

JOURNAL OF THE HOUSE

Fiftieth Legislative Assembly

* * * * *

SIXTY-FIRST DAY

Bismarck, April 2, 1987

The House convened at 9:00 a.m., with Speaker Kloubec presiding.

The prayer was offered by Deacon Bob Schuller, Church of Corpus Christi, Diocese of Bismarck, Bismarck, North Dakota.

ROLL CALL

The roll was called and all Representatives were present, except Representatives G. Berg, Gerntholz, Graba, Gunsch, R. Hausauer, Hill, Hoffner, Kelly, Kent, Kingsbury, Kuchera, Lang, Laughlin, Nowatzki, Opedahl, Payne, Peterson, Rice, Rydell, Smette, Solberg, Sorensen, Stofferahn, Thompson, Tokach, Wald, and Winkelman.

A quorum was declared by the Speaker.

ANNOUNCEMENT BY SPEAKER

SPEAKER KLOUBEC ANNOUNCED that the members of the Committee on Appropriations would be excused.

CORRECTION AND REVISION OF THE JOURNAL

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

REP. THOMPSON, Chairman

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

FIRST READING OF SENATE BILL

SB 2547: A BILL for an Act to create two new sections to chapter 23-20.3 of the North Dakota Century Code, relating to permits for commercial facilities for hazardous waste disposal; and to amend and reenact section 23-20.3-02 of the North Dakota Century Code, relating to definitions. Was read the first time and referred to the Committee on Political Subdivisions.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. PETERSON MOVED that the House do not concur in the Senate amendments to HB 1004 as printed on page 2446 of the House Journal and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEES

THE SPEAKER APPOINTED as a Conference Committee on HB 1004:

Reps. Thompson, R. Hausauer, Hill

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2008:

Reps. Gunsch, Gerntholz, Solberg

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2128:

Reps. Koland, Larson, Frey

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2480:

Reps. Koland, Dalrymple, Scherber

REPORT OF PROCEDURAL COMMITTEE

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

HB 1683

REP. STRINDEN, Chairman

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

FIRST READING OF HOUSE BILL

Rep. Peterson introduced:

(Approved by the Committee on Delayed Bills)

HB 1683: A BILL for an Act to amend and reenact section 54-03-10 of the North Dakota Century Code and section 54-03-20 of the North Dakota Century Code as contained in House Bill No. 1575, as approved by the fiftieth legislative assembly, relating to compensation of certain subcommittee chairmen and to reimbursement for expenses for members of the legislative assembly; and to declare an emergency.

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

SECOND READING OF A SENATE CONCURRENT RESOLUTION
ON CONSENT CALENDAR

SCR 4010: A concurrent resolution directing the Legislative Council to study the need for providing protective services to vulnerable adults subject to abuse, neglect, self-neglect, and exploitation.

Which has been read.

The question being on the final adoption of the resolution.

So the resolution was adopted.

REPORT OF CONFERENCE COMMITTEE

REP. MARTINSON MOVED that the conference committee report on SB 2339 as printed on page 2481 of the House Journal be adopted, which motion prevailed.

MESSAGE FROM THE SENATE SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith HB 1072 and HB 1470 which the Senate has amended, and subsequently passed:

SENATE AMENDMENTS TO HB 1072

On page 1, line 11, after the third word "an" insert the word "obviously"

And renumber the lines, sections, and pages accordingly

SENATE AMENDMENTS TO HB 1470

On page 1, line 13, remove the overstrike over the words "~~and who is employed on a full-~~"

On page 1, line 14, remove the overstrike over the words "~~time basis~~" and insert immediately thereafter the words "except in those home health agencies affiliated with hospitals" and remove the overstrike over the words "~~There must be supervision from a~~"

On page 1, line 15, remove the overstrike

On page 1, line 16, remove the overstrike over the words "~~hours of operation~~" and delete the words "This person, or a similarly"

On page 1, delete lines 17 through 21

And renumber the lines, sections, and pages accordingly

PERRY GROTEBERG, Secretary

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KRETSCHMAR MOVED that the House do concur in the Senate amendments to HB 1072, which motion prevailed.

MOTION

REP. STRINDEN MOVED that the rules be suspended, that HB 1072 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1072: A BILL for an Act to amend and reenact section 5-01-09 of the North Dakota Century Code, relating to the unlawful

delivery of alcoholic beverages; and to repeal section 5-01-06 of the North Dakota Century Code, relating to recovery of damages resulting from intoxication.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 75 YEAS, 5 NAYS, 26 ABSENT AND NOT VOTING.

YEAS: 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; Kent; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Larson; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Riehl; Rydell; Schindler; Shaft; Shaw; Shockman; Skjerven; Starke; Strinden; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Speaker Kloubec

NAYS: DeMers, J.; Enget; O'Connell; Scherber; Schneider

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

HB 1072 passed and the title was agreed to.

MOTION

REP. GOETZ MOVED that the House stand in recess until 11:00 a.m., 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 return herewith the following which the Senate has failed to pass:

HB 1085

PERRY GROTEBERG, Secretary

SENATE CHAMBER

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

HB 1474, HB 1560, HB 1571, HCR 3088

PERRY GROTEBERG, Secretary

SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the President Pro Tem has appointed as a conference committee to act with a like committee from the House on:

HB 1183: Sens. J. Meyer, Heinrich, Peterson

PERRY GROTEBERG, Secretary

MESSAGES TO THE SENATE

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith the following which the House has failed to pass:

SB 2126, SB 2393, SB 2396, SB 2496

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith the following which the House has passed unchanged:

SB 2007, SB 2181, SB 2383, SB 2413, SB 2418, SB 2427

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: The Speaker has appointed Rep. Klundt to replace Rep. L. Hanson on the Conference Committee on HB 1161.

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith the following which the House has amended, and subsequently passed:

SB 2023, SB 2183

ROY GILBREATH, Chief Clerk

REPORTS OF STANDING COMMITTEE

MR. SPEAKER: Your Committee on Appropriations to which was rereferred HB 1677 has had the same under consideration and recommends by a vote of 18 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. PETERSON, Chairman

HB 1677 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations to which was referred HB 1683 has had the same under consideration and recommends by a

vote of 18 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

REP. PETERSON, Chairman

HB 1683 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations to which was rereferred SB 2038 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 PLACED ON THE CALENDAR WITHOUT RECOMMENDATION.

REP. PETERSON, Chairman

SB 2038 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations to which was rereferred SB 2198 has had the same under consideration and recommends by a vote of 17 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. PETERSON, Chairman

SB 2198 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MOTIONS

REP. MOORE MOVED that the House reconsider its action whereby the House did not concur in the Senate amendments to HB 1615, and that the Conference Committee on HB 1615 be dissolved, which motion prevailed.

SPEAKER KLOUBEC ANNOUNCED that the Conference Committee on HB 1615 was dissolved.

REP. MOORE MOVED that the House do concur in the Senate amendments to HB 1615, which motion prevailed.

HB 1615, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1615: A BILL for an Act to create and enact chapter 40-22.1 of the North Dakota Century Code, relating to city levy of special assessment taxes for improvements by special assessment for promotion of business activity and new business development.

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 86 YEAS, 0 NAYS, 20 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; Kelly; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Kuchera; Larson; 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.; O'Shea; Riehl; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shide; Shockman; Skjerven; Solberg; Starke; Stofferahn; Strinden; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; 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; Kent; Kingsbury; Lang; Laughlin; Opedahl; Payne; Peterson; Rice; Smette; Sorensen; Thompson; Tokach; Winkelman

HB 1615 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. LARSON MOVED that the House do concur in the Senate amendments to HB 1156 as printed on page 2406 of the House Journal, which motion prevailed.

MOTION

REP. STRINDEN MOVED that the rules be suspended, that HB 1156 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1156: A BILL for an Act to create and enact a new subsection to section 50-06-05.1 and two new sections to chapter 50-09 of the North Dakota Century Code, relating to special needs adoptions, foster care children, and rulemaking authority; to amend and reenact sections 50-09-01, 50-09-06, 50-09-09, 50-09-21, and subsection 1 of section 50-11-00.1 of the North Dakota Century Code, relating to aid to dependent children and foster care for children; and to repeal sections 50-09-10, 50-09-10.1, 50-09-11, 50-09-12, and 50-09-19 of the North Dakota Century Code, relating to aid to dependent 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 91 YEAS, 0 NAYS, 15 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; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hoffner; Hokana; Kelly; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Kuchera; Larson; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Meyer; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Rice; Riehl; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shide; Shockman; Skjerven; Solberg; Starke; Stofferahn; Strinden; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: None

ABSENT AND NOT VOTING: Berg, G.; Hausauer, R.; Hill; Kent; Kingsbury; Lang; Laughlin; Mertens; Opedahl; Payne; Peterson; Smette; Sorensen; Thompson; Tokach

HB 1156 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WHALEN MOVED that the House do not concur in the Senate amendments to HB 1359 as printed on page 2299 of the House Journal.

CALL OF THE HOUSE

REP. STRINDEN REQUESTED a Call of the House.

REP. STRINDEN MOVED that the House dispense with the Call of the House, which motion prevailed.

The question being on the motion of Rep. Whalen that the House do not concur in the Senate amendments to HB 1359, the motion prevailed on a verification vote.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1359:

Reps. Whalen, Dorso, Oban

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WHALEN MOVED that the House do not concur in the Senate amendments to HB 1450 as printed on page 2369 of the House

Journal and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1450:

Reps. Koland, Dalrymple, Scherber

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WHALEN MOVED that the House do concur in the Senate amendments to HB 1506 as printed on pages 2409-2410 of the House Journal, which motion prevailed.

MOTION

REP. STRINDEN MOVED that the rules be suspended, that HB 1506 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1506: A BILL for an Act to create and enact two new sections to chapter 26.1-39 of the North Dakota Century Code, relating to requiring certain commercial insurance programs to be marketed through resident licensed agents or brokers and to suspension or revocation of license or certificate of authority for noncompliance; and to amend and reenact section 26.1-11-07 of the North Dakota Century Code, relating to signature requirements of resident insurance agents.

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, 11 NAYS, 3 ABSENT AND NOT VOTING.

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

NAYS: Dorso; Frey; Hoffner; Klundt; Larson; Marks; Oban; Schneider; Ulmer; Wilkie; Williams, W.

ABSENT AND NOT VOTING: Moore; Sorensen; Tokach

HB 1506 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. LARSON MOVED that the House do not concur in the Senate amendments to HB 1470 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEES

THE SPEAKER APPOINTED as a Conference Committee on HB 1470:

Reps. Larson, D. Olsen, P. DeMers

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2542:

Reps. Almlie, Knell, Scherber

MESSAGE FROM THE SENATE

SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the Senate has concurred in the House amendments to SB 2097 and SB 2202 and subsequently passed the same but has refused to concur in the House amendments to SB 2259 and the President Pro Tem has appointed as a conference committee to act with a like committee from the House on:

SB 2259: Sens. Hilken, Schoenwald, Wright

PERRY GROTEBERG, Secretary

SECOND READING OF SENATE BILL

SB 2430: A BILL for an Act to amend and reenact section 39-04-10.5 of the North Dakota Century Code, relating to transfer and retirement of POW number plates.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 91 YEAS, 12 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gerntholz; Goetz; Gorman; Graba; Halmarst; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Kelly; Kent; Kingsbury; Klundt; Knell;

Knudson; Kolbo; Kretschmar; Kuchera; Lang; Larson; Laughlin; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Meyer; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; Opedahl; Payne; Peterson; Rice; Riehl; Rydell; Schindler; Schneider; Shaft; Shaw; Shide; Shockman; Skjerven; Smette; Solberg; Starke; Stofferahn; Strinden; Thompson; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Anderson; DeMers, J.; Gates; Gunsch; Haugen; Hill; Koland; Lautenschlager; Mertens; O'Connell; O'Shea; Scherber

ABSENT AND NOT VOTING: Sorensen; Tokach; Whalen

SB 2430 passed and the title was agreed to.

MOTION

REP. GOETZ MOVED that the House waive the reading of the title to SB 2449, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2449: A BILL for an Act to create and enact a new subdivision to subsection 2 of section 12.1-06.1-01 of the North Dakota Century Code, relating to the definition of a pattern of racketeering activity; and to amend and reenact subsections 1 and 2 of section 12.1-06.1-03, section 12.1-06.1-04, subsections 1, 2, 4, and 5 of section 12.1-06.1-05, subsection 1 of section 12.1-06.1-06, and subsections 1 and 2 of section 12.1-06.1-07 of the North Dakota Century Code, relating to racketeer-influenced and corrupt organizations.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 100 YEAS, 1 NAY, 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; Gertholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Kingsbury; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Melby; 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; Starke; Stofferahn;
 Thompson; Tollefson; Tomac; Trautman; Ulmer;
 Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie;
 Williams, A.; Williams, C.; Williams, W.; Winkelman;
 Speaker Kloubec

NAYS: Hamerlik

ABSENT AND NOT VOTING: Mertens; Peterson; Sorensen;
 Strinden; Tokach

SB 2449 passed and the title was agreed to.

SB 2461: A BILL for an Act to create and enact a new section to chapter 53-06.1 and a new subsection to section 53-06.1-07 of the North Dakota Century Code, relating to conduct of certain games of chance; and to amend and reenact subsection 1 of section 53-06.1-01 of the North Dakota Century Code, relating to definitions applicable to the charitable gambling law.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 54 YEAS, 48 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Almlie; Anderson; Berg, G.; Berg, R.; Christman;
 Dalrymple; DeMers, J.; DeMers, P.; Dorso; Flaagan;
 Frey; Gates; Gorman; Graba; Halmrast; Hamerlik;
 Hanson, L.; Haugen; Hausauer, R.; Hoffner; Hokana;
 Kelly; Koland; Kretschmar; Kuchera; Larson;
 Lautenschlager; Lindgren; Martinson; Mertens; Murphy;
 Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban;
 Olson, V.; O'Shea; Payne; Peterson; Riehl; Schneider;
 Shaft; Shaw; Skjerven; Smette; Solberg; Stofferahn;
 Ulmer; Wald; Whalen; Williams, C.; Williams, W.;
 Speaker Kloubec

NAYS: Aas; Belter; Brokaw; Cleveland; Dotzenrod; Enget;
 Gerntholz; Goetz; Gunsch; Hanson, O.; Haugland;
 Hausauer, A.; Hill; Kent; Kingsbury; Klundt; Knell;
 Knudson; Kolbo; Lang; Laughlin; Linderman; Marks;
 Martin; Melby; Moore; Myrdal; O'Connell; Olsen, D.;
 Olson, A.; Opedahl; Rice; Rydell; Scherber; Schindler;
 Shide; Shockman; Starke; Strinden; Tollefson; Tomac;
 Trautman; Vander Vorst; Watne; Wentz; Wilkie;
 Williams, A.; Winkelman

ABSENT AND NOT VOTING: Meyer; Sorensen; Thompson; Tokach

SB 2461 passed and the title was agreed to.

MOTION

REP. HAMERLIK MOVED that the vote by which SB 2461 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2465: A BILL for an Act to provide for regulation of invention development services.

Which has been read.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Mertens; Peterson; Sorensen; Thompson; Tokach; Watne

SB 2465 passed and the title was agreed to.

SB 2470: A BILL for an Act to create and enact a new section to chapter 54-12 of the North Dakota Century Code, relating to seminars conducted by the attorney general's office for

farmers home administration county committee members and other interested persons.

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, the roll was called and there were 51 YEAS, 51 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Berg, G.; Brokaw; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gorman; Graba; Halmrast; Hanson, L.; Hanson, O.; Hill; Hoffner; Hokana; Kelly; Klundt; Knudson; Kolbo; Kretschmar; Laughlin; Linderman; Marks; Martin; Mertens; Meyer; Murphy; Nelson, C.; Nelson, J.; Nowatzki; Oban; O'Connell; Opedahl; O'Shea; Riehl; Scherber; Schindler; Schneider; Shockman; Skjerven; Solberg; Starke; Stofferahn; Tomac; Ulmer; Watne; Wentz; Wilkie; Williams, A.; Williams, C.; Williams, W.

NAYS: Aas; Almlie; Anderson; Belter; Berg, R.; Christman; Cleveland; Dalrymple; Dorso; Dotzenrod; Gates; Gerntholz; Goetz; Gunsch; Hamerlik; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Kent; Kingsbury; Knell; Koland; Kuchera; Lang; Larson; Lautenschlager; Lindgren; Martinson; Melby; Moore; Myrdal; Nicholas; Olsen, D.; Olson, A.; Olson, V.; Payne; Rice; Rydell; Shaft; Shaw; Shide; Smette; Strinden; Tollefson; Trautman; Vander Vorst; Wald; Whalen; Winkelman; Speaker Kloubec

ABSENT AND NOT VOTING: Peterson; Sorensen; Thompson; Tokach

SB 2470 was declared lost.

MESSAGE FROM THE SENATE SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the Senate has concurred in the House amendments to SB 2127 and subsequently passed the same but has refused to concur in the House amendments to SB 2365 and the President Pro Tem has appointed as a conference committee to act with a like committee from the House on:

SB 2365: Sens. Lashkowitz, J. Meyer, Stenehjem
PERRY GROTEBERG, Secretary

APPOINTMENT OF CONFERENCE COMMITTEES

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2365:

Reps. Cleveland, Shaft, Ulmer

THE SPEAKER ANNOUNCED the following appointment to a new Conference Committee on SB 2339:

Reps. Martinson, Christman, Hokana

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WHALEN MOVED that the House do not concur in the Senate amendments to HB 1247 as printed on page 2308 of the House Journal and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1247:

Reps. Koland, Dalrymple, Oban

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. MOORE MOVED that the House do concur in the Senate amendments to HB 1331 as printed on page 2467 of the House Journal, which motion prevailed.

MOTIONS

REP. STRINDEN MOVED that the rules be suspended, that HB 1331 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

REP. MOORE MOVED that HB 1331 be placed at the bottom of the Eleventh order of business on the calendar, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WHALEN MOVED that the House do not concur in the Senate amendments to HB 1666 as printed on page 2324 of the House Journal and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1666:

Reps. Koland, Dorso, Enget

MOTION

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

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

SECOND READING OF SENATE BILLS

SB 2521: A BILL for an Act to amend and reenact section 51-15-02 of the North Dakota Century Code, if Senate Bill No. 2483 is not approved by the fiftieth legislative assembly, relating to the unlawful consumer fraud practice of operating an unlawful referral selling or pyramid scheme.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 12 YEAS, 85 NAYS, 9 ABSENT AND NOT VOTING.

YEAS: Berg, G.; Brokaw; DeMers, J.; Flaagan; Klundt; Kuchera; Murphy; O'Connell; Schneider; Starke; Williams, C.; Williams, W.

NAYS: Aas; Almlie; Anderson; Belter; Christman; Cleveland; Dalrymple; DeMers, P.; Dorso; Dotzenrod; Enget; Frey; Gates; Cerntholz; Coetz; Gorman; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Kingsbury; Knell; Knudson; Koland; Kolbo; Kretschmar; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Melby; Mertens; Meyer; Moore; Myrdal; Nelson, C.; Nelson, J.; Oban; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Peterson; Rice; Riehl; Scherber; Schindler; Shaft; Shaw; Shide; Shockman; Skjerven; Smette; Solberg; Stofferahn; Strinden; Thompson; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Watne; Wentz; Whalen; Wilkie; Williams, A.; Winkelman; Speaker Kloubec

ABSENT AND NOT VOTING: Berg, R.; Martinson; Nicholas; Nowatzki; Olsen, D.; Rydell; Sorensen; Tokach; Wald

SB 2521 was declared lost.

SB 2527: A BILL for an Act to amend and reenact sections 29-04-02, 29-04-03, and 29-04-03.1 of the North Dakota Century Code, relating to prosecution of certain sexual offenses if the victim is under eighteen years of age.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 95 YEAS, 1 NAY, 10 ABSENT AND NOT VOTING.

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

DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey;
 Gates; Gerntholz; Goetz; Gorman; Graba; 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; Melby; Mertens; Moore; Murphy; Myrdal;
 Nelson, C.; Nelson, J.; Oban; O'Connell; Olsen, D.;
 Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Rice;
 Riehl; Scherber; Schindler; Schneider; Shaw; Shide;
 Shockman; Skjerven; Smette; Solberg; Starke;
 Stofferahn; Strinden; Thompson; Tollefson; Tomac;
 Trautman; Ulmer; Vander Vorst; Watne; Wentz; Whalen;
 Wilkie; Williams, A.; Williams, C.; Williams, W.;
 Winkelman; Speaker Kloubec

NAYS: Shaft

ABSENT AND NOT VOTING: Berg, R.; Martinson; Meyer;
 Nicholas; Nowatzki; Peterson; Rydell; Sorensen; Tokach;
 Wald

SB 2527 passed and the title was agreed to.

SB 2530: A BILL for an Act to amend and reenact section 39-06-17 of the North Dakota Century Code, relating to the issuance of a restricted motor vehicle operator license to a minor at least fifteen but less than sixteen years of age.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 9 YEAS, 88 NAYS, 9 ABSENT AND NOT VOTING.

YEAS: Kingsbury; Kretschmar; Meyer; Murphy; Nelson, J.;
 Olsen, D.; Riehl; Skjerven; Vander Vorst

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

Strinden; Thompson; Tollefson; Tomac; Trautman; Ulmer;
 Watne; Wentz; Wilkie; Williams, A.; Williams, C.;
 Williams, W.; Winkelman; Speaker Kloubec

ABSENT AND NOT VOTING: Berg, R.; Martinson; Nicholas;
 Nowatzki; Rydell; Sorensen; Tokach; Wald; Whalen

SB 2530 was declared lost.

SB 2532: A BILL for an Act to create and enact a new section to chapter 48-02 of the North Dakota Century Code, relating to bid requirements and acceptance for building and repair contracts; and to amend and reenact sections 48-02-04 and 48-02-06 of the North Dakota Century Code, relating to the contents of bid advertisements and awarding contracts.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 33 YEAS, 64 NAYS, 9 ABSENT AND NOT VOTING.

YEAS: DeMers, J.; Dotzenrod; Frey; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Kelly; Kent; Kingsbury; Klundt; Koland; Kolbo; Kretschmar; Marks; Martin; Murphy; Myrdal; Nelson, J.; Oban; O'Connell; Olson, V.; Opedahl; O'Shea; Peterson; Schneider; Skjerven; Smette; Starke; Stofferahn; Strinden; Ulmer; Williams, C.

NAYS: Aas; Almlie; Anderson; Belter; Berg, G.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, P.; Dorso; Enget; Flaagan; Gates; Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hill; Knell; Knudson; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Melby; Mertens; Moore; Nelson, C.; Olsen, D.; Olson, A.; Payne; Rice; Riehl; Scherber; Schindler; Shaft; Shaw; Shide; Shockman; Solberg; Thompson; Tollefson; Tomac; Trautman; Vander Vorst; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Winkelman; Speaker Kloubec

ABSENT AND NOT VOTING: Berg, R.; Martinson; Meyer;
 Nicholas; Nowatzki; Rydell; Sorensen; Tokach; Wald

SB 2532 was declared lost.

SB 2537: A BILL for an Act to provide for the establishment of the department of protection and advocacy for persons with

developmental disabilities and persons with mental illness, its duties and responsibilities; and to provide a penalty.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 42 YEAS, 57 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Berg, G.; Brokaw; DeMers, J.; DeMers, P.; Flaagan; Frey; Graba; Halmrast; Hanson, L.; Hill; Hoffner; Hokana; Kelly; Klundt; Knudson; Kolbo; Laughlin; Lautenschlager; Linderman; Marks; Mertens; Meyer; Nelson, C.; Nelson, J.; Nowatzki; Oban; O'Connell; Opedahl; O'Shea; Riehl; Scherber; Schneider; Shockman; Starke; Stofferahn; Tomac; Ulmer; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.

NAYS: Aas; Almlie; Anderson; Belter; Christman; Cleveland; Dalrymple; Dorso; Dotzenrod; Enget; Gates; Gerntholz; Goetz; Gorman; Gunsch; Hamerlik; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Kent; Kingsbury; Knell; Koland; Kretschmar; Kuchera; Lang; Larson; Lindgren; Martin; Melby; Moore; Myrdal; Nicholas; Olsen, D.; Olson, A.; Olson, V.; Payne; Peterson; Rice; Schindler; Shaft; Shaw; Shide; Skjerven; Smette; Solberg; Strinden; Thompson; Tollefson; Trautman; Vander Vorst; Whalen; Wilkie; Winkelman; Speaker Kloubec

ABSENT AND NOT VOTING: Berg, R.; Martinson; Murphy; Rydell; Sorensen; Tokach; Wald

SB 2537 was declared lost.

MESSAGES FROM THE SENATE SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith HB 1349 and HB 1645 which the Senate has amended, and subsequently passed:

SENATE AMENDMENTS TO ENGROSSED HB 1349

On page 1 of the engrossed bill, 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 two new chapters to title 35 of the North Dakota Century Code, relating to statutory agricultural liens; to amend and reenact sections 11-18-14, 11-29-24, 35-21-01, and subsection 9 of section 41-09-28 of the North Dakota Century Code, relating to duties of the county register of deeds, county seed, feed, and fuel liens, release of liens, and to information that must be filed with the secretary of state under the central notice system; to repeal chapters

35-07, 35-08, 35-09, and 35-10 of the North Dakota Century Code, relating to threshing or drying liens, crop production liens, motor fuel liens, fertilizer, farm chemicals, or seed liens, and sugar beet production liens; and to declare an emergency.

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

SECTION 1. AMENDMENT. Section 11-18-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-18-14. Register of deeds to remove and destroy certain documents - Records to be made. The register of deeds in each county in this state, unless otherwise earlier permitted by law, shall remove from the files in his the register's office, and destroy, all seed liens, labor liens, stallion liens, chattel mortgages, threshing or drying liens, crop production liens, combining liens, agricultural processor's liens, agricultural supplier's liens, mechanic's liens, repairman's liens, unpaid earned insurance premium liens, and sales contracts together with any releases for the same upon which a claim for relief has accrued and which claim for relief is more than ten years old. At the time of destroying the files the register of deeds shall note on the margin of the index opposite the record of each instrument so removed and destroyed the date when the same was destroyed.

SECTION 2. AMENDMENT. Section 11-29-24 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-29-24. Lien on crops for seed, feed, or fuel furnished by county - How obtained. In order to secure a lien upon crops for seed, feed, or fuel furnished by the county under this chapter, the county, through the county auditor, shall comply with the provisions of chapter 35-08 section 4 of this Act.

SECTION 3. A new chapter to title 35 of the North Dakota Century Code is hereby created and enacted to read as follows:

Agricultural processor's lien authorized. Any person who processes any crop or agricultural product is entitled to a lien upon the crop or product processed for the reasonable value of the services performed. As used in this chapter, the term "processor" includes persons threshing, combining, drying, or harvesting any crop or agricultural product. The agricultural processor's lien is effective from the date the processing is completed.

Procedure to obtain lien. To obtain an agricultural processor's lien, the person entitled to the lien, within ninety days after the processing is completed, shall file a verified statement in the office of the register of deeds in the county or counties in which the crop or agricultural product was grown. The statement must contain the following information:

1. The name and address of the person for whom the processing was done.
2. The name and address of the processor.
3. A description of the crops or agricultural products and their amount, if known, subject to the lien together with the legal description as to the location where the crops or agricultural products were grown.
4. The price agreed upon for processing, or if no price was agreed upon, the reasonable value of the processing.

Priority. An agricultural processor's lien obtained under this chapter has priority, as to the crops or agricultural products covered thereby, over all other liens or encumbrances.

SECTION 4. A new chapter to title 35 of the North Dakota Century Code is hereby created and enacted to read as follows:

Agricultural supplier's lien authorized. Any person who furnishes supplies used in the production of crops, agricultural products, or livestock is entitled to a lien upon the crops, products produced by the use of the supplies, and livestock and their products including milk. As used in this chapter, the term "supplies" includes seed, petroleum products, fertilizer, farm chemicals, insecticide, feed, hay, pasturage, veterinary services, or the furnishing of services in delivering or applying the supplies. The agricultural supplier's lien is effective from the date the supplies are furnished or the services performed.

Procedure to obtain lien. To obtain an agricultural supplier's lien, the person entitled to the lien, within ninety days after the supplies are furnished or the services performed, shall file a verified statement in the office of the register of deeds of the county or counties in which the crop, agricultural product, or livestock was grown. The statement must contain the following information:

1. The name and address of the person to whom the supplies were furnished.
2. The name and address of the supplier.
3. A description of the crops, agricultural products, or livestock and their amount or number, if known, subject to the lien together with the legal description as to the location of the crops, agricultural products, or livestock.
4. A description and value of the supplies furnished.

Priority. An agricultural supplier's lien obtained under the provisions of this chapter has priority, as to the crops or agricultural products covered thereby, over all other liens or encumbrances except any agricultural processor's lien.

SECTION 5. AMENDMENT. Section 35-21-01 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

35-21-01. Release of lien by undertaking authorized. When any mechanic's lien, garage storage lien, repairman's lien, seed lien, sugar beet production lien, crop production lien, threshing lien, agricultural processor's lien, agricultural supplier's lien, unpaid earned insurance premium lien, or miner's lien is filed against the real property or personal property of a resident of this state, the property affected may be released by an undertaking in the manner provided in this chapter.

SECTION 6. AMENDMENT. Subsection 9 of section 41-09-28 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

9. If a secured party who has perfected a security interest in crops or livestock, or if a lienholder who has created a lien by statute or otherwise; which includes, but is not limited to, liens for threshing; crop or agricultural product processing; crop production; fertilizer, farm chemicals, and seed; agricultural supplies; and landlord's lien; intends to impose liability for such security interest or lien against a crop or livestock buyer, the name of the secured party or lienholder must appear on the most current list or lists distributed by the secretary of state pursuant to subsection 4 of section 41-09-46. In order to appear on the list or lists, secured parties or lienholders must file with the secretary of state a form prescribed by ~~him~~ the

secretary of state which contains all of the following information:

- a. The name and address of the person engaged in farming operations.
- b. The county of residence of the person engaged in farming operations.
- c. The social security number of the person engaged in farming operations or, in the case of a debtor doing business other than as an individual, the Internal Revenue Service taxpayer identification number of the debtor except that the social security number is not required for a crop, agricultural processor's or agricultural supplier's lien obtained under section 3 or 4 of this Act unless the social security number is required for certification of the central notice system pursuant to section 1324 of the Food Security Act of 1985 [Pub. L. 99-198; 99 Stat. 1535; 7 U.S.C. 1631].
- d. The name and address of the secured party or lienholder.
- e. A description of the crops or livestock and their amount, if known, subject to the security interest or lien.
- f. The legal description as to the location of the crops or livestock.
- g. The signature of the debtor against whom the loan or lien is filed is not required unless the signature is required for certification of the central notice system pursuant to section 1324 of the Food Security Act of 1985 [Pub. L. 99-198; 99 Stat. 1535; 7 U.S.C. 1631].
- h. The signature of the secured party or lienholder.

A form filed pursuant to this section is effective for a period of five years. The effectiveness and continuation of the form filed is to be treated as if it were filed as a financing statement.

SECTION 7. REPEAL. Chapters 35-08, 35-09, and 35-10 of the North Dakota Century Code, and chapter 35-07 of the

1985 Supplement to the North Dakota Century Code are hereby repealed.

SECTION 8. EMERGENCY. This Act is declared to be an emergency measure and is in effect upon its filing with the secretary of state or on a date specified in this Act."

And renumber the lines, sections, and pages accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1645

On page 1 of the engrossed bill, line 10, delete the words "incorporated in this state"

On page 1 of the engrossed bill, line 12, delete the words "twelve and one-half" and insert in lieu thereof the word "four" and delete the word "two" and insert in lieu thereof the word "one"

On page 1 of the engrossed bill, line 14, delete the words "six and" and insert in lieu thereof the word "two"

On page 1 of the engrossed bill, line 15, delete the word "one-fourth"

On page 1 of the engrossed bill, line 16, delete the word "two" and insert in lieu thereof the word "one"

On page 2 of the engrossed bill, line 5, after the period delete the remainder of the line and insert in lieu thereof the following: "In the case of a corporation which is a partner in a partnership, the credit allowed for the taxable year may not exceed an amount separately computed with respect to the corporation's interest in the trade, business, or entity equal to the amount of tax attributable to that portion of the corporation's taxable income which is allocable or apportionable to the corporation's interest in the trade, business, or entity."

On page 2 of the engrossed bill, delete lines 6 through 13

And renumber the lines, sections, and pages accordingly

PERRY GROTERBERG, Secretary

SENATE CHAMBER

MR. SPEAKER: I have the honor to transmit herewith the following on which the Senate has adopted the conference committee report:

SB 2113

PERRY GROTERBERG, Secretary

SENATE CHAMBER

MR. SPEAKER: I have the honor to transmit herewith the following on which the Senate has adopted the conference committee report and subsequently passed the same:

SB 2080, SB 2109, SB 2520

PERRY GROTEBERG, Secretary

SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith the following on which the Senate has adopted the conference committee report and subsequently passed the same:

HB 1068

PERRY GROTEBERG, Secretary

COMMUNICATION FROM THE GOVERNOR

State of North Dakota
EXECUTIVE OFFICE
Bismarck

April 2, 1987

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

Dear Speaker Kloube:

This is to inform you that on April 1, 1987, I signed the following:

HB 1011, HB 1012, HB 1013, HB 1024, HB 1041, HB 1042,
HB 1051, HB 1080, HB 1150, HB 1151, HB 1171, HB 1190,
HB 1204, HB 1222, HB 1227, HB 1288, HB 1325, HB 1332,
HB 1340, HB 1342, HB 1356, HB 1390, HB 1408, HB 1411,
HB 1463, HB 1525, HB 1529, HB 1534, HB 1551, HB 1577,
HB 1584, HB 1598, HB 1604, HB 1631, HB 1665

Sincerely,

GEORGE A. SINNER
Governor

MOTION

REP. GOETZ MOVED that the House stand in recess until 3:00 p.m., which motion prevailed.

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

MESSAGES TO THE SENATE
HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith the following which the House has passed unchanged:

SCR 4010

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House has concurred in the Senate amendments to HB 1072 and subsequently passed the same but has refused to concur in the Senate amendments to HB 1004 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1004: Reps. Thompson, R. Hausauer, Hill

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2008: Reps. Gunsch, Gerntholz, Solberg

SB 2128: Reps. Koland, Larson, Frey

SB 2480: Reps. Koland, Dalrymple, Scherber

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House has reconsidered its action whereby it did not concur with the Senate amendments to HB 1615, and now wishes to inform you that it does now concur in the Senate amendments to HB 1615, and subsequently passed the same. Also, the House has dissolved the House Conference Committee on HB 1615.

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2542: Reps. Almlie, Knell, Scherber

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House has concurred in the Senate amendments to HB 1156 and HB 1506 and subsequently passed the same but has refused to concur in the Senate amendments to HB 1359, HB 1450, and HB 1470 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1359: Reps. Whalen, Dorso, Oban
 HB 1450: Reps. Koland, Dalrymple, Scherber
 HB 1470: Reps. Larson, D. Olsen, P. DeMers

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House has refused to concur in the Senate amendments to HB 1247 and HB 1666 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1247: Reps. Koland, Dalrymple, Oban
 HB 1666: Reps. Koland, Dorso, Enget

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House has adopted the conference committee report on SB 2339 and the Speaker has appointed as a new conference committee to act with a like committee from the Senate on:

SB 2339: Reps. Martinson, Christman, Hokana

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2365: Reps. Cleveland, Shaft, Ulmer

ROY GILBREATH, Chief Clerk

SIGNING OF BILLS AND RESOLUTIONS

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following:

HB 1240, HB 1337, HB 1338, HB 1557, HB 1652, HB 1681,
 HCR 3074, HCR 3078, HCR 3079, HCR 3083, HCR 3085, HCR 3086,
 HCR 3091, HCR 3092, HCR 3093, HCR 3094

ROY GILBREATH, Chief Clerk

MESSAGE TO THE SENATE

HOUSE CHAMBER

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

HB 1240, HB 1337, HB 1338, HB 1557, HB 1652, HB 1681,
 HCR 3074, HCR 3078, HCR 3079, HCR 3083, HCR 3085, HCR 3086,
 HCR 3091, HCR 3092, HCR 3093, HCR 3094

ROY GILBREATH, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER: Your Conference Committee to which was referred Engrossed HB 1131 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 2234-2236 of the House Journal and that Engrossed HB 1131 be amended as follows:

- On page 1 of the engrossed bill, line 1, after the word "enact" insert the words "a new section to chapter 39-29 and"
- On page 1 of the engrossed bill, line 2, after the word "to" insert the words "an all-terrain vehicle safety fee and to"
- On page 1 of the engrossed bill, line 3, delete the first word "and"
- On page 1 of the engrossed bill, line 4, after the numerals "39-29-01" insert the words and numerals "and section 39-29-10"
- On page 1 of the engrossed bill, line 5, delete the word "and" and insert in lieu thereof a comma
- On page 1 of the engrossed bill, line 6, after the word "requirements" insert the words ", and certification fees; and to provide for application of this Act"
- On page 1 of the engrossed bill, after line 21, insert the following new section:

"SECTION 2. A new section to chapter 39-29 of the North Dakota Century Code is hereby created and enacted to read as follows:

Safety fee - Imposition - Collection by dealer - Payment to department - Use of fee. Upon the sale of an all-terrain vehicle, each dealer shall collect a five dollar safety fee from the buyer. By the end of each calendar quarter the dealer shall file a report with the parks and recreation department that discloses the number of all-terrain vehicles sold the previous months and includes the fees collected from the buyer. Fees imposed under this section must be deposited in the all-terrain vehicle fund established under subsection 2 of section 39-29-05. The fees may be used only by the parks and recreation department and only for all-terrain vehicle safety education and promotion."

- On page 2 of the engrossed bill, after line 2, insert the following sections:

"SECTION 4. AMENDMENT. Section 39-29-10 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-29-10. Operation by persons under age sixteen. Except as otherwise provided in this section, a person under sixteen years of age who is not in possession of a valid operator's license or permit to operate an all-terrain vehicle may not, except upon the lands of the person's parent or guardian, operate an all-terrain vehicle. A person at least twelve years of age may operate an all-terrain vehicle if the person has completed an all-terrain vehicle safety training course prescribed by the director of the state parks and recreation department and has received the appropriate all-terrain vehicle safety certificate issued by the commissioner. The failure of an operator to exhibit an all-terrain vehicle safety certificate on demand to any official authorized to enforce this chapter is presumptive evidence that that person does not hold such a certificate. Fees collected from each person receiving certification must be deposited in the all-terrain vehicle trail tax fund for all-terrain vehicle safety education and training programs.

SECTION 5. APPLICATION OF ACT. Section 2 of this Act applies to all-terrain vehicles sold after June 30, 1987."

And renumber the lines, sections, and pages accordingly

For the Senate: Sens. Hilken, Schoenwald, Wright

For the House: Reps. Haugen, Aas, O'Connell (refused to sign)

Engrossed HB 1131 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER: Your Conference Committee to which was referred Engrossed HB 1643 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 1924-1925 of the House Journal and that Engrossed HB 1643 be amended as follows:

On page 1 of the engrossed bill, line 8, delete the word "five" and insert in lieu thereof the word "three"

On page 1 of the engrossed bill, line 10, delete the word "five" and insert in lieu thereof the word "ten"

On page 1 of the engrossed bill, line 11, delete the words "one dollar" and insert in lieu thereof the words "two dollars"

And renumber the lines, sections, and pages accordingly

For the Senate: Sens. Mathern, Kelsh, Kelly

For the House: Reps. Hamerlik, Myrdal, C. Williams

Engrossed HB 1643 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

DELIVERY OF ENROLLED BILLS

THE SPEAKER ANNOUNCED that the following bills were delivered to the Governor for his approval at the hour of 2:45 p.m., April 2, 1987:

HB 1030, HB 1174, HB 1187, HB 1208, HB 1216, HB 1221,
HB 1272, HB 1278, HB 1289, HB 1329, HB 1373, HB 1406,
HB 1424, HB 1426, HB 1457, HB 1504, HB 1572, HB 1593,
HB 1597, HB 1606, HB 1621, HB 1629, HB 1630, HB 1648,
HB 1675

SECOND READING OF SENATE BILL

SB 2545: A BILL for an Act to authorize the reorganization of job service North Dakota and the North Dakota workmen's compensation bureau; to provide for a Legislative Council study of the office of commissioner of labor; and to provide an expiration date.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 13 YEAS, 88 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Brokaw; Enget; Flaagan; Hokana; Kretschmar;
Nelson, J.; O'Connell; Opedahl; Scherber; Solberg;
Starke; Wilkie; Williams, A.

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

ABSENT AND NOT VOTING: Hanson, L.; Hausauer, R.; Riehl;
Sorensen; Tokach

SB 2545 was declared lost.

MOTION

REP. PETERSON MOVED that the House reconsider its action whereby SB 2346 failed to pass, which motion lost on a verification vote.

REQUEST

REP. STRINDEN REQUESTED that the members of the Conference Committees that have meetings scheduled be excused, which request was granted.

MOTIONS

REP. STRINDEN MOVED that the House reconsider its action whereby SB 2013 was placed on the Fourteenth order of business on the calendar, which motion prevailed.

REP. STRINDEN MOVED that SB 2013 be rereferred to the Committee on Appropriations, which motion prevailed.

SPEAKER KLOUBEC ANNOUNCED that SB 2013 was referred to the Committee on Appropriations.

SECOND READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4005: A concurrent resolution for the amendment of section 8 of article III of the Constitution of the State of North Dakota, relating to the requirement that a measure approved by the electors may not be repealed or amended by the legislative assembly for seven years except by a two-thirds vote.

Which has been read.

ROLL CALL

The question being on the adoption of the resolution, the roll was called and there were 86 YEAS, 15 NAYS, 5 ABSENT AND NOT VOTING.

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

NAYS: Frey; Gunsch; Halmrast; Hanson, O.; Kingsbury;
Melby; Murphy; Olsen, D.; Thompson; Tomac; Ulmer;
Vander Vorst; Wald; Whalen; Wilkie

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

SCR 4005 was declared adopted.

SCR 4050: A concurrent resolution directing the Legislative Council to study the office, duties, and functions of the Commissioner of Labor and whether these could be adequately performed by other state agencies.

Which has been read.

The question being on the adoption of the resolution.

SCR 4050 was declared lost on a voice vote.

ANNOUNCEMENT BY SPEAKER

SPEAKER KLOUBEC ANNOUNCED that in accordance with section 54-36-01 of the North Dakota Century Code, Rep. Clarence Martin was appointed to the Indian Affairs Commission.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4051: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing a state bonding fund for those persons who are required by state law to be bonded in order to engage in business activities.

Which has been read.

The question being on the adoption of the resolution.

SCR 4051 passed on a verification vote.

MOTION

REP. STRINDEN MOVED that the House reconsider its action whereby HCR 4050 failed to pass, which motion lost on a verification vote.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4067: A concurrent resolution directing the Legislative Council to study the relationship between railroads and their tenants along railroad rights of way.

Which has been read.

MOTION

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

REQUEST

REP. KENT REQUESTED a recorded roll call vote on the motion to adopt SCR 4067, which request was granted.

ROLL CALL

The question being on the adoption of SCR 4067, the roll was called and there were 60 YEAS, 39 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Brokaw; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gerntholz; Graba; Halmrast; Haugen; Hausauer, A.; Hill; Hoffner; Hokana; Kelly; Kingsbury; Klundt; Kuchera; Laughlin; Lautenschlager; Linderman; Marks; Martinson; Mertens; Meyer; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nowatzki; Oban; O'Connell; Olson, V.; Opedahl; O'Shea; Riehl; Rydell; Scherber; Schindler; Schneider; Shaw; Shockman; Skjerven; Smette; Solberg; Sorensen; Starke; Stofferahn; Tomac; Trautman; Ulmer; Watne; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman

NAYS: Belter; Berg, G.; Berg, R.; Christman; Cleveland; Dorso; Dotzenrod; Gates; Goetz; Gorman; Gunsch; Hamerlik; Hanson, O.; Haugland; Kent; Knell; Knudson; Koland; Kretschmar; Lang; Lindgren; Martin; Melby; Moore; Nicholas; Olsen, D.; Olson, A.; Payne; Rice; Shaft; Shide; Strinden; Thompson; Tollefson; Vander Vorst; Wald; Wentz; Whalen; Speaker Kloubec

ABSENT AND NOT VOTING: Dalrymple; Hanson, L.; Hausauer, R.; Kolbo; Larson; Peterson; Tokach

SCR 4067 was adopted.

MESSAGES FROM THE SENATE SENATE CHAMBER

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

SB 2031, SB 2040, SB 2072, SB 2076, SB 2078, SB 2304,
SB 2307, SB 2451, SB 2489, SB 2540, SB 2549

PERRY GROTEBERG, Secretary

SENATE CHAMBER

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

HB 1303, HCR 3034, HCR 3044

PERRY GROTEBERG, Secretary

APPOINTMENT OF A CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2259:

Reps. Anderson, Dorso, G. Berg

**MESSAGE FROM THE SENATE
SENATE CHAMBER**

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

HB 1240, HB 1337, HB 1338, HB 1557, HB 1652, HB 1681,
HCR 3074, HCR 3078, HCR 3079, HCR 3083, HCR 3085, HCR 3086,
HCR 3091, HCR 3092, HCR 3093, HCR 3094

PERRY GROTEBERG, Secretary

DELIVERY OF ENROLLED BILLS

THE SPEAKER ANNOUNCED that the following bills were delivered to the Governor for his approval at the hour of 4:37 p.m., April 2, 1987:

HB 1240, HB 1337, HB 1338, HB 1557, HB 1652, HB 1681

DELIVERY OF ENROLLED RESOLUTIONS

THE SPEAKER ANNOUNCED that the following resolutions were delivered to the Secretary of State for his filing at the hour of 4:50 p.m., April 2, 1987:

HCR 3074, HCR 3078, HCR 3079, HCR 3083, HCR 3085, HCR 3086,
HCR 3091, HCR 3092, HCR 3093, HCR 3094

REPORTS OF CONFERENCE COMMITTEES

MR. SPEAKER: Your Conference Committee to which was referred Engrossed SB 2080 has had the same under consideration and recommends that the SENATE ACCEDE to the amendments as found on page 1965 of the House Journal:

For the Senate: Sens. Schoenwald, Nething, Wright

For the House: Reps. Belter, Anderson, Marks

Engrossed SB 2080 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Conference Committee to which was referred Engrossed SB 2109 has had the same under consideration and recommends that the SENATE ACCEDE to the amendments as found on page 1832 of the House Journal:

For the Senate: Sens. Hilken, Kelsh, Peterson

For the House: Reps. Melby, Kneill, Brokaw

Engrossed SB 2109 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Conference Committee to which was referred Engrossed SB 2113 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on page 838 of the House Journal:

For the Senate: Sens. W. Meyer, Axtman, Lodoen

For the House: Reps. Gorman, Tokach, Skjerven (refused to sign)

Engrossed SB 2113 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER: Your Conference Committee to which was referred Engrossed SB 2520 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on page 1835 of the House Journal and that Engrossed SB 2520 be amended as follows:

On page 1 of the engrossed bill, line 14, after the word "balance" insert the words "in excess of ten thousand dollars" and delete the word "bonded"

On page 1 of the engrossed bill, line 18, after the word "annexation" insert the words "depending on the average local effort based on the previous five-year average as calculated by the county superintendent"

And renumber the lines, sections, and pages accordingly

For the Senate: Sens. Kelsh, Kelly, Peterson

For the House: Reps. Shaw, Rydell, Klundt

Engrossed SB 2520 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MOTIONS

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

REP. GOETZ MOVED that the House be on the Fifth order of business, and at the conclusion of the Fifth order, the House stand adjourned until 9:00 a.m., Friday, April 3, 1987, which motion prevailed.

REPORTS OF STANDING COMMITTEE

MR. SPEAKER: Your Committee on Appropriations to which was referred SB 2006 has had the same under consideration and recommends by a vote of 23 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2 of the engrossed bill, line 3, after the word "defray" insert the words "that portion of the"

On page 2 of the engrossed bill, line 4, delete the word "of," and insert in lieu thereof the words "associated with the construction of"

On page 2 of the engrossed bill, line 10, delete the word "STATE" and insert in lieu thereof the word "CONSTRUCTION"

On page 2 of the engrossed bill, line 15, delete the words ", and with the provision"

On page 2 of the engrossed bill, delete line 16

On page 2 of the engrossed bill, line 17, delete the word "issuance"

On page 2 of the engrossed bill, line 18, delete the words "under chapter 54-17.2" and insert in lieu thereof the words "authorized by this Act"

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

State Industrial School

This amendment gives the Industrial Commission the flexibility to obtain the best market rates. Also, these changes will make the language contained in the bill correspond to the language contained in the other bonding bills.

REP. PETERSON, Chairman

SB 2006 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 SB 2016 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 PASS:

On page 1 of the engrossed bill, line 3, after the word "Dakota" insert the words "; authorizing the director of institutions to sell, lease, exchange, or transfer title or use of the properties of San Haven; to provide legislative intent regarding expenditures at the Grafton state school and San Haven; and to provide an expiration date"

On page 1 of the engrossed bill, line 18, delete the numerals "45,561,339" and insert in lieu thereof the numerals "45,411,339"

On page 1 of the engrossed bill, line 19, delete the numerals "9,410,873" and insert in lieu thereof the numerals "8,910,873"

- On page 1 of the engrossed bill, line 23, delete the numerals "57,029,398" and insert in lieu thereof the numerals "56,379,398"
- On page 1 of the engrossed bill, line 25, delete the numerals "9,924,255" and insert in lieu thereof the numerals "9,274,255"
- On page 2 of the engrossed bill, line 3, delete the numerals "1,533,764" and insert in lieu thereof the numerals "746,189"
- On page 2 of the engrossed bill, line 4, delete the numerals "443,982" and insert in lieu thereof the numerals "238,793"
- On page 2 of the engrossed bill, line 5, delete the numerals "4,700" and insert in lieu thereof the numerals "500"
- On page 2 of the engrossed bill, delete line 6
- On page 2 of the engrossed bill, line 7, delete the numerals "48,966" and insert in lieu thereof the numerals "3,595"
- On page 2 of the engrossed bill, line 8, delete the numerals "2,071,412" and insert in lieu thereof the numerals "989,077"
- On page 2 of the engrossed bill, line 9, delete the numerals "750,150" and insert in lieu thereof the numerals "300,000"
- On page 2 of the engrossed bill, line 10, delete the numerals "1,321,262" and insert in lieu thereof the numerals "689,077"
- On page 2 of the engrossed bill, line 13, delete the numerals "222,470" and insert in lieu thereof the numerals "192,000"
- On page 2 of the engrossed bill, line 14, delete the numerals "222,470" and insert in lieu thereof the numerals "192,000"
- On page 2 of the engrossed bill, line 15, delete the numerals "11,467,987" and insert in lieu thereof the numerals "10,155,332"
- On page 2 of the engrossed bill, line 16, delete the numerals "47,855,293" and insert in lieu thereof the numerals "47,405,143"
- On page 2 of the engrossed bill, line 17, delete the numerals "59,323,280" and insert in lieu thereof the numerals "57,560,475"
- On page 3 of the engrossed bill, after line 14, insert the following new sections:

"SECTION 6. Director may sell, lease, exchange, or transfer title or use to all or part of the San Haven properties. The director of institutions, with the approval of the governor and the budget section, is authorized to sell, lease, exchange, or transfer title or use of any part or all of the San Haven facilities and properties, located in sections nineteen, twenty-nine, and thirty, township one hundred sixty-two north, range seventy-two west, located in Hill Side Township in Rolette County, North Dakota, to the federal government or any public or private agency, organization, or business enterprise for any native American project or program or any other worthy undertaking, under the following provisions:

1. The transaction is exempt from the provisions of sections 54-01-05.2 and 54-01-05.5.
2. The transaction must be with the technical assistance and advice of the commissioner of university and school lands.
3. All required legal documents, papers, and instruments in any transaction must be reviewed and approved as to form and legality by the attorney general.
4. Any funds realized by any transaction must be deposited in the state's general fund.

SECTION 7. LEGISLATIVE INTENT - GRAFTON STATE SCHOOL - EXPENDITURES. It is the intent of the legislative assembly that if the Grafton state school spends less in the purchase of a standby generator or air handling system in Collette auditorium than the amounts included in the appropriation in subdivision 1 of this Act, savings up to \$150,000 may be used in the salaries and wages line item if necessary. It is also the intent of the legislative assembly that the \$500,000 included in operating expenses in subdivision 1 of this Act for the closure of San Haven must be used to sell the property or to close up and secure the facility or returned to the general fund.

SECTION 8. EXPIRATION DATE. Section 6 of this Act is effective through June 30, 1989, and after that date is ineffective."

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Grafton State School

| | Total All Funds Increase (Decrease) | General Fund Increase (Decrease) | Other Funds Increase (Decrease) |
|--|--|---|--|
| <u>Salaries and wages</u> | | | |
| Reduce for estimated vacancy savings | \$ (150,000) | \$ (150,000) | |
| <u>Operating expenses</u> | | | |
| Reduce San Haven phaseout from \$1,000,000 to \$500,000 | (500,000) | (500,000) | |
| Total subdivision 1 | \$ (650,000) | \$ (650,000) | |
| <u>Protection and Advocacy Project</u> | | | |
| <u>Salaries and wages</u> | | | |
| Delete funding for 10 new FTE - five MR advocates, one program administrator, and four FTE secretaries | \$ (459,341) | \$ (459,341) | |
| Delete funding for four new FTE - four CMI advocates | (210,393) | | \$(210,393) |
| Delete funding for three FTE - added by Senate | (117,841) | | (117,841) |
| Subtotal | \$ (787,575) | \$ (459,341) | \$(328,234) |
| <u>Operating expenses</u> | | | |
| Delete funding for: | | | |
| 10 new FTE described above | \$ (120,018) | \$ (120,018) | |
| 4 new FTE - CMI program | (66,427) | | \$(66,427) |
| 3 new FTE - added by Senate | (18,744) | | (18,744) |
| Subtotal | \$ (205,189) | \$ (120,018) | \$(85,171) |
| <u>Equipment</u> | | | |
| Delete funding for: | | | |
| 10 new FTE described above | \$ (12,826) | \$ (12,826) | |
| 4 new FTE - CMI program | (1,870) | | \$(1,870) |
| 3 new FTE - added by Senate | (30,675) | | (30,675) |
| Subtotal | \$ (45,371) | \$ (12,826) | \$(32,545) |
| <u>Data processing</u> | | | |
| Delete funding for three FTE added by Senate | \$ (4,200) | | \$(4,200) |
| <u>Grants</u> | | | |

| | | | |
|---|----------------|----------------|--------------|
| Delete funding for 10 new FTE described above | \$ (40,000) | \$ (40,000) | |
| Total subdivision 2 | \$ (1,082,335) | \$ (632,185) | \$ (450,150) |
| <u>Court Monitor</u> | | | |
| <u>Operating expenses</u> | | | |
| Reduce funding to \$400 per day for 480 days | \$ (30,470) | \$ (30,470) | |
| Total subdivision 3 | \$ (30,470) | \$ (30,470) | |
| Total changes to engrossed SB 2016 | \$ (1,762,805) | \$ (1,312,655) | \$ (450,150) |

New sections are added to allow the Director of Institutions to sell San Haven and to provide legislative intent that if the Grafton State School spends less on the purchase of a standby generator or air handling system for Collette Auditorium, savings up to \$150,000 may be used for salaries and wages. Legislative intent is also provided that the \$500,000 included for San Haven closure must be used for the sale of property or to close and secure the facility, or returned to the general fund.

REP. PETERSON, Chairman

SB 2016 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 SB 2068 has had the same under consideration and recommends by a vote of 21 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2 of the engrossed bill, line 35, after the word "pay" insert the words "which must include an estimate of potential future receipts including amounts from estates"

On page 5 of the engrossed bill, line 9, after the word "pay" insert the words "which must include an estimate of potential future receipts including amounts from estates"

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The amendment clarifies the sections of law providing for charges by indicating that billings for care and treatment should include estimated amounts for potential future receipts including amounts which might be available for the patient's care from future estates. Although the patient may be asked to pay on a periodic basis less than total billings, the accounts receivable will

reflect a greater amount because of the provisions of this amendment.

REP. PETERSON, Chairman

SB 2068 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations to which was rereferred SB 2204 has had the same under consideration and recommends by a vote of 13 YEAS, 10 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 of the engrossed bill, line 3, delete the words "; and to provide a penalty"

On page 1 of the engrossed bill, delete lines 20 through 26

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The amendment deletes Section 3 which provided that the responsible person for purchasing coal other than North Dakota lignite coal would be held personally liable for one-third the purchase price of the coal.

REP. PETERSON, Chairman

SB 2204 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 SB 2453 has had the same under consideration and recommends by a vote of 17 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 3, after the comma insert the words "providing a legislative intent statement on the location of the energy development impact office," and delete the words "transfer of funds from the coal" and insert in lieu thereof the words "contingency loan from the coal trust fund."

On page 1 of the engrossed bill, delete line 4

On page 1 of the engrossed bill, line 9, delete the words "coal development impact fund" and insert in lieu thereof the words "general fund in the state treasury"

On page 1 of the engrossed bill, line 10, after the comma insert the words "and from the coal trust fund,"

On page 1 of the engrossed bill, after line 15, insert the following line:

| | |
|--------------------------------|------------|
| "ANG plant closure contingency | 5,000,000" |
|--------------------------------|------------|

On page 1 of the engrossed bill, line 16, delete the numerals "4,907,653" and insert in lieu thereof the numerals "4,500,000"

On page 1 of the engrossed bill, line 17, delete the words "special funds appropriation" and insert in lieu thereof the words "all funds" and delete the numerals "5,092,346" and insert in lieu thereof the numerals "9,684,693"

On page 1 of the engrossed bill, after line 17, insert the following:

| | |
|----------------------------------|------------------|
| "Less estimated income | <u>5,000,000</u> |
| Total general fund appropriation | \$4,684,693" |

On page 2 of the engrossed bill, delete lines 1 through 7 and insert in lieu thereof the following new section:

"SECTION 4. CONTINGENCY LOAN. The amount of \$5,000,000 appropriated in section 1 of this Act for an ANG plant closure contingency line item shall be made available to the energy development impact office only if the ANG plant closes. If the ANG plant closes, the board of university and school lands shall lend \$5,000,000 from the coal trust fund, or so much thereof as may be necessary, to the energy development impact office for the purpose of providing grants to political subdivisions which are affected by the plant closure.

SECTION 5. LEGISLATIVE INTENT - ENERGY DEVELOPMENT
IMPACT OFFICE LOCATION. It is the intent of the legislative assembly that the energy development impact office continue to function as a separate state agency during the 1987-89 biennium and not be located within the board of university and school lands."

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The amendments reduce the grants line item from \$4,907,653 to \$4,500,000. Of the \$4,500,000 provided, \$2,500,000 is for coal impact grants and \$2,000,000 is for oil impact grants. The amendments change the funding source for the grants and administration of the Energy Development Impact Office from the coal and oil development impact fund to the general fund.

The amendments add a section which provides \$5,000,000 to be borrowed by the Energy Development Impact Office from the coal trust fund. The \$5,000,000 will be used to provide grants to political subdivisions if the ANG plant closes. As to how the loan shall be repaid will need to be determined by subsequent Legislative Assemblies.

This amendment adds a new section providing legislative intent that the Energy Development Impact Office continue as a separate state agency and not be located within the Board of University and School Lands.

REP. PETERSON, Chairman

SB 2453 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations to which was rereferred SB 2471 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:

In lieu of the amendments to Senate Bill No. 2471 adopted by the House as printed on page 1834 of the House Journal, Senate Bill No. 2471 is amended as follows:

On page 1 of the engrossed bill, line 2, after the word "Dakota" insert the words "; and to provide an appropriation"

On page 1 of the engrossed bill, line 17, delete the word "shall" and insert in lieu thereof the word "may"

On page 2 of the engrossed bill, after line 2, insert the following new section:

"SECTION 4. APPROPRIATION - BUDGET SECTION APPROVAL. There is hereby appropriated, upon approval of the budget section of the legislative council, any moneys as may become available from federal, private, and other funds to the university of North Dakota for the biennium beginning July 1, 1987, and ending June 30, 1989, for the purpose of establishing a child welfare research bureau at the university of North Dakota."

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

University of North Dakota

Provides for the appropriation of federal, private, or other funds upon approval of the Budget Section of the Legislative Council.

REP. PETERSON, Chairman

SB 2471 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

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

ROY GILBREATH, Chief Clerk