JOURNAL OF THE SENATE

Fiftieth Legislative Assembly

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SIXTY-FIFTH DAY

Bismarck, April 8, 1987

The Senate convened at 8:00 a.m., with President Pro Tem Redlin presiding.

The prayer was offered by Sister Marie Hunkler, St. Vincent Nursing Home, Bismarck.

> Let us bow our heads and pray.
>
> Faithful and loving God, as we begin this new day, thank You for Your life-giving presence within us and among us.
>
> Help us to be open to the guidance of Your Spirit as we work hard this day to accomplish the work that is before us. May we ever keep before us the good of the people whom we represent and serve.
>
> Help us to be fully present to the work at hand rather than rushing just so that we can get finished and go home. Be with us to help us remember to do all our work for the greater honor and glory of God.
>
> Lord God, we call upon You, and we praise You for holding each of us in the palm of Your hand. Please take care of any special needs that anyone here has within their hearts. We say all this in Your name, Amen.

ROLL CALL

The roll was called and all Senators were present, except Senator Mutch.

A quorum was declared by the President Pro Tem.

DELIVERY OF ENROLLED RESOLUTIONS

**THE PRESIDENT PRO TEM ANNOUNCED** that the following resolutions were delivered to the Secretary of State for his filing at the hour of 8:15 a.m., April 7, 1987:

> SCR 4005, SCR 4051

MESSAGES FROM THE HOUSE
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 2183:** Reps. A. Olson, Kretschmar, J. Nelson
**SB 2015:** Reps. Kuchera, Winkelman, Kelly

**ROY GILBREATH, Chief Clerk**

HOUSE CHAMBER

**MR. PRESIDENT:** I have the honor to return herewith the following on which the House has adopted the conference committee report:

SB 2294

**ROY GILBREATH, Chief Clerk**

MOTION

**SEN. HEIGAARD MOVED** that the Senate stand in recess until 10:00 a.m., which motion prevailed.

**THE SENATE RECONVENED** pursuant to recess taken, with President Pro Tem Redlin presiding.

MESSAGES TO THE HOUSE
SENATE CHAMBER

**MR. SPEAKER:** I have the honor to inform you that the Senate has concurred in the House amendments to SB 2006, SB 2024, SB 2028, and SB 2068 and subsequently passed the same but has refused to concur in the House amendments to SB 2016, SB 2029, and SB 2035 and the President Pro Tem has appointed as a conference committee to act with a like committee from the House on:

**SB 2016:** Sens. Wogsland, Mushik, Streibel
**SB 2029:** Sens. Waldera, Tallackson, Naaden
**SB 2035:** Sens. W. Meyer, Kelsh, Streibel

**PERRY GROTBERG, Secretary**

SENATE CHAMBER

**MR. SPEAKER:** I have the honor to inform you that the Senate has concurred in the House amendments to SB 2507 and subsequently failed to pass the same.

**PERRY GROTBERG, Secretary**

MESSAGES FROM THE HOUSE
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 2016:** Reps. Kingsbury, Gunsch, Graba
**SB 2029:** Reps. Thompson, R. Hausauer, G. Berg
**SB 2035:** Reps. Melby, Myrdal, G. Berg

**ROY GILBREATH, Chief Clerk**

HOUSE CHAMBER

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

SB 2303, SCR 4026

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to transmit herewith the following which the House has **passed over the Governor's veto:**

HB 1621

The vote was 74 YEAS, 29 NAYS, 3 ABSENT AND NOT VOTING, and your favorable consideration is requested.

ROY GILBREATH, Chief Clerk

CONSIDERATION OF MESSAGE FROM THE HOUSE

**State of North Dakota**
EXECUTIVE OFFICE
**Bismarck**

April 6, 1987

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

Dear Speaker Kloubec:

HB 1621 would allow banks to defer losses on certain types of loans received through the collection of debts.

It would be extremely difficult to apply this legislation because it conflicts with current bank reporting requirements established by the Federal Deposit Insurance Corporation and enforced by federal examination. It does not square with current law, insolvency definitions, generally accepted accounting principles or federal regulatory guidelines. This type of legislation must be enacted on a national basis in order to be effective.

What is more important, HB 1621 would not be of any benefit to borrowers attempting to repay debt obligations.

I have been informed by our Banking Commissioner that several programs, including capital forbearance and loan restructuring, already address the concerns raised by this legislation, and other federal legislation is being proposed as well.

Because it would unnecessarily complicate the interpretation of reporting requirements and would not address the problems of borrowers, I veto HB 1621.

Sincerely,

GEORGE A. SINNER
Governor

The President Pro Tem placed HB 1621 at the foot of the Fourteenth order of business.

CORRECTION AND REVISION OF THE JOURNAL

MR. PRESIDENT: Your **Committee on Correction and Revision** of the Journal has carefully examined the Journal of the Sixty-fourth Day and finds the same to be correct.

**SEN. J. MEYER, Chairman**

SEN. J. MEYER MOVED that the report be adopted, which motion prevailed.

MOTION

SEN. HEIGAARD MOVED that SB 2557 and HB 1539 be moved to the foot of the Sixth order on the calendar, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SEN. TALLACKSON MOVED that the amendments to HB 1018 as recommended by the **Committee on Appropriations** as printed on pages 2130-2140 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS.

REQUEST

SEN. NETHING REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to HB 1018, which request was granted.

ROLL CALL

The question being on the motion to adopt the amendments to HB 1018, the roll was called and there were 28 YEAS, 24 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Heigaard; Holmberg; Keller; Kelsh; Krauter; Langley; Lashkowitz; Lips; Maixner; Mathern; Maxson; Meyer, J.; Meyer, W.; Mushik; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stromme; Tallackson; Thane; Tweten; Waldera; Wogsland

NAYS: Adams; Bakewell; David; Freborg; Heinrich; Hilken; Ingstad; Kelly; Lodoen; Meyer, D.; Moore; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Stenehjem; Streibel; Tennefos; Todd; Vosper; Wright; Yockim

ABSENT AND NOT VOTING: Mutch

The motion to adopt the amendments to HB 1018 passed.

SECOND READING OF HOUSE BILL

**HB 1018:** A BILL for an Act to amend and reenact subdivisions a, b, and c of subsection 2, and subsection 5 of section 39-04-19 of the North Dakota Century Code, relating to vehicle registration fees; to provide an appropriation for defraying the expenses of the motor vehicle department of the state of North Dakota; to provide for application of this Act; to provide an effective date; and to provide an expiration date.

Which has been read and has committee recommendation of DO PASS.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 33 YEAS, 19 NAYS, 1 ABSENT AND NOT VOTING.

**YEAS:** Axtman; Dotzenrod; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Krauter; Langley; Lashkowitz; Lips; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stromme; Tallackson; Thane; Tweten; Waldera; Wogsland; Yockim

**NAYS:** Adams; Bakewell; David; Freborg; Kelly; Lodoen; Moore; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Stenehjem; Streibel; Tennefos; Todd; Vosper; Wright

**ABSENT AND NOT VOTING:** Mutch

HB 1018 passed and the title was agreed to.

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CONSIDERATION OF AMENDMENTS

**SEN. TALLACKSON MOVED** that the amendments to HB 1021 as recommended by the **Committee on Appropriations** as printed on pages 2140-2141 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

**HB 1021:** A BILL for an Act making an appropriation for defraying the expenses of the state industrial commission and the agencies under the management of the industrial commission of the state of North Dakota.

Which has been read and has committee recommendation of DO PASS.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 44 YEAS, 8 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Nalewaja; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: Adams; Bakewell; David; Kelly; Naaden; Nelson; Streibel; Tennefos

ABSENT AND NOT VOTING: Mutch

HB 1021 passed and the title was agreed to.

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MESSAGES FROM THE HOUSE

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House has concurred in the Senate amendments to HCR 3064 and subsequently passed the same.

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 HB 1233 and the Speaker has appointed as a new conference committee to act with a like committee from the Senate on:

HB 1233: Reps. Lindgren, Gorman, Linderman

ROY GILBREATH, Chief Clerk

MOTIONS

SEN. HEIGAARD MOVED that the vote by which HB 1018 and HB 1021 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. HEIGAARD MOVED that the rules be suspended and that HB 1018 and HB 1021 be messaged to the House immediately, which motion prevailed.

SEN. HEIGAARD MOVED that the Senate stand in recess until 1:00 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Pro Tem Redlin presiding.

MESSAGE FROM THE HOUSE
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 1578

ROY GILBREATH, Chief Clerk

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President Pro Tem signed the following:

SB 2023, SB 2037, SCR 4070

PERRY GROTBERG, Secretary

MESSAGES TO THE HOUSE
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 2023, SB 2037, SCR 4070

PERRY GROTBERG, Secretary

SENATE CHAMBER

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

HB 1018, HB 1021

PERRY GROTBERG, Secretary

MOTION

SEN. HEIGAARD MOVED that the Senate stand in recess until 2:00 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Pro Tem Redlin presiding.

REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred Engrossed HB 1233 has had the same under consideration and recommends that your conference committee, having been unable to agree, recommends that the conference committee be discharged and a new conference committee be appointed.

**For the Senate:** Sens. Dotzenrod, Satrom, Holmberg
**For the House:** Reps. Wentz, Sorensen, Wilkie

Engrossed HB 1233 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

REPORT OF CONFERENCE COMMITTEE

**MR. PRESIDENT:** Your Conference Committee to which was referred Engrossed SB 2012 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 1957-1958 of the Senate Journal and that Engrossed SB 2012 be amended as follows:

That the House recede from its amendments as found on pages 2285-2286 of the House Journal and pages 1957-1958 of the Senate Journal and that engrossed Senate Bill No. 2012 be amended as follows:

On page 1 of the engrossed bill, line 19, delete the numerals "1,702,925" and insert in lieu thereof the numerals "1,678,788"

On page 1 of the engrossed bill, line 20, delete the numerals "226,646" and insert in lieu thereof the numerals "218,656"

On page 1 of the engrossed bill, line 21, delete the numerals "5,807" and insert in lieu thereof the numerals "10,807"

On page 1 of the engrossed bill, line 22, delete the numerals "1,935,378" and insert in lieu thereof the numerals "1,908,251"

On page 1 of the engrossed bill, line 23, delete the numerals "1,937,087" and insert in lieu thereof the numerals "1,909,960"

And renumber the lines, sections, and pages accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

Parole and Probation Office

The amendment deletes $28,957 from the general fund as follows:

| | General Fund (Decrease) |
|---|---|
| Salaries and wages | |
| Delete funds for .5 FTE secretary | $(13,717) |
| Delete funds for vacancy as a result of agent retiring | (10,420) |
| Total salaries and wages | $(24,137) |
| Operating expenses | |
| Reduce funds for operating expenses | (7,990) |
| Equipment | |
| Increase funds for equipment | 5,000 |
| Total | $(27,127) |

The amendment reduces by $22,869 the House reduction of $49,996. The House had additional reductions of $11,219 in salaries and wages and $6,650 in operating expenses. A $5,000 increase in equipment is also provided.

**For the Senate:** Sens. Waldera, Wogsland, Naaden
**For the House:** Reps. Kent, Payne, Hoffner

Engrossed SB 2012 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

## REPORT OF CONFERENCE COMMITTEE

**MR. PRESIDENT:** Your Conference Committee to which was referred Engrossed SB 2542 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 1814-1815 of the Senate Journal and that Engrossed SB 2542 be amended as follows:

On page 1 of the engrossed bill, line 3, delete the words "; and to provide for transition"

On page 2 of the engrossed bill, line 3, delete the word "to"

On page 2 of the engrossed bill, delete line 4

On page 2 of the engrossed bill, line 5, delete the word "section"

On page 2 of the engrossed bill, line 14, delete the words "with the approval of the"

On page 2 of the engrossed bill, line 15, delete the word "committee", after the word "~~charge~~" insert an underscored comma, and delete the word "six" and insert in lieu thereof the word "two"

On page 2 of the engrossed bill, line 16, after the word "dollars" insert the words "per year or part of a year,"

On page 2 of the engrossed bill, line 27, delete the words "of three years from the date of issuance" and insert in lieu thereof the words "determined by the registrar"

On page 2 of the engrossed bill, line 35, delete the words "and five dollars" and insert in lieu thereof the words ". The rest of the fee"

On page 3 of the engrossed bill, line 5, after the word "state" insert the words ". If a certificate is lost, mutilated, or destroyed, the person to whom the certificate was issued is entitled to a replacement certificate. The person shall furnish proof satisfactory to the registrar that the

certificate has been lost, mutilated, or destroyed, and shall pay a replacement fee of three dollars"

On page 3 of the engrossed bill, line 7, delete the word "committee" and insert in lieu thereof the word "registrar of motor vehicles"

On page 3 of the engrossed bill, line 11, delete the word "committee" and insert in lieu thereof the word "registrar"

On page 3 of the engrossed bill, line 12, delete the word "committee" and insert in lieu thereof the word "registrar"

On page 3 of the engrossed bill, line 33, after the period insert the following sentence: "For particular events, a public or a private agency may reserve additional parking spaces for use by motor vehicles operated by mobility impaired persons. In that case, the temporarily reserved spaces must be indicated by signs or other suitable means."

On page 4 of the engrossed bill, delete lines 12 through 15

And renumber the lines, sections, and pages accordingly

**For the Senate:** Sens. Schoenwald, Hilken, Nething
**For the House:** Reps. Almlie, Knell, Scherber

Engrossed SB 2542 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

## MESSAGE FROM THE HOUSE
## HOUSE CHAMBER

**MR. PRESIDENT:** I have the honor to return herewith the following which the Speaker has signed:

SB 2023, SB 2037, SCR 4070

**ROY GILBREATH, Chief Clerk**

## CONSIDERATION OF AMENDMENTS

**SEN. TALLACKSON MOVED** that the amendments to HB 1022 as recommended by the **Committee on Appropriations** as printed on pages 2141-2143 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed on a verification vote.

## 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; and to authorize the industrial commission to obtain financing from the Bank of North Dakota for international peace garden projects.

Which has been read and has committee recommendation of DO PASS.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 36 YEAS, 17 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Krauter; Lashkowitz; Lips; Maixner; Mathern; Maxson; Meyer, J.; Meyer, W.; Moore; Mushik; Nalewaja; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Stromme; Tallackson; Thane; Todd; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: Adams; Bakewell; David; Freborg; Kelly; Langley; Lodoen; Meyer, D.; Mutch; Naaden; Nelson; Nething; Olson; Peterson; Streibel; Tennefos; Tweten

ABSENT AND NOT VOTING: None

HB 1022 passed and the title was agreed to.

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CONSIDERATION OF AMENDMENTS

SEN. TALLACKSON **MOVED** that the amendments to HB 1023 as recommended by the **Committee on Appropriations** as printed on pages 2143-2146 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1023: A BILL for an Act making an appropriation for defraying the administrative costs of the public employees retirement system of the state of North Dakota; to create and enact a new section to chapter 54-52.1 of the North Dakota Century Code, relating to the uniform group health insurance program; to amend and reenact subsection 4 of section 54-52-03 of the North Dakota Century Code, relating to the public employees retirement board; and to declare an emergency.

Which has been read and has committee recommendation of DO PASS.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel;

Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: None

HB 1023 passed, the title was agreed to, and the emergency clause carried.

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CONSIDERATION OF AMENDMENTS

SEN. TALLACKSON MOVED that the amendments to HB 1026 as recommended by the **Committee on Appropriations** as printed on page 2146 of the Senate 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 and has committee recommendation of DO PASS.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 52 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Maixner

HB 1026 passed and the title was agreed to.

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CONSIDERATION OF AMENDMENTS

SEN. TALLACKSON MOVED that the amendments to HB 1027 as recommended by the **Committee on Appropriations** as printed on pages 2146-2147 of the Senate 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 and has committee recommendation of DO PASS.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

**YEAS:** Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

**NAYS:** None

**ABSENT AND NOT VOTING:** None

HB 1027 passed and the title was agreed to.

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MESSAGE FROM THE HOUSE
HOUSE CHAMBER

**MR. PRESIDENT:** I have the honor to inform you that the House has refused to concur in the Senate amendments to HB 1018 and HB 1021 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1018:** Reps. Gunsch, Kingsbury, Laughlin
**HB 1021:** Reps. Gunsch, Gerntholz, Laughlin

**ROY GILBREATH, Chief Clerk**

CONSIDERATION OF AMENDMENTS

**SEN. TALLACKSON MOVED** that the amendments to HB 1028 as recommended by the **Committee on Appropriations** as printed on pages 2147-2148 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

**HB 1028:** A BILL for an Act making an appropriation for defraying the expenses of various departments and institutions of the state of North Dakota; to provide for authorization to accept and expend income; to provide legislative intent regarding deinstitutionalization court monitor expenses; and declaring an emergency.

Which has been read and has committee recommendation of DO PASS.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 49 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Waldera; Wogsland; Wright; Yockim

NAYS: Bakewell; David; Tennefos; Vosper

ABSENT AND NOT VOTING: None

HB 1028 passed, the title was agreed to, and the emergency clause carried.

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CONSIDERATION OF AMENDMENTS

SEN. SATROM MOVED that the amendments to HB 1258 as recommended by the **Committee on Finance and Taxation** as printed on pages 2148-2149 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1258: A BILL for an Act to create and enact a new subsection to section 57-38-01 of the North Dakota Century Code, relating to the definition of alternative minimum taxable income; to amend and reenact subsection 3 of section 57-38-01, subsection 1 of section 57-38-01.4, and section 57-38-30 of the North Dakota Century Code, relating to the federalization date for income tax purposes, income tax treatment of subchapter S corporation income, and the imposition and rate of tax on corporations; and to provide an effective date.

Which has been read and has committee recommendation of DO PASS.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 51 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen;

Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: Kelly; Tweten

ABSENT AND NOT VOTING: None

HB 1258 passed and the title was agreed to.

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CONSIDERATION OF AMENDMENTS

SEN. TALLACKSON MOVED that the amendments to HB 1295 as recommended by the **Committee on Appropriations** as printed on pages 2149-2150 of the Senate 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 amend and reenact subsection 4 of section 63-01.1-06.2 of the North Dakota Century Code, relating to the use of funds appropriated for the leafy spurge control program; and to provide an appropriation.

Which has been read and has committee recommendation of DO PASS.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 52 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Heigaard

HB 1295 passed and the title was agreed to.

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## CONSIDERATION OF AMENDMENTS

SEN. TALLACKSON MOVED that the amendments to HB 1446 as recommended by the **Committee on Appropriations** as printed on pages 2150-2151 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

## SECOND READING OF HOUSE BILL

HB 1446: A BILL for an Act to create and enact two new sections to chapter 26.1-21 of the North Dakota Century Code, relating to expenses paid from the state bonding fund for the defense of state employees and assessments against state agencies for the expenses of defending state employees; to amend and reenact section 32-12.1-15 of the North Dakota Century Code, relating to authorization for state agencies to purchase insurance upon approval by the commissioner of insurance; and to provide an appropriation.

Which has been read and has committee recommendation of DO PASS.

## ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 49 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Waldera; Wogsland; Wright; Yockim

NAYS: Bakewell; Meyer, D.; Naaden; Vosper

ABSENT AND NOT VOTING: None

HB 1446 passed and the title was agreed to.

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## SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President Pro Tem signed the following:

HB 1578

PERRY GROTBERG, Secretary

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President Pro Tem signed the following:

HB 1001, HB 1037, HB 1625, HB 1679

PERRY GROTBERG, Secretary

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President Pro Tem signed the following:

SB 2003, SB 2027, SB 2109, SB 2536, SCR 4066, SCR 4067

PERRY GROTBERG, Secretary

MESSAGES TO THE HOUSE
SENATE CHAMBER

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

HB 1578

PERRY GROTBERG, Secretary

SENATE CHAMBER

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

HB 1001, HB 1037, HB 1625, HB 1679

PERRY GROTBERG, Secretary

SENATE CHAMBER

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

SB 2003, SB 2027, SB 2109, SB 2536, SCR 4066, SCR 4067

PERRY GROTBERG, Secretary

MOTION

SEN. REITEN MOVED that HB 1635, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

DELIVERY OF ENROLLED BILLS

THE PRESIDENT PRO TEM ANNOUNCED that the following bills were delivered to the Governor for his approval at the hour of 3:02 p.m., April 8, 1987:

SB 2023, SB 2037

DELIVERY OF ENROLLED RESOLUTION

THE PRESIDENT PRO TEM ANNOUNCED that the following resolution was delivered to the Secretary of State for his filing at the hour of 3:00 p.m., April 8, 1987:

SCR 4070

CONSIDERATION OF AMENDMENTS

SEN. TALLACKSON MOVED that the amendments to HB 1674 as recommended by the **Committee on Appropriations** as printed on page 2152 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

**HB 1674:** A BILL for an Act to authorize the industrial commission acting as the North Dakota building authority to issue evidences of indebtedness for the construction of an aerospace science training facility at the university of North Dakota; to create and enact a new section to chapter 54-17.2 of the North Dakota Century Code, relating to evidences of indebtedness issued by the industrial commission and continued authority of the commission as the North Dakota building authority; to amend and reenact section 22 of chapter 571 of the 1985 Session Laws of North Dakota, relating to the continuing appropriation of moneys related to building projects; to repeal section 21 of chapter 571 of the 1985 Session Laws of North Dakota, relating to projects authorized by the forty-ninth legislative assembly; and to provide an appropriation.

Which has been read and has committee recommendation of DO PASS.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

**YEAS:** Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

**NAYS:** None

**ABSENT AND NOT VOTING:** None

HB 1674 passed and the title was agreed to.

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MOTION

SEN. HEIGAARD MOVED that the Senate stand in recess until 3:45 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Pro Tem Redlin presiding.

MESSAGE FROM THE HOUSE
HOUSE CHAMBER

**MR. PRESIDENT:** I have the honor to return herewith the following which the Speaker has signed:

SB 2003, SB 2027, SB 2109, SB 2536, SCR 4066, SCR 4067

ROY GILBREATH, Chief Clerk

CONSIDERATION OF AMENDMENTS

**SEN. TALLACKSON MOVED** that the amendments to HB 1016 as recommended by the **Committee on Appropriations** as printed on page 2202 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

**HB 1016:** A BILL for an Act making an appropriation for defraying the expenses of the highway patrol of the state of North Dakota and providing for a transfer of funds from the state highway fund.

Which has been read and has committee recommendation of DO PASS.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 42 YEAS, 7 NAYS, 4 ABSENT AND NOT VOTING.

**YEAS:** Adams; Axtman; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Mathern; Meyer, D.; Meyer, J.; Moore; Mushik; Nalewaja; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

**NAYS:** Bakewell; David; Mutch; Naaden; Nelson; Streibel; Tennefos

**ABSENT AND NOT VOTING:** Holmberg; Maixner; Maxson; Meyer, W.

HB 1016 passed and the title was agreed to.

**********

CONSIDERATION OF AMENDMENTS

**SEN. TALLACKSON MOVED** that the amendments to HB 1544 as recommended by the **Committee on Appropriations** as printed on pages 2203-2204 of the Senate 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, providing legislative intent regarding energy development impact grants, and providing for a contingency loan from the coal trust fund.

Which has been read and has committee recommendation of DO PASS.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 51 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

**YEAS:** Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Mathern; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

**NAYS:** None

**ABSENT AND NOT VOTING:** Maixner; Maxson

HB 1544 passed and the title was agreed to.

**********

MOTION

**SEN. HEIGAARD MOVED** that HB 1539 be moved to the head of the Sixth order on the calendar, which motion prevailed.

MESSAGE FROM THE HOUSE
HOUSE CHAMBER

**MR. PRESIDENT:** I have the honor to inform you that the House has not adopted the conference committee report on SB 2113 and the Speaker has appointed as a new conference committee to act with a like committee from the Senate on:

**SB 2113:** Reps. Gorman, Tokach, Skjerven

**ROY GILBREATH, Chief Clerk**

CONSIDERATION OF AMENDMENTS

**SEN. HEINRICH MOVED** that the amendments to HB 1539 as recommended by the **Committee on Education** as printed on page 2203 of the Senate Journal be adopted, and when so adopted, recommends the same DO NOT PASS, which motion prevailed.

REQUEST

**SEN. MOORE REQUESTED** that HB 1539 be divided, which request was granted.

DIVISION I being Section 2 of the amended bill.

DIVISION II being the entire bill, except Section 2 of the amended bill.

The question being on the adoption of Division I of HB 1539.

Division I of HB 1539 was adopted.

The question being on the adoption of Division II of HB 1539.

Division II of HB 1539 lost.

REQUEST

**SEN. KELSH REQUESTED** a verification vote on Division II of HB 1539, which request was granted.

Division II of HB 1539 lost on a verification vote.

SECOND READING OF HOUSE BILL

**HB 1539:** A BILL for an Act to provide for a contingent separate and additional educational support per-pupil payment.

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

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 6 YEAS, 45 NAYS, 2 ABSENT AND NOT VOTING.

**YEAS:** Hilken; Meyer, D.; Meyer, J.; Mushik; Tweten; Yockim

**NAYS:** Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Holmberg; Ingstad; Keller; Kelly; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, W.; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Wright

**ABSENT AND NOT VOTING:** Kelsh; Krauter

HB 1539 lost.

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MOTIONS

**SEN. HEIGAARD MOVED** that the vote by which HB 1016, HB 1022, HB 1023, HB 1026, HB 1027, HB 1028, HB 1258, HB 1295, HB 1446, HB 1544, and HB 1674 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

**SEN. HEIGAARD MOVED** that the rules be suspended and that HB 1016, HB 1022, HB 1023, HB 1026, HB 1027, HB 1028, HB 1258, HB 1295, HB 1446, HB 1544, and HB 1674, be messaged to the House immediately, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

**SEN. STENEHJEM MOVED** that the conference committee report on Engrossed SB 2365 as printed on page 2107 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

**SB 2365:** A BILL for an Act to provide arrest procedures, guidelines, and training for law enforcement officers in handling incidents of domestic violence, and protection by judicial intervention for victims of domestic violence; 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 50 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

**YEAS:** Adams; Axtman; Bakewell; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

**NAYS:** None

**ABSENT AND NOT VOTING:** David; Kelsh; Krauter

SB 2365 passed and the title was agreed to.

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REPORT OF CONFERENCE COMMITTEE

**SEN. MAIXNER MOVED** that the conference committee report on HB 1561 as printed on page 2154 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

**HB 1561:** A BILL for an Act to create and enact a new subsection to section 57-39.2-04 of the North Dakota Century Code, relating to a sales tax exemption for gross receipts from an annual church supper or bazaar held in a publicly owned facility.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 50 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING.

**YEAS:** Adams; Axtman; Bakewell; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

**NAYS:** Meyer, D.; Meyer, J.

**ABSENT AND NOT VOTING:** David

HB 1561 passed and the title was agreed to.

**********

REPORT OF CONFERENCE COMMITTEE

**SEN. YOCKIM MOVED** that the conference committee report on Engrossed SB 2011 as printed on pages 2192-2193 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

**SB 2011:** A BILL for an Act making an appropriation for defraying the expenses of the division of emergency management 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 52 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: David

SB 2011 passed and the title was agreed to.

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MESSAGE TO THE HOUSE
SENATE CHAMBER

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

HB 1016, HB 1022, HB 1023, HB 1026, HB 1027, HB 1028, HB 1258, HB 1295, HB 1446, HB 1544, HB 1674

PERRY GROTBERG, Secretary

REPORT OF CONFERENCE COMMITTEE

SEN. SCHOENWALD MOVED that the conference committee report on Engrossed SB 2128 as printed on pages 2193-2194 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2128: A BILL for an Act to create and enact a new section to chapter 52-04 of the North Dakota Century Code, relating to incremental bonding of impact projects for unemployment compensation purposes.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 52 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: David

SB 2128 passed and the title was agreed to.

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MESSAGES FROM THE HOUSE
HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith SB 2021, SB 2022, and SB 2553 which the House has amended, and subsequently passed:

HOUSE AMENDMENTS TO SB 2021

On page 1, line 17, delete the numerals "27,990,000" and insert in lieu thereof the numerals "19,070,000"

On page 1, line 18, delete the numerals "27,990,000" and insert in lieu thereof the numerals "19,070,000"

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Personal Property Tax Replacement

The general fund appropriation for personal property tax replacement is reduced by $8,920,000 to $19,070,000.

HOUSE AMENDMENTS TO SB 2022

On page 1, line 13, delete the numerals "34,745,900" and insert in lieu thereof the numerals "23,665,900"

On page 1, line 14, delete the numerals "34,745,900" and insert in lieu thereof the numerals "23,665,900"

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

State Revenue Sharing

The general fund appropriation for state revenue sharing is reduced by $11,080,000 to $23,665,900.

HOUSE AMENDMENTS TO ENGROSSED SB 2553

On page 2 of the engrossed bill, line 28, overstrike the word "five" and insert immediately thereafter the word "ten"

On page 3 of the engrossed bill, after line 5, insert the following subsection:

"The department shall waive all or a portion of the license fee for any restaurant, limited restaurant, or boardinghouse that is subject to a license fee by a city or district health unit if the local unit's sanitation, safety, and inspection rules are approved by the department."

And renumber the lines, sections, and pages accordingly

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

SB 2378

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

HB 1052, HB 1183, HB 1634, HB 1666

ROY GILBREATH, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

SEN. DOTZENROD MOVED that the conference committee report on SB 2387 as printed on page 2204 of the Senate Journal be adopted, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. DOTZENROD MOVED that the President Pro Tem appoint a committee of three to act with a like committee from the House as a new Conference Committee on SB 2387, which motion prevailed.

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on SB 2387:

Sens. Dotzenrod, Holmberg, Lodoen

REPORT OF CONFERENCE COMMITTEE

SEN. MAXSON MOVED that the conference committee report on SB 2404 as printed on pages 2166-2167 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2404: A BILL for an Act to amend and reenact subsection 9 of section 27-20-02 and section 27-20-31 of the North Dakota Century Code, relating to the jurisdiction of the juvenile court over traffic offenses committed by a child and the disposition of a delinquent child.

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 52 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: David

SB 2404 passed and the title was agreed to.

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MESSAGE FROM THE HOUSE
HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith SB 2286 which the House has amended, and subsequently failed:

On page 2 of the reengrossed bill, line 31, remove the overstrike over the words "~~On or before June 1~~", after the third overstruck comma insert the words "of 1988 and 1989", and remove the overstrike over the words "~~the state~~"

On page 2 of the reengrossed bill, remove the overstrike over lines 32 through 35

On page 3 of the reengrossed bill, remove the overstrike over lines 1 through 5

And renumber the lines, sections, and pages accordingly

ROY GILBREATH, Chief Clerk

MOTION

SEN. HEIGAARD MOVED that HB 1009, which is on the Seventh order, be laid over one legislative day, which motion prevailed.

REPORTS OF CONFERENCE COMMITTEES

SEN. J. MEYER MOVED that the conference committee report on Reengrossed HB 1038 as printed on page 2162 of the Senate Journal be adopted, which motion prevailed.

SEN. RICHARD MOVED that the conference committee report on Engrossed HB 1062 as printed on page 2181 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

**HB 1062:** A BILL for an Act to amend and reenact subsection 1 of section 57-38-57 of the North Dakota Century Code, relating to secrecy as to income tax returns and prohibiting disclosure as to whether or not a taxpayer has filed an income tax return or report; 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 50 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING.

**YEAS:** Adams; Axtman; Bakewell; Dotzenrod; Freborg; Heigaard; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

**NAYS:** Heinrich; Schoenwald

**ABSENT AND NOT VOTING:** David

HB 1062 passed and the title was agreed to.

**********

REPORT OF CONFERENCE COMMITTEE

**SEN. SCHOENWALD MOVED** that the conference committee report on Engrossed HB 1121 as printed on page 2162 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

**HB 1121:** A BILL for an Act to create and enact a new subsection to section 39-03-09 of the North Dakota Century Code, relating to the powers of the highway patrol; and to amend and reenact section 39-21-46 of the North Dakota Century Code, relating to brake and equipment requirements.

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

**YEAS:** Adams; Axtman; Bakewell; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller;

Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Wogsland; Wright; Yockim

NAYS: Meyer, D.; Vosper

ABSENT AND NOT VOTING: David; Redlin; Waldera

HB 1121 passed and the title was agreed to.

**********

REPORT OF CONFERENCE COMMITTEE

SEN. HILKEN MOVED that the conference committee report on Engrossed HB 1131 as printed on pages 2162-2164 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1131: A BILL for an Act to create and enact a new section to chapter 39-29 and a new subsection to section 39-29-09 of the North Dakota Century Code, relating to an all-terrain vehicle safety fee and to all-terrain vehicle operation requirements; to amend and reenact subsection 1 of section 39-29-01 and section 39-29-10 of the North Dakota Century Code, relating to definition of all-terrain vehicle, safety requirements, and certification fees; 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 48 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: Bakewell; Moore; Mutch; Streibel

ABSENT AND NOT VOTING: David

HB 1131 passed and the title was agreed to.

**********

MESSAGE FROM THE HOUSE
HOUSE CHAMBER

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

SB 2018

**ROY GILBREATH, Chief Clerk**

REPORT OF CONFERENCE COMMITTEE

**SEN. HEINRICH MOVED** that the conference committee report on Engrossed HB 1161 as printed on pages 2164-2165 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

**HB 1161:** A BILL for an Act to amend and reenact section 15-40.2-05 of the North Dakota Century Code, relating to the composition of the three-member tuition committee; 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 51 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

**YEAS:** Adams; Axtman; Bakewell; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

**NAYS:** None

**ABSENT AND NOT VOTING:** David; Tennefos

HB 1161 passed, the title was agreed to, and the emergency clause carried.

**********

REPORT OF CONFERENCE COMMITTEE

**SEN. J. MEYER MOVED** that the conference committee report on HB 1167 as printed on pages 2165-2166 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

**HB 1167:** A BILL for an Act to create and enact a new section to chapter 16.1-11 of the North Dakota Century Code, relating to election endorsements; and to amend and reenact section 16.1-12-03 of the North Dakota Century Code, relating to participation in election nominations.

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 52 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING.

**YEAS:** Adams; Axtman; Bakewell; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

**NAYS:** None

**ABSENT AND NOT VOTING:** David

HB 1167 passed and the title was agreed to.

**********

REPORT OF CONFERENCE COMMITTEE

**SEN. KRAUTER MOVED** that the conference committee report on Engrossed HB 1176 as printed on pages 2181-2184 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

**HB 1176:** A BILL for an Act to amend and reenact subsection 2 of section 43-31-14, subsection 2 of section 43-33-08, section 43-33-11, subsection 1 of section 53-06.1-03, section 57-36-02, subsection 1 of section 62.1-01-01, and section 62.1-04-03 of the North Dakota Century Code, relating to the license fees for detection of deception operators, hearing aid dealers and fitters, hearing aid trainees, gaming organizations, definition of dangerous weapon, concealed weapon licenses, and distributors at wholesale and retail of tobacco products.

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 52 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: David

HB 1176 passed and the title was agreed to.

**********

REPORTS OF CONFERENCE COMMITTEES

SEN. SATROM MOVED that the conference committee report on Engrossed HB 1192 as printed on page 2162 of the Senate Journal be adopted, which motion prevailed.

SEN. SCHOENWALD MOVED that the conference committee report on Engrossed HB 1228 as printed on pages 2184-2185 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1228: A BILL for an Act to create and enact a new subsection to section 39-06-32 and two new subsections to section 39-06-40 of the North Dakota Century Code, relating to operator's license suspensions and the unlawful use of an operator's license, permit, or nondriver photo identification card and the revoking of the operator's license, permit, or nondriver photo identification card; and to amend and reenact subsection 5 of section 39-06-03.1, sections 39-06-04, 39-06-05, 39-06-06, 39-06-07.1, 39-06-10, subsection 3 of section 39-06-17, section 39-06-24, subsection 3 of section 39-06-32, subsection 2 of section 39-06-37, sections 39-06-38, 39-06-40, and subsections 1, 2, and 4 of section 39-06-40.1 of the North Dakota Century Code, relating to the use of nondriver photo identification cards, operator permits and license applications, financial responsibility of minors, restriction or cancellation of operators' licenses, fraudulent or unlawful use of an operator's license, surrender and return of an operator's license, foreign operators' licenses, and reproducing an operator's license, permit, or personal identification card.

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 51 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: David; Satrom

HB 1228 passed and the title was agreed to.

**********

REPORT OF CONFERENCE COMMITTEE

SEN. KELLER MOVED that the conference committee report on Engrossed HB 1231 as printed on page 2185 of the Senate Journal be adopted, which motion lost.

MOTION

SEN. HEIGAARD MOVED that the Conference Committee on HB 1231 be dissolved, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. HEIGAARD MOVED that the President Pro Tem appoint a committee of three to act with a like committee from the House as a new Conference Committee on HB 1231, which motion prevailed.

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on HB 1231:

Sens. Keller, Krauter, Reiten

MOTION

SEN. HEIGAARD MOVED that HB 1242, which is on the Seventh order, be laid over one legislative day, which motion prevailed.

MESSAGE FROM THE HOUSE
HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith SB 2036, SB 2038, SB 2063, SB 2477, and SB 2548 which the House has amended, and subsequently passed:

HOUSE AMENDMENTS TO SB 2036

On page 1, line 2, after the word "a" insert the words "plan for a"

On page 1, line 9, after the word "develop" insert the words "a plan for"

On page 1, line 11, delete the word "must" and insert in lieu thereof the word "may"

On page 1, line 16, delete the word "must" and insert in lieu thereof the word "may"

On page 1, line 17, after the second word "the" insert the words "plan for a"

On page 1, line 18, delete the word "should" and insert in lieu thereof the word "may"

And renumber the lines, sections, and pages accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2038

On page 1 of the engrossed bill, line 15, after the word "provide" insert the words "within the limits of legislative appropriations"

On page 3 of the engrossed bill, line 6, delete the word "must" and insert in lieu thereof the word "may"

And renumber the lines, sections, and pages accordingly

HOUSE AMENDMENTS TO REENGROSSED SB 2063

On page 1 of the reengrossed bill, line 3, after the word "proceeds" insert the words "; and to provide an appropriation"

On page 1 of the reengrossed bill, line 20, after the numerals "53-06.1-12" insert the words ", up to the amount paid during the 1985-87 biennium,"

On page 1 of the reengrossed bill, line 25, after the period insert the following: "Any amount remaining because of the limitation with respect to the 1985-87 biennium, up to two hundred thousand dollars, must be deposited in the attorney general's operating budget and must be used only for the enforcement of gaming as appropriated. Any amount remaining in excess of two hundred thousand dollars must be deposited by the state treasurer in the general fund."

On page 1 of the reengrossed bill, delete lines 26 through 28 and insert in lieu thereof the following new section:

"SECTION 2. APPROPRIATION. There is hereby appropriated out of the moneys derived pursuant to

section 1 of this Act, the sum of $200,000 to the attorney general's operating budget for the enforcement of gaming for the biennium beginning July 1, 1987, and ending June 30, 1989."

On page 2 of the reengrossed bill, delete lines 1 through 11

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

| | Other Funds |
|---|---|
| Salaries and Wages<br>2 Auditor II positions | $ 96,000 |
| Equipment<br>Office Equipment ($8,000)<br>Data Processing Equipment ($10,000) | 18,000 |
| Operating Expenses<br>Travel ($15,000)<br>Operating Supplies ($6,000) | 21,000 |
| Data Processing | 65,000 |
| Total | $200,000 |

HOUSE AMENDMENTS TO REENGROSSED SB 2477

On page 1 of the reengrossed bill, line 1, delete the word "nine" and insert in lieu thereof the word "six"

On page 1 of the reengrossed bill, line 7, delete the word "Nine" and insert in lieu thereof the word "Six"

On page 1 of the reengrossed bill, line 11, after the word "board" insert the words "and the commissioner of agriculture", after the word "shall" insert the words "hire or", and after the word "more" insert the word "lawyers,"

On page 1 of the reengrossed bill, line 13, after the word "board" insert the words "and the commissioner"

On page 1 of the reengrossed bill, line 16, delete the words "Contracts must be awarded within sixty days after the"

On page 1 of the reengrossed bill, line 17, delete the words "effective date of this Act."

On page 1 of the reengrossed bill, line 18, delete the words "and for good cause" and delete the word "Any"

On page 1 of the reengrossed bill, delete lines 19 through 22

On page 1 of the reengrossed bill, line 23, delete the words "small business persons." and delete the word "is" and insert in lieu thereof the words "and the commissioner of agriculture are"

On page 1 of the reengrossed bill, line 24, delete the words "after consultation with the" and insert in lieu thereof the words "and for selecting appropriate cases among eligible farmers and small business persons."

On page 1 of the reengrossed bill, delete lines 25 through 28

On page 2 of the reengrossed bill, delete lines 1 through 13

On page 2 of the reengrossed bill, line 14, delete the words "A firm or nonprofit" and insert in lieu thereof the words "Any contract entered into pursuant to this Act"

On page 2 of the reengrossed bill, delete line 15

On page 2 of the reengrossed bill, line 16, delete the word "board" and after the second word "to" insert the word "selected"

On page 2 of the reengrossed bill, line 17, delete the word "shall" and insert in lieu thereof the words "may be awarded for the following purposes"

On page 2 of the reengrossed bill, line 18, delete the word "Offer" and insert in lieu thereof the words "To offer" and after the word "to" insert the word "selected"

On page 2 of the reengrossed bill, line 21, delete the word "Offer" and insert in lieu thereof the words "To offer" and after the word "to" insert the word "selected"

On page 2 of the reengrossed bill, delete lines 23 through 30

On page 2 of the reengrossed bill, line 31, delete the numeral and word "5. Provide" and insert in lieu thereof the numeral and words "3. To provide"

On page 2 of the reengrossed bill, line 32, after the word "representing" insert the word "selected"

On page 3 of the reengrossed bill, delete lines 27 through 30

On page 3 of the reengrossed bill, line 31, after the word "litigation" insert the words "- **Cooperation with other service providers**"

On page 3 of the reengrossed bill, line 32, delete the word "attempt" and insert in lieu thereof a colon and the subsection numeral and word "1. Attempt"

On page 3 of the reengrossed bill, line 33, after the period and before the last sentence to the section insert the following new subsections:

"2. Cooperate with the North Dakota state university extension service so that its economic and farm management financial analyst services are utilized by selected eligible farmers.

3. Cooperate with the farm credit counseling program and existing informational and referral networks among farmers, farmer advocates, small business persons, and others concerned with the economic crisis in agricultural and small business concern areas."

On page 4 of the reengrossed bill, line 6, delete the numerals "300,000" and insert in lieu thereof the numerals "200,000"

And renumber the lines, sections, and pages accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2548

On page 1 of the engrossed bill, line 2, after the comma insert the words "and section 16 of chapter 313 of the 1983 Session Laws of North Dakota,"

On page 1 of the engrossed bill, after line 28, insert the following new section:

"SECTION 2. AMENDMENT. Section 16 of chapter 313 of the 1983 Session Laws of North Dakota as amended by section 7 of chapter 369 of the 1985 Session Laws of North Dakota is hereby amended and reenacted to read as follows:

SECTION 16. EFFECTIVE DATE. Section 15 shall be effective on ~~July 1, 1987~~ February 1, 1988."

And renumber the lines, sections, and pages accordingly

ROY GILBREATH, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

SEN. STENEHJEM MOVED that the conference committee report on HB 1266 as printed on page 2185 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

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

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 51 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: Holmberg

ABSENT AND NOT VOTING: David

HB 1266 passed and the title was agreed to.

**********

REPORT OF CONFERENCE COMMITTEE

SEN. MAIXNER MOVED that the conference committee report on HB 1274 as printed on page 2186 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1274: A BILL for an Act to amend and reenact sections 57-60-01 and 57-60-03 of the North Dakota Century Code, relating to definitions for purposes of the privilege tax on coal facilities, to exempt byproducts of the coal gasification process from the gross receipts tax on coal conversion facilities, and relating to annual reporting by the operator of a coal gasification plant of the quantity of byproducts produced; to provide an effective date; 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 52 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel;

Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOTVOTING: David

HB 1274 passed and the title was agreed to.

**********

REPORT OF CONFERENCE COMMITTEE

SEN. KELLER MOVED that the conference committee report on Engrossed HB 1350 as printed on pages 2186-2188 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1350: A BILL for an Act to provide for the regulation of the formation and operation of risk retention groups and purchasing groups under the federal Product Liability Risk Retention Act of 1981; 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 51 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; Dotzenrod; Freborg; Heigaard; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOTVOTING: David; Heinrich

HB 1350 passed and the title was agreed to.

**********

REPORT OF CONFERENCE COMMITTEE

SEN. SCHOENWALD MOVED that the conference committee report on Engrossed HB 1355 as printed on pages 2188-2189 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

**HB 1355:** A BILL for an Act to amend and reenact section 26.1-18-04, subsection 4 of section 26.1-25-04, section 26.1-30-20, and subsection 1 of section 26.1-30-21 of the North Dakota Century Code, relating to the period of time in which the commissioner must approve insurance policies, rates, and notices of modification relating to the operation of a health maintenance organization.

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 51 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

**YEAS:** Adams; Axtman; Bakewell; Dotzenrod; Freborg; Heigaard; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

**NAYS:** None

**ABSENT AND NOT VOTING:** David; Heinrich

HB 1355 passed and the title was agreed to.

**********

REPORT OF CONFERENCE COMMITTEE

**SEN. MAIXNER MOVED** that the conference committee report on HB 1365 as printed on pages 2189-2190 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

**HB 1365:** A BILL for an Act to amend and reenact section 61-24.3-04 of the North Dakota Century Code, relating to the extent and type of water treatment and the location for water treatment plants for the southwest pipeline project.

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

**YEAS:** Adams; Axtman; Bakewell; Dotzenrod; Freborg; Heigaard; Hilken; Holmberg; Ingstad; Keller; Kelly;

Kelsh; Krauter; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: Langley; Stromme; Tennefos

ABSENT AND NOT VOTING: David; Heinrich

HB 1365 passed and the title was agreed to.

**********

REPORT OF CONFERENCE COMMITTEE

SEN. SATROM MOVED that the conference committee report on Engrossed HB 1369 as printed on page 2190 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1369: A BILL for an Act to create and enact two new subsections to section 57-02-08 of the North Dakota Century Code, providing exemptions from property taxes for new single family residential property and condominiums and townhouses which meet certain qualifications; to provide an effective date; 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 51 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; Dotzenrod; Freborg; Heigaard; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: David; Heinrich

HB 1369 passed and the title was agreed to.

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## MESSAGE FROM THE HOUSE
## HOUSE CHAMBER

**MR. PRESIDENT:** I have the honor to inform you that the House has refused to concur in the Senate amendments to HB 1258 and HB 1446 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1258:** Reps. Moore, Belter, Linderman
**HB 1446:** Reps. Martinson, Melby, Skjerven

**ROY GILBREATH, Chief Clerk**

## REPORT OF CONFERENCE COMMITTEE

**SEN. RICHARD MOVED** that the conference committee report on HB 1388 as printed on page 2190 of the Senate Journal be adopted, which motion lost on a verification vote.

## APPOINTMENT OF CONFERENCE COMMITTEE

**SEN. RICHARD MOVED** that the President Pro Tem appoint a committee of three to act with a like committee from the House on a new Conference Committee on HB 1388, which motion prevailed.

**THE PRESIDENT PRO TEM APPOINTED** as a Conference Committee on HB 1388:

Sens. Richard, D. Meyer, Todd

## REPORT OF CONFERENCE COMMITTEE

**SEN. MATHERN MOVED** that the conference committee report on Engrossed HB 1416 as printed on page 2191 of the Senate Journal be adopted, which motion prevailed.

## SECOND READING OF HOUSE BILL

**HB 1416:** A BILL for an Act to create and enact a new section to chapter 15-40.1 of the North Dakota Century Code, relating to foundation aid payments to school districts with high schools that reorganize or annex.

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 51 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

**YEAS:** Adams; Axtman; Bakewell; Dotzenrod; Freborg; Heigaard; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: David; Heinrich

HB 1416 passed and the title was agreed to.

**********

REPORTS OF CONFERENCE COMMITTEES

SEN. J. MEYER MOVED that the conference committee report on HB 1535 as printed on page 2191 of the Senate Journal be adopted, which motion prevailed.

SEN. RICHARD MOVED that the conference committee report on Engrossed HB 1596 as printed on page 2191 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1596: A BILL for an Act to provide for the creation of the budget stabilization fund as a special fund in the state treasury, to provide for the deposit of revenues in the budget stabilization fund, and to provide for transfers from the budget stabilization fund to the state general 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 26 YEAS, 25 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Axtman; Bakewell; Dotzenrod; Heigaard; Keller; Kelsh; Krauter; Langley; Lashkowitz; Maixner; Mathern; Maxson; Meyer, W.; Moore; Mushik; Peterson; Redlin; Richard; Satrom; Schoenwald; Shea; Stromme; Tennefos; Wogsland; Wright; Yockim

NAYS: Adams; Freborg; Hilken; Holmberg; Ingstad; Kelly; Lips; Lodoen; Meyer, D.; Meyer, J.; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Reiten; Stenehjem; Streibel; Tallackson; Thane; Todd; Tweten; Vosper; Waldera

ABSENT AND NOT VOTING: David; Heinrich

HB 1596 was lost.

**********

REPORT OF CONFERENCE COMMITTEE

SEN. MATHERN MOVED that the conference committee report on Engrossed HB 1643 as printed on page 2192 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

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

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 48 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING.

**YEAS:** Adams; Axtman; Dotzenrod; Freborg; Heigaard; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Wright; Yockim

**NAYS:** Lodoen; Tweten

**ABSENT AND NOT VOTING:** Bakewell; David; Heinrich

HB 1643 passed and the title was agreed to.

**********

APPOINTMENT OF CONFERENCE COMMITTEE

**SEN. TALLACKSON MOVED** that the President Pro Tem appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1007, which motion prevailed.

**THE PRESIDENT PRO TEM APPOINTED** as a Conference Committee on HB 1007:

Sens. Waldera, Shea, Lips

REPORT OF CONFERENCE COMMITTEE

**MR. PRESIDENT:** Your Conference Committee to which was referred Engrossed HB 1666 has had the same under consideration and recommends that the HOUSE ACCEDE to the amendments as found on page 1704 of the Senate Journal and that Engrossed HB 1666 be further amended as follows:

On page 1 of the engrossed bill, line 25, delete the words "a limited" and insert in lieu thereof the word "an", after the second word "grant" insert the word "limited", and after the word "to" insert the words "directors, officers, or"

And renumber the lines, sections, and pages accordingly

**For the Senate:** Sens. Langley, Krauter, Reiten
**For the House:** Reps. Koland, Dorso, Enget

Engrossed HB 1666 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

## REPORTS OF CONFERENCE COMMITTEES

**MR. PRESIDENT:** Your Conference Committee to which was referred Reengrossed HB 1634 has had the same under consideration and recommends that the HOUSE ACCEDE to the amendments as found on pages 1703-1704 of the Senate Journal.

**For the Senate:** Sens. Langley, Krauter, Reiten
**For the House:** Reps. Dalrymple, Shide, Enget

Reengrossed HB 1634 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

**MR. PRESIDENT:** Your Conference Committee to which was referred HB 1183 has had the same under consideration and recommends that the HOUSE ACCEDE to the amendments as found on page 1821 of the Senate Journal.

**For the Senate:** Sens. J. Meyer, Heinrich, Peterson
**For the House:** Reps. Larson, D. Olsen, Ulmer

HB 1183 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

## REPORT OF CONFERENCE COMMITTEE

**MR. PRESIDENT:** Your Conference Committee to which was referred Engrossed HB 1052 has had the same under consideration and recommends that the HOUSE ACCEDE to the amendments as found on page 1360 of the Senate Journal and that Engrossed HB 1052 be further amended as follows:

That the House accede to the Senate amendments to reengrossed House Bill No. 1052, as printed on page 2309 of the House Journal and page 1360 of the Senate Journal, and that reengrossed House Bill No. 1052 be further amended as follows:

On page 1 of the reengrossed bill, line 2, after the first semicolon insert the words "to amend and reenact section 11-15-01.1 of the North Dakota Century Code, relating to qualifications of sheriffs;"

On page 1 of the reengrossed bill, after line 5, insert the following new section:

"SECTION 1. AMENDMENT. Section 11-15-01.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

**11-15-01.1. Sheriff shall be qualified elector and shall receive required training - Exception.** Except as otherwise specifically provided by state law, the sheriff shall be a qualified elector in the county in which the sheriff is elected or appointed. Within one year after taking office, the sheriff shall attend the sheriffs' school on civil process for one week, ~~the complete police and sheriff's basic training course, and the police supervision course for two weeks if such schools are available within the state, unless equivalent training has already been attained. The police and sheriff's basic training course requirement does not apply to any sheriff who has at least five years' experience in the law enforcement field~~ and unless already licensed under sections 2 through 15 of this Act, shall begin the training necessary to become so licensed. Within two years after taking office, the sheriff shall complete the procedures required to be licensed under sections 2 through 15 of this Act."

On page 1 of the reengrossed bill, line 6, underscore the words "**Definitions.** In" and insert immediately thereafter the words "sections 2 through 15 of" and underscore the words "this Act, unless the context or"

On page 1 of the reengrossed bill, underscore lines 7 through 16

On page 1 of the reengrossed bill, line 17, underscore the words "**License required.** An individual may not perform"

On page 1 of the reengrossed bill, underscore line 18

On page 1 of the reengrossed bill, line 19, underscore the words "individual is licensed under" and insert immediately thereafter the words "sections 2 through 15 of" and underscore the words "this Act."

On page 1 of the reengrossed bill, line 20, underscore the words "**Persons and practices not affected.**", delete the word "This" and insert in lieu thereof the words "Sections 2 through 15 of this", underscore the word "Act", delete the word "does" and insert in lieu thereof the word "do", and underscore the word "not"

On page 1 of the reengrossed bill, underscore lines 21 through 28

On page 2 of the reengrossed bill, underscore lines 1 through 10

On page 2 of the reengrossed bill, line 12, underscore the words "**Board - Powers - Duties - Authority.** The board shall"

On page 2 of the reengrossed bill, line 13, underscore the words "administer, coordinate, and enforce" and insert immediately thereafter the words "sections 2 through 15 of" and underscore the words "this Act, evaluate the"

On page 2 of the reengrossed bill, underscore line 14

On page 2 of the reengrossed bill, line 15, underscore the words "licensing under" and insert immediately thereafter the words "sections 2 through 15 of" and underscore the words "this Act. The board shall keep records and minutes"

On page 2 of the reengrossed bill, underscore lines 16 and 17

On page 2 of the reengrossed bill, line 18, underscore the words "investigate allegations of practices violating" and insert immediately thereafter the words "sections 2 through 15 of" and underscore the words "this Act or"

On page 2 of the reengrossed bill, underscore lines 19 through 24

On page 2 of the reengrossed bill, line 25, underscore the words "out the policy of" and insert immediately thereafter the words "sections 2 through 15 of" and underscore the words "this Act, including rules relating to"

On page 2 of the reengrossed bill, underscore lines 26 through 29

On page 2 of the reengrossed bill, line 30, underscore the words "**Fees.** The board shall prescribe by rule the fee"

On page 2 of the reengrossed bill, underscore lines 31 and 32

On page 2 of the reengrossed bill, line 33, underscore the words "administer fees received under" and insert immediately thereafter the words "sections 2 through 15 of" and underscore the words "this Act in accordance with section"

On page 2 of the reengrossed bill, underscore line 34

On page 3 of the reengrossed bill, line 1, underscore the words "**Application for license.** An applicant for a license as"

On page 3 of the reengrossed bill, underscore lines 2 through 16

On page 3 of the reengrossed bill, line 17, underscore the words "**Examination for license.**"

On page 3 of the reengrossed bill, underscore lines 18 through 31

On page 3 of the reengrossed bill, line 32, underscore the words "**Exception from training requirement - Issuance of certain**"

On page 3 of the reengrossed bill, underscore lines 33 through 35

On page 4 of the reengrossed bill, underscore lines 1 through 7

On page 4 of the reengrossed bill, line 8, underscore the words "**Limited license.** Pending successful completion of"

On page 4 of the reengrossed bill, line 9, underscore the words "the written examination required by" and insert immediately thereafter the words "sections 2 through 15 of" and underscore the words "this Act, the board may grant a"

On page 4 of the reengrossed bill, underscore lines 10 through 23

On page 4 of the reengrossed bill, line 24, underscore the words "**Issuance of license.** The board shall issue a license"

On page 4 of the reengrossed bill, line 25, underscore the words "to any person who meets the requirements of" and insert immediately thereafter the words "sections 2 through 15 of" and underscore the words "this Act and who has"

On page 4 of the reengrossed bill, underscore line 26

On page 4 of the reengrossed bill, line 27, underscore the words "**Renewal of license.**"

On page 4 of the reengrossed bill, underscore lines 28 through 34

On page 5 of the reengrossed bill, underscore lines 1 through 5

On page 5 of the reengrossed bill, line 6, underscore the words "**Adverse license action - Appeal.**"

On page 5 of the reengrossed bill, underscore lines 7 through 24

On page 5 of the reengrossed bill, line 25, underscore the words "e. Has violated" and insert immediately thereafter the words "sections 2 through 15 of" and underscore the words "this Act."

On page 5 of the reengrossed bill, underscore lines 26 through 35

On page 6 of the reengrossed bill, underscore lines 1 through 4

On page 6 of the reengrossed bill, line 5, underscore the words "**Notice and hearing on adverse license action.** The board"

On page 6 of the reengrossed bill, underscore lines 6 through 23

On page 6 of the reengrossed bill, line 24, underscore the words "**Penalty.** Violation of" and insert immediately thereafter the words "sections 2 through 15 of" and underscore the words "this Act is a class B"

On page 6 of the reengrossed bill, underscore line 25

On page 6 of the reengrossed bill, line 27, after the word "implement" insert the words "sections 2 through 15 of"

On page 6 of the reengrossed bill, line 29, delete the word "The" and insert in lieu thereof the words "Section 1, the"

And renumber the lines, sections, and pages accordingly

**For the Senate:** Sens. Dotzenrod, Holmberg, Reiten
**For the House:** Reps. A. Hausauer, Shaw, Dotzenrod

Engrossed HB 1052 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

## REPORTS OF STANDING COMMITTEES

**MR. PRESIDENT:** Your **Committee on Finance and Taxation** to which was referred HB 1600 has had the same under consideration and recommends by a vote of 6 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, 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 a new section to chapter 57-51.1 of the North Dakota Century Code, relating to the budget stabilization fund; to amend and reenact subsections 4 and 5 of section 38-08-04, and sections 57-51.1-01, 57-51.1-02, and 57-51.1-03 of the North Dakota Century Code, relating to the duties of the industrial commission, the definitions of stripper well property, qualifying secondary recovery project, and qualifying tertiary recovery project for oil extraction purposes, the definition of average price, the rate of the oil extraction tax, and exemption from the oil extraction tax; and to declare an emergency.

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

SECTION 1. AMENDMENT. Subsections 4 and 5 of section 38-08-04 of the 1985 Supplement to the North Dakota Century Code are hereby amended and reenacted to read as follows:

4. To classify wells as oil or gas wells for purposes material to the interpretation or enforcement of this chapter, ~~and~~ to classify and determine the status and depth of wells that are stripper well property as defined in subsection ~~5~~ 8 of section 57-51.1-01, to certify to the tax commissioner which wells are stripper wells and the depth of those wells, and to certify to the tax commissioner which wells involve secondary or tertiary recovery operations under section 2 of this Act, and the date of qualification for the reduced rate of oil extraction tax for secondary and tertiary recovery operations.

5. To adopt and to enforce rules and orders to effectuate the purposes and the intent of this chapter and of subsections 1 ~~and~~, 4, 5, 6, and 8 of section 57-51.1-01.

**SECTION 2. AMENDMENT.** Section 57-51.1-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**57-51.1-01. Definitions for oil extraction tax.** For the purposes of the oil extraction tax law, the following words and terms shall have the meaning ascribed to them in this section:

1. "Average daily production" of a well means the qualified maximum total production of oil from the well during a calendar month period divided by the number of calendar days in that period; and "qualified maximum total production" of a well means that the well must have been maintained at the maximum efficient rate of production as defined and determined by rule adopted by the industrial commission in furtherance of its authority under chapter 38-08.

2. "Average price" of a barrel of crude oil means the average daily price for a barrel of west Texas intermediate cushing crude oil, as those prices appear in the wall street journal, midwest edition, for the period June first through October thirty-first of any year.

~~2.~~ 3. "Oil" means petroleum, crude oil, mineral oil, casinghead gasoline, and all liquid hydrocarbons that are recovered from gas on the lease incidental to the production of the gas.

~~3.~~ 4. "Property" means the right which arises from a lease or fee interest, as a whole or any designated portion thereof, to produce oil. A producer shall treat as a separate property each separate and distinct producing reservoir subject to the same right to produce crude oil; provided, that such reservoir is recognized by the ~~appropriate governmental regulatory authority~~ industrial commission as a producing formation that is separate and distinct from, and not in communication with, any other producing formation.

5. "Qualifying secondary recovery project" means a project employing water flooding. To be eligible for the tax reduction provided under section 57-51.1-02, a secondary recovery project must be

certified as qualifying by the industrial commission, the project must have been unitized after the effective date of this Act, and the project operator must have achieved for six consecutive months an average production level of at least twenty-five percent above the level that would have been recovered under normal recovery operations.

6. "Qualifying tertiary recovery project" means a project for enhancing recovery of oil which meets the requirements of section 4993(c), Internal Revenue Code of 1954, as amended through December 31, 1986, and includes the following methods for recovery:

a. Miscible fluid displacement.

b. Steam drive injection.

c. Microemulsion.

d. In situs combustion.

e. Polymer augmented water flooding.

f. Cyclic steam injection.

g. Alkaline flooding.

h. Carbonated water flooding.

i. Immiscible carbon dioxide displacement.

j. New tertiary recovery methods certified by the industrial commission.

It does not include water flooding, unless the water flooding is used as an element of one of the qualifying tertiary recovery techniques described in this subsection, or immiscible natural gas injection. To be eligible for the tax reduction provided under section 57-51.1-02, a tertiary recovery project must be certified as qualifying by the industrial commission, the project operator must continue to operate the unit as a qualifying tertiary recovery project, and the project operator must have achieved for at least one month a production level of at least fifteen percent above the level that would have been recovered under normal recovery operations.

~~4.~~ 7. "Royalty owner" means an owner of what is commonly known as the royalty interest and shall

not include the owner of any overriding royalty or other payment carved out of the working interest.

~~5.~~ 8. "Stripper well property" means a "property" whose average daily production of oil, excluding condensate recovered in nonassociated production, per well did not exceed ten barrels per day for wells of a depth of six thousand feet or less, fifteen barrels per day for wells of a depth of more than six thousand feet but not more than ten thousand feet, and twenty barrels per day for wells of a depth of more than ten thousand feet during any preceding consecutive twelve-month period beginning after December 31, ~~1972~~ 1985. Wells which did not actually yield or produce oil during the qualifying twelve-month period, including disposal wells, dry wells, spent wells, and shut-in wells, are not production wells for the purpose of determining whether the stripper well property exemption applies.

**SECTION 3. AMENDMENT.** Section 57-51.1-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**57-51.1-02. Imposition of oil extraction tax.** There is hereby imposed an excise tax, to be known as the "oil extraction tax", upon the activity in this state of extracting oil from the earth, and every owner, including any royalty owner, of any part of the oil extracted shall be deemed for the purposes of this chapter to be engaged in the activity of extracting that oil. The rate of tax shall be six and one-half percent of the gross value at the well of the oil extracted, except that for wells drilled and completed after the effective date of this Act, and not otherwise exempt under section 57-51.1-03, and for a qualifying secondary recovery project or for a qualifying tertiary recovery project, the rate of tax shall be four percent of the gross value at the well of the oil extracted. However, if the average price of a barrel of crude oil between June first and October thirty-first of any year is thirty-two dollars or more then the rate of tax for the following calendar year on all taxable wells is six and one-half percent of the gross value at the well of the oil extracted.

**SECTION 4. AMENDMENT.** Section 57-51.1-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**57-51.1-03. Exemptions from oil extraction tax.** The following activities are specifically exempted from the oil extraction tax:

1. The activity of extracting from the earth any oil that is exempt from the gross production tax imposed by chapter 57-51.

2. The activity of extracting from the earth any oil from a stripper well property.

3. The activity not otherwise exempt of extracting from the earth the oil that is owned by a royalty owner or royalty owners in the first one hundred barrels, or any lesser amount, of the average daily production of oil that is produced during each calendar day from any well.

4. For a well drilled and completed after the effective date of this Act, the initial production of oil from the well is exempt from any taxes imposed under this chapter for a period of one year. Oil recovered during testing prior to well completion is exempt from the oil extraction tax.

**SECTION 5.** If House Bill No. 1596 does not become effective, a new section to chapter 57-51.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

Deposit of funds collected at restored rates. Any additional amounts collected by the tax commissioner which are attributable to the average price of a barrel of crude oil being at a level that causes elimination of the two and one-half percentage point reduction provided under section 57-51.1-02 must be paid to the state treasurer and deposited in the state general fund.

**SECTION 6.** If House Bill No. 1596 becomes effective, a new section to chapter 57-51.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

Deposit of funds collected at restored rates. Any additional amounts collected by the tax commissioner which are attributable to the average price of a barrel of crude oil being at a level that causes elimination of the two and one-half percentage point reduction provided under section 57-51.1-02 must be paid to the state treasurer and deposited in the budget stabilization fund.

**SECTION 7. 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

**SEN. SATROM, Chairman**

HB 1600 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

**MR. PRESIDENT:** Your **Committee on State and Federal Government** to which was referred HB 1682 has had the same under consideration and recommends by a vote of 5 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 2, after the word "employees" insert the words "; and to provide an effective date"

On page 1, after line 11, insert the following new section:

"**SECTION 2. EFFECTIVE DATE.** This Act becomes effective on July 1, 1988."

And renumber the lines, sections, and pages accordingly

**SEN. D. MEYER, Chairman**

HB 1682 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

**MR. PRESIDENT:** Your **Committee on Political Subdivisions** to which was referred SCR 4069 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

**SEN. DOTZENROD, Chairman**

SCR 4069 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

## MOTIONS

**SEN. MAIXNER MOVED** that the absent Senator be excused, which motion prevailed.

**SEN. MAIXNER MOVED** that the Senate be on the Fifth order of business, and at the conclusion of the Fifth order of business, be on the Seventh order of business, and at the conclusion of the Seventh order of business, and after the reading of SCR 4069, the Senate adjourn and convene at 8:00 a.m., Thursday, April 9, 1987, which motion prevailed.

**PERRY GROTBERG, Secretary**