo; Kretschmar; Laughlin; Linderman; Marks; Martin; Melby; Mertens; Meyer; Murphy; Myrdal; Nelson, J.; Opedahl; O'Shea; Riehl; Schindler; Shockman; Smette; Solberg; Starke; Stofferahn; Tomac; Vander Vorst; Watne; Wentz; Wilkie; Williams, W.

ABSENT AND NOT VOTING: Aas; Dalrymple; DeMers, J.; Graba; Nowatzki

HB 1652 passed and the title was agreed to.

## MOTION

REP. KOLAND MOVED that the vote by which HB 1652 passed be reconsidered and the motion to reconsider be laid on the table, which motion failed.

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HB 1451: A BILL for an Act to provide for reciprocal interstate banking; and to create and enact a new section to chapter 57-35 and a new section to chapter 57-35.2 of the North Dakota Century Code, relating to taxation of banks controlled by reciprocating state bank holding companies.

Which has been read.

## MOTION

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

## ROLL CALL

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

**YEAS:** Berg, R.; Cleveland; DeMers, J.; Dorso; Dotzenrod; Gates; Gerntholz; Goetz; Gorman; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hausauer, R.; Kelly; Koland; Kuchera; Larson; Lautenschlager; Lindgren; Martinson; Moore; Myrdal; Olsen, D.; Olson, A.; Payne; Peterson; Rice; Rydell; Scherber; Schneider; Shaft; Shaw; Shide; Skjerven; Sorensen; Strinden; Tollefson; Wald; Williams, A.; Williams, C.; Speaker Kloubec

**NAYS:** Almlie; Anderson; Belter; Berg, G.; Brokaw; Christman; DeMers, P.; Enget; Flaagan; Frey; Gunsch; Halmrast; Hanson, O.; Haugen; Hill; Hoffner; Hokana; Kent; Klundt; Knell; Knudson; Kolbo; Kretschmar; Lang; Laughlin; Linderman; Marks; Martin; Melby; Mertens; Meyer; Murphy; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olson, V.; Opedahl; O'Shea; Riehl; Schindler; Shockman; Smette; Solberg; Starke; Stofferahn; Thompson; Tokach; Tomac; Trautman; Ulmer; Vander Vorst; Watne; Wentz; Whalen; Wilkie; Williams, W.; Winkelman

**ABSENT AND NOT VOTING:** Aas; Dalrymple; Graba; Kingsbury

HB 1451 was declared lost.

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**HB 1621:** A BILL for an Act to create and enact four new sections to chapter 6-03 of the North Dakota Century Code, relating to charging off real estate, and amortization of certain loan losses by banks.

Which has been read.

## ROLL CALL

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

**YEAS:** Almlie; Anderson; Belter; Berg, G.; 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; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Klundt; Knell; Knudson; 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, V.; Opedahl; O'Shea; Payne; Rice; Riehl; Rydell;  
Scherber; Schindler; Schneider; Shaw; Shockman;  
Skjerven; Smette; Solberg; Sorensen; Starke;  
Stofferahn; Strinden; Tokach; Tollefson; Tomac;  
Trautman; Ulmer; Vander Vorst; Watne; Wentz; Wilkie;  
Williams, A.; Williams, C.; Williams, W.; Winkelman;  
Speaker Kloubec

NAYS: Haugland; Koland; Olson, A.; Shide; Thompson

ABSENT AND NOT VOTING: Aas; Berg, R.; Graba; Kingsbury;  
Peterson; Shaft; Wald; Whalen

HB 1621 passed and the title was agreed to.

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#### MOTIONS

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

REP. GOETZ MOVED that the House stand adjourned until 12:00 p.m., Wednesday, February 25, 1987, which motion prevailed.

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

ROY GILBREATH, Chief Clerk