

JOURNAL OF THE HOUSE

Fiftieth Legislative Assembly

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THIRTIETH DAY

Bismarck, February 16, 1987

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

The prayer was offered by Roger Russell, McCabe United Methodist Church, Bismarck, North Dakota.

ROLL CALL

The roll was called and all Representatives were present, except Representatives Anderson, Graba, Mertens, Opedahl, Starke, and Strinden.

A quorum was declared by the Speaker.

CORRECTION AND REVISION OF THE JOURNAL

MR. SPEAKER: Your Committee on Correction and Revision of the Journal has carefully examined the Journal of the Twenty-ninth Day and recommends that the same be corrected as follows and, when so corrected, recommends that the same be approved:

On page 934, line 11, delete the numerals "1407" and insert in lieu thereof the numerals "1497"

REP. THOMPSON, Chairman

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

SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to HB 1008 as recommended by the Committee on Appropriations as printed on pages 950-951 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1008 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. PETERSON MOVED that the amendments to HB 1023 as recommended by the Committee on Appropriations as printed on pages 951-952 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1023 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. PETERSON MOVED that the amendments to HB 1024 as recommended by the Committee on Appropriations as printed on

page 952 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1024 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. ANDERSON MOVED that the amendments to HB 1267 as recommended by the Committee on Transportation as printed on page 953 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1267 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. MOORE MOVED that the amendments to HB 1331 as recommended by the Committee on Political Subdivisions as printed on pages 953-954 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1331 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. MOORE MOVED that the amendments to HB 1426 as recommended by the Committee on Political Subdivisions as printed on page 954 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1426 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. MOORE MOVED that the amendments to HB 1449 as recommended by the Committee on Political Subdivisions as printed on pages 955-957 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1449 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. MOORE MOVED that the amendments to HB 1459 as recommended by the Committee on Political Subdivisions as printed on page 957 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1459 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. ANDERSON MOVED that the amendments to HB 1486 as recommended by the Committee on Transportation as printed on page 958 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1486 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. A. OLSON MOVED that the amendments to HB 1501 as recommended by the Committee on Natural Resources as printed on page 958 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1501 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. MOORE MOVED that the amendments to HB 1502 as recommended by the Committee on Political Subdivisions as printed on pages 958-959 of the House Journal be adopted, and when so adopted, recommends the same DO NOT PASS, which motion prevailed.

HB 1502 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. ANDERSON MOVED that the amendments to HB 1526 as recommended by the Committee on Transportation as printed on page 959 of the House Journal be adopted, and when so adopted, recommends the same DO NOT PASS, which motion prevailed.

HB 1526 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. MARTINSON MOVED that the amendments to HB 1575 as recommended by the Committee on State and Federal Government as printed on page 960 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1575 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. MOORE MOVED that the amendments to HB 1576 as recommended by the Committee on Political Subdivisions as printed on page 960 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1576 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. PETERSON MOVED that the amendments to HB 1578 as recommended by the Committee on Appropriations as printed on pages 960-961 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1578 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. KRETSCHMAR MOVED that the amendments to HB 1606 as recommended by the Committee on Judiciary as printed on page 961 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1606 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. KRETSCHMAR MOVED that the amendments to HB 1607 as recommended by the Committee on Judiciary as printed on pages 961-962 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1607 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. KRETSCHMAR MOVED that the amendments to HB 1626 as recommended by the Committee on Judiciary as printed on page 962 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1626 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. KRETSCHMAR MOVED that the amendments to HB 1638 as recommended by the Committee on Judiciary as printed on pages 962-963 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1638 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. MOORE MOVED that the amendments to HB 1648 as recommended by the Committee on Political Subdivisions as printed on page 963 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1648 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. KRETSCHMAR MOVED that the amendments to HB 1661 as recommended by the Committee on Judiciary as printed on pages 963-965 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1661 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REQUEST

REP. GATES REQUESTED the unanimous consent of the House to amend the proposed committee amendments to HB 1663. There being no objection, the request was granted.

MOTION

REP. GATES MOVED that the proposed committee amendments to HB 1663 be amended as follows:

After the words "North Dakota state" delete the word "school" and insert in lieu thereof the word "college"

The motion to adopt the proposed amendment to the committee amendments prevailed.

SIXTH ORDER OF BUSINESS

REP. GATES MOVED that the amendments to HB 1663 as recommended by the Committee on Education as printed on pages 965-966 of the House Journal and amended on the floor of the House, be adopted, and when so adopted, recommends the same DO NOT PASS, which motion prevailed.

HB 1663, as amended by committee and on the floor of the House, was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. A. OLSON MOVED that the amendments to HCR 3022 as recommended by the Committee on Natural Resources as printed on page 966 of the House Journal be adopted, and when so adopted, recommends the same DO PASS and BE PLACED ON THE CONSENT CALENDAR, which motion prevailed.

HCR 3022 was placed on the consent calendar for the succeeding legislative day.

MOTION

REP. GOETZ MOVED that HB 1462 and HB 1664, which are on the Eleventh order, be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1568: A BILL for an Act to amend and reenact subsection 2 of section 57-55-11 of the North Dakota Century Code, relating to mobile home moving permits; 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 65 YEAS, 34 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; Dorso; Flaagan; Gates; Gerntholz; Goetz; Gorman; Gunsch; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, R.; Hill; Hokana; Kent; Knell; Koland; Kretschmar; Kuchera; Lang; Marks; Melby; Mertens; Moore; Myrdal; Nelson, C.; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Peterson; Rice; Riehl; Rydell; Scherber; Shaft; Shaw; Shide; Smette; Sorensen; Thompson; Tokach; Tollefson; Trautman; Wald; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Speaker Kloubec

NAYS: DeMers, J.; DeMers, P.; Dotzenrod; Enget; Frey; Halmrast; Hamerlik; Hausauer, A.; Hoffner; Kelly; Kingsbury; Kolbo; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Martin; Meyer; Murphy; Nelson, J.; Oban; O'Connell; Schindler; Schneider; Shockman; Skjerven; Solberg; Stofferahn; Tomac; Ulmer; Vander Vorst; Watne; Winkelman

ABSENT AND NOT VOTING: Anderson; Graba; Klundt; Knudson; Martinson; Starke; Strinden

HB 1568 passed and the title was agreed to.

HB 1579: A BILL for an Act to amend and reenact section 26.1-29-15 of the North Dakota Century Code, relating to rescission of insurance contracts due to concealment.

Which has been read.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Anderson; Graba; Starke; Strinden

HB 1579 passed and the title was agreed to.

MESSAGE TO THE SENATE
HOUSE CHAMBER

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

HB 1268, HB 1293, HB 1302, HB 1323, HB 1369, HB 1381,
HB 1390, HB 1489, HB 1535, HB 1547, HB 1551, HB 1613,
HB 1665

ROY GILBREATH, Chief Clerk

MESSAGE FROM THE SENATE
SENATE CHAMBER

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

SB 2040, SB 2053, SB 2055, SB 2095, SB 2097, SB 2135,
SB 2175, SB 2176, SB 2181, SB 2218, SB 2299, SB 2336,
SB 2344, SB 2368, SB 2376, SB 2433, SB 2446, SB 2516,
SB 2519, SB 2527, SB 2534, SCR 4018, SCR 4031, SCR 4038

PERRY GROTEBERG, Secretary

SECOND READING OF HOUSE BILLS

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 102 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

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

Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz;
Whalen; Wilkie; Williams, A.; Williams, C.;
Williams, W.; Winkelman; Speaker Kloubec

NAYS: None

ABSENT AND NOT VOTING: Anderson; Graba; Starke; Strinden

HB 1596 passed and the title was agreed to.

HB 1642: A BILL for an Act to amend and reenact section 34-03-05 of the North Dakota Century Code, relating to termination of employment.

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 34 YEAS, 65 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Berg, G.; Brokaw; DeMers, J.; DeMers, P.; Flaagan; Frey; Halmrast; Hanson, L.; Hill; Hoffner; Hokana; Kelly; Kolbo; Laughlin; Lautenschlager; Marks; Mertens; Nelson, C.; Nelson, J.; Oban; O'Connell; Olson, V.; Opedahl; Riehl; Scherber; Schneider; Shockman; Stofferahn; Ulmer; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.

NAYS: Aas; Almlie; Anderson; Belter; Berg, R.; Christman; Cleveland; Dalrymple; Dorso; Dotzenrod; Enget; Gates; Gerntholz; Gorman; Gunsch; Hamerlik; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Kent; Kingsbury; Klundt; Knell; Knudson; Koland; Kuchera; Lang; Larson; Linderman; Lindgren; Martin; Martinson; Melby; Moore; Murphy; Myrdal; Nicholas; Nowatzki; Olsen, D.; Olson, A.; O'Shea; Payne; Peterson; Rice; Rydell; Schindler; Shaw; Shide; Skjerven; Smette; Solberg; Sorensen; Thompson; Tokach; Tollefson; Tomac; Trautman; Vander Vorst; Wald; Whalen; Wilkie; Winkelman; Speaker Kloubec

ABSENT AND NOT VOTING: Goetz; Graba; Kretschmar; Meyer; Shaft; Starke; Strinden

HB 1642 was declared lost.

HB 1483: A BILL for an Act to establish a nongame wildlife fund and provide for uses of the fund; to create and enact a new section to chapter 57-38 of the North Dakota Century Code,

relating to an optional contribution to the nongame wildlife fund to be included on North Dakota income tax returns; and to provide an effective date.

Which has been read.

MOTION

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

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 52 YEAS, 50 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aas; Brokaw; Cleveland; DeMers, J.; Dotzenrod; Flaagan; Frey; Gerntholz; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hoffner; Hokana; Kelly; Klundt; Knudson; Kolbo; Kretschmar; Kuchera; Laughlin; Linderman; Marks; Martin; Martinson; Mertens; Meyer; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olson, V.; Opedahl; Peterson; Riehl; Rydell; Scherber; Shaft; Skjerven; Solberg; Stofferahn; Tollefson; Trautman; Ulmer; Wentz; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Almlie; Anderson; Belter; Berg, G.; Berg, R.; Christman; Dalrymple; DeMers, P.; Dorso; Enget; Gates; Goetz; Gorman; Gunsch; Hanson, O.; Haugen; Hausauer, R.; Hill; Kent; Kingsbury; Knell; Koland; Lang; Larson; Lautenschlager; Lindgren; Melby; Moore; Myrdal; Olsen, D.; Olson, A.; O'Shea; Payne; Rice; Schindler; Schneider; Shaw; Shide; Shockman; Smette; Sorensen; Thompson; Tokach; Tomac; Vander Vorst; Wald; Watne; Whalen; Wilkie; Williams, A.

ABSENT AND NOT VOTING: Graba; Murphy; Starke; Strinden

HB 1483 was declared lost for want of a Constitutional majority.

HB 1601: A BILL for an Act to amend and reenact subsection 2 of section 57-62-02 and section 57-62-03 of the North Dakota Century Code, relating to loans to oil and gas development impacted counties, cities, and school districts through the coal development trust fund; and to provide an expiration date.

Which has been read.

ROLL CALL

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

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

NAYS: Kingsbury

ABSENT AND NOT VOTING: Graba; Hausauer, R.; Murphy; Nowatzki; Starke; Strinden

HB 1601 passed and the title was agreed to.

HB 1608: A BILL for an Act to amend and reenact section 40-08-08 of the North Dakota Century Code, relating to filling vacancies on city councils.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 100 YEAS, 1 NAY, 5 ABSENT AND NOT VOTING.

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

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

NAYS: Hausauer, A.

ABSENT AND NOT VOTING: Graba; Kretschmar; Mertens;
Starke; Strinden

HB 1608 passed and the title was agreed to.

MOTIONS

REP. KRETSCHMAR MOVED that the House reconsider its action whereby HB 1356 passed, which motion prevailed.

REP. KRETSCHMAR MOVED that HB 1356 be rereferred to the Committee on Judiciary, which motion prevailed.

SPEAKER KLOUBEC ANNOUNCED that HB 1356 was referred to the Committee on Judiciary.

SECOND READING OF HOUSE BILLS

HB 1609: A BILL for an Act to create and enact a new subsection to section 20.1-02-05 of the North Dakota Century Code, relating to complimentary fishing licenses.

Which has been read.

MOTION

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

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 51 YEAS, 52 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Almlie; Anderson; Belter; Berg, G.; Berg, R.; Dalrymple; Dorso; Dotzenrod; Gates; Gerntholz; Goetz; Gorman; Gunsch; Hamerlik; Hanson, O.; Haugen; Hausauer, R.; Kent; Kingsbury; Knell; Knudson; Kretschmar; Kuchera; Lang; Larson; Lindgren; Martin; Melby; Murphy; Nicholas; Olsen, D.; Olson, A.; Olson, V.; Payne; Peterson; Rice; Rydell; Shaw; Shide; Skjerven; Smette; Thompson; Tokach; Tollefson; Tomac; Vander Vorst; Wald; Whalen; Williams, C.; Winkelman; Speaker Kloubec

NAYS: Aas; Brokaw; Christman; Cleveland; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Halmrast; Hanson, L.; Haugland; Hausauer, A.; Hill; Hoffner; Hokana; Kelly;

Klundt; Koland; Kolbo; Laughlin; Lautenschlager;
 Linderman; Marks; Martinson; Mertens; Meyer; Moore;
 Myrdal; Nelson, C.; Nelson, J.; Nowatzki; Oban;
 O'Connell; Opedahl; O'Shea; Riehl; Scherber; Schindler;
 Schneider; Shaft; Shockman; Solberg; Sorensen;
 Stofferahn; Trautman; Ulmer; Watne; Wentz; Wilkie;
 Williams, A.; Williams, W.

ABSENT AND NOT VOTING: Graba; Starke; Strinden

HB 1609 was declared lost.

HB 1211: A BILL for an Act to amend and reenact section 19-10-19 of the North Dakota Century Code, relating to petroleum inspection fees.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 13 YEAS, 87 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Flaagan; Frey; Hoffner; Kelly; Kuchera; Laughlin; Mertens; Nowatzki; Oban; Riehl; Scherber; Schneider; Ulmer

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

ABSENT AND NOT VOTING: Graba; Kent; Peterson; Starke; Strinden; Whalen

HB 1211 was declared lost.

MONDAY, FEBRUARY 16, 1987

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COMMUNICATION

State of North Dakota
EXECUTIVE OFFICE
Bismarck

February 16, 1987

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

Dear Speaker Kloubec:

I am today calling a special election on the income tax referral for Wednesday, the 18th of March, which is 30 days from today.

I still hope the Legislature will pass an income tax reform bill and avoid the cost of an election, but there appears to be a reluctance to do that without a vote on the referral. So there is really no alternative but to take the referred measure, however imperfect, to a vote.

It is necessary to call the election now so the vote can be held at the earliest possible date.

However, should the Legislature eventually restructure the income tax and thereby repeal the referred bill, the call for the special election will be revoked.

In addition, if the two-thirds vote on the sales tax is not passed to secure its revenue, and if a sales tax referral is subsequently filed, I will change this election date so that both measures can be voted on at the same time, saving \$600,000 in extra costs.

If the two-thirds vote is passed to secure the sales tax revenue, the election on the income tax referral will proceed as scheduled, and the vote on a sales tax referral would be held in conjunction with the primary election in June of next year.

Obviously, the Legislature could still restructure the sales tax, thereby repealing the bill passed in December. In that case, a referral vote on the sales tax would not be necessary.

Sincerely,

GEORGE A. SINNER
Governor

SECOND READING OF HOUSE BILLS

HB 1345: A BILL for an Act to amend and reenact section 39-06.1-11 of the North Dakota Century Code, relating to temporary restricted licenses.

Which has been read.

MOTION

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

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 52 YEAS, 49 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Almlie; Anderson; Berg, G.; Berg, R.; Brokaw; Dorso; Flaagan; Frey; Gerntholz; Goetz; Gunsch; Hanson, O.; Haugen; Hokana; Kent; Kingsbury; Knell; Kolbo; Kretschmar; Kuchera; Laughlin; Lautenschlager; Marks; Mertens; Meyer; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Peterson; Riehl; Shide; Shockman; Smette; Stofferahn; Tokach; Tollefson; Tomac; Ulmer; Wald; Watne; Williams, A.; Williams, C.; Williams, W.

NAYS: Aas; Belter; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dotzenrod; Enget; Gates; Gorman; Halmrast; Hamerlik; Hanson, L.; Haugland; Hill; Hoffner; Kelly; Klundt; Knudson; Koland; Lang; Larson; Linderman; Lindgren; Martin; Martinson; Melby; Moore; Oban; Payne; Rice; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Skjerven; Solberg; Sorensen; Thompson; Trautman; Vander Vorst; Wentz; Whalen; Wilkie; Winkelman; Speaker Kloubec

ABSENT AND NOT VOTING: Graba; Hausauer, A.; Hausauer, R.; Starke; Strinden

HB 1345 was declared lost for want of a Constitutional majority.

HB 1460: A BILL for an Act to amend and reenact subsection 1 of section 38-08-04 of the North Dakota Century Code, relating to the oil and gas bonding authority of the industrial commission.

Which has been read.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Graba; Hausauer, A.; Hausauer, R.; Kingsbury; Starke; Strinden

HB 1460 passed and the title was agreed to.

HB 1479: A BILL for an Act to create and enact section 24-02-25.3 of the North Dakota Century Code, relating to payments for local mineral aggregate sources on highway department contracts.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 8 YEAS, 90 NAYS, 8 ABSENT AND NOT VOTING.

YEAS: Almlie; Flaagan; Gerntholz; Kent; Laughlin; Linderman; O'Connell; Olson, V.

NAYS: Aas; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Frey; Gates; Goetz; Gorman; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hill; Hoffner; Hokana; Kelly; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Kuchera; Lang; Larson; Lautenschlager; Lindgren; Marks; Martin; Martinson; Melby; Meyer; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; Olson, A.; Opedahl; O'Shea; Payne; Peterson; Rice; Riehl; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shide;

Shockman; Skjerven; Smette; Solberg; Sorensen;
Stofferahn; Tokach; Tollefson; Tomac; Trautman; Ulmer;
Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie;
Williams, A.; Williams, C.; Williams, W.; Winkelman;
Speaker Kloubec

ABSENT AND NOT VOTING: Graba; Hausauer, R.; Kingsbury;
Mertens; Olsen, D.; Starke; Strinden; Thompson

HB 1479 was declared lost.

MOTION

REP. TOMAC MOVED that the House reconsider its action whereby
HB 1658 failed to pass, which motion lost on a verification vote.

SECOND READING OF HOUSE BILLS

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

Which has been read.

MOTION

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

ROLL CALL

The question being on the final passage of the bill, the roll was
called and there were 87 YEAS, 15 NAYS, 4 ABSENT AND NOT VOTING.

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

NAYS: Berg, R.; DeMers, J.; Dorso; Frey; Halmrast;
Haugland; Klundt; Kolbo; Larson; Marks; Riehl;
Schneider; Wentz; Wilkie; Williams, W.

ABSENT AND NOT VOTING: Graba; Hanson, O.; Starke;
Strinden

HB 1506 passed and the title was agreed to.

HB 1671: A BILL for an Act to provide for collection of user fees by park districts and issuance of evidences of indebtedness in anticipation of user fee revenues.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 72 YEAS, 28 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Berg, R.; Brokaw; Christman;
Dalrymple; DeMers, J.; Dorso; Enget; Flaagan; Frey;
Gates; Gerntholz; Goetz; Gorman; Halmrast; Hamerlik;
Hanson, L.; Haugen; Haugland; Hausauer, A.;
Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Klundt;
Knudson; Kolbo; Kretschmar; Lang; Larson; Laughlin;
Lautenschlager; Linderman; Lindgren; Marks; Martin;
Martinson; Mertens; Meyer; Moore; Nelson, C.;
Nelson, J.; Nicholas; Nowatzki; Oban; Olson, V.;
Opedahl; O'Shea; Rice; Rydell; Scherber; Schneider;
Shaw; Shide; Skjerven; Solberg; Sorensen; Stofferahn;
Tokach; Tollefson; Tomac; Trautman; Ulmer; Watne;
Wentz; Wilkie; Williams, C.; Williams, W.; Winkelman;
Speaker Kloubec

NAYS: Anderson; Belter; Berg, G.; DeMers, P.; Dotzenrod;
Gunsch; Hanson, O.; Kent; Kingsbury; Knell; Koland;
Kuchera; Melby; Murphy; Myrdal; O'Connell; Olsen, D.;
Olson, A.; Payne; Riehl; Schindler; Shaft; Shockman;
Smette; Thompson; Vander Vorst; Whalen; Williams, A.

ABSENT AND NOT VOTING: Cleveland; Graba; Peterson;
Starke; Strinden; Wald

HB 1671 passed and the title was agreed to.

HB 1672: A BILL for an Act to amend and reenact section 11-11-55.1 of the North Dakota Century Code, relating to county authority to provide special assessment improvements for service connections; and to declare an emergency.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 101 YEAS, 1 NAY, 4 ABSENT AND NOT VOTING.

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

NAYS: Murphy

ABSENT AND NOT VOTING: Graba; Peterson; Starke; Strinden

HB 1672 passed, the title was agreed to, and the emergency clause carried.

MOTIONS

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

REP. GOETZ MOVED that the House be on the Fifth order of business, and at the conclusion of the Fifth order, the House stand adjourned until 1:00 p.m., Tuesday, February 17, 1987, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER: Your Committee on Appropriations to which was referred HB 1012 has had the same under consideration and recommends by a vote of 21 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 12, delete the numerals "355,198" and insert in lieu thereof the numerals "348,352"

On page 1, line 13, delete the numerals "164,591" and insert in lieu thereof the numerals "138,834"

On page 1, line 15, delete the numerals "521,989" and insert in lieu thereof the numerals "489,386"

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Livestock Sanitary Board

The compensation increases of \$6,846 from the general fund included in the executive budget of two percent plus \$50 per month for the last year of the biennium are deleted from the appropriation. To the extent that salary increases are provided by the 50th Legislative Assembly, they will be provided in separate legislation.

An analysis of the general fund changes is as follows:

<u>Salaries and Wages</u>	<u>Total General Fund Increase/(Decrease)</u>
Remove the salary increases of two percent plus \$50/month	\$ (6,846)
Operating expenses - backtagging, calf eartagging, and interstate health certificate programs	(25,757)
Total increase/(decrease)	<u>\$(32,603)</u>

REP. PETERSON, Chairman

HB 1012 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations to which was referred HB 1017 has had the same under consideration and recommends by a vote of 21 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 13, delete the numerals "60,002,203" and insert in lieu thereof the numerals "58,722,599"

On page 1, line 16, delete the numerals "11,314,441" and insert in lieu thereof the numerals "10,314,441"

On page 1, line 17, delete the numerals "5,202,776" and insert in lieu thereof the numerals "6,202,776"

On page 1, line 18, delete the numerals "209,942,201" and insert in lieu thereof the numerals "228,942,201"

On page 1, line 20, delete the numerals "329,932,516" and insert in lieu thereof the numerals "347,652,912"

On page 1, line 21, delete the numerals "329,903,716" and insert in lieu thereof the numerals "347,624,112"

On page 2, delete lines 3 through 8

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Highway Department

The compensation increases of \$1,191,989, of which \$619,563 is federal funds and \$572,426 is other funds, included in the executive budget of two percent plus \$50 per month for the last year of the biennium are deleted from the appropriation. To the extent that salary increases are provided by the 50th Legislative Assembly, they will be provided in separate legislation.

An analysis of the \$19,345,490 federal funds and the \$1,625,094 other funds change is as follows:

	Total Funds Increased (Decrease)	Federal Funds Increase (Decrease)	Other Funds Increase (Decrease)
<u>Salaries and wages</u>			
Remove salary increases of two percent plus \$50/ month	\$ (1,191,989)	\$ (619,563)	\$ (572,426)
Delete funding for 2 FTE:	(87,615)	(34,947)	(52,668)
1 Equipment Operator II - \$44,150			
1 Planner - \$43,466			
<u>Equipment</u>			
Reduces funds for heavy equipment purchases and/or vehicle purchases for the state motor pool	(1,000,000)		(1,000,000)
<u>Grants, benefits, and claims</u>			
Adds additional federal funds anticipated	1,000,000	1,000,000	

Capital improvementsAdds additional federal
funds anticipated19,000,00019,000,000

Total increase (decrease)	\$17,720,396	\$19,345,490	\$(1,625,094)
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The grants and capital improvements are increased by \$20,000,000. Since the federal funds available were not known at the time the executive budget recommendations were made, the executive budget recommended that all additional funds available are appropriated rather than a specific appropriation. Now since the Highway Department expects \$20,000,000 in additional funds Section 3 of the bill is deleted and the specific line items are increased by this amendment.

REP. PETERSON, Chairman

HB 1017 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations to which was referred HB 1018 has had the same under consideration and recommends by a vote of 21 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 13, delete the numerals "2,263,880" and insert in lieu thereof the numerals "2,207,038"

On page 1, line 14, delete the numerals "1,512,594" and insert in lieu thereof the numerals "1,254,593"

On page 1, line 16, delete the numerals "2,402,481" and insert in lieu thereof the numerals "565,000"

On page 1, line 17, delete the numerals "25,000" and insert in lieu thereof the numerals "37,500"

On page 1, line 19, delete the numerals "50,000" and insert in lieu thereof the numerals "100,000"

On page 1, line 20, delete the numerals "6,782,432" and insert in lieu thereof the numerals "4,692,608"

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Motor Vehicle Department

The compensation increases of \$56,842 from the motor vehicle registration fund included in the executive budget of two percent plus \$50 per month for the last year of the biennium are deleted from the appropriation. To the extent that salary increases are

provided by the 50th Legislative Assembly, they will be provided in separate legislation.

An analysis of the special funds changes is as follows:

<u>Description</u>	Total Motor Vehicle Registration Fund Increase/ (Decrease) —
<u>Salaries and wages</u>	
Remove the salary increase of two percent plus \$50/month	\$ (56,842)
<u>Operating expenses</u>	
Delete expenses related primarily to a general license plate issue	(258,001)
<u>Equipment</u>	
Increase equipment to provide for replacement of obsolete typewriters, calculators, postage and mailing machines, and miscellaneous equipment	12,500
<u>License plates and tabs</u>	
Delete cost of general license plate issue	(1,837,481)
<u>Contingency fund</u>	
Increase for possible replacement of old license plates	50,000
Total increase/(decrease)	\$(2,089,824)

REP. PETERSON, Chairman

HB 1018 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations to which was referred HB 1028 has had the same under consideration and recommends by a vote of 18 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2, delete lines 11 through 14

On page 2, line 15, delete the numerals "160,000" and insert in lieu thereof the numerals "130,000"

On page 2, line 17, delete the numerals "4,959,423" and insert in lieu thereof the numerals "4,929,423"

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment deletes the \$30,000 general fund deficiency appropriation for the deinstitutionalization court monitor from the bill.

REP. PETERSON, Chairman

HB 1028 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Human Services and Veterans Affairs to which was referred HB 1033 has had the same under consideration and recommends by a vote of 12 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. HAUGLAND, Chairman

HB 1033 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Human Services and Veterans Affairs to which was referred HB 1127 has had the same under consideration and recommends by a vote of 8 YEAS, 7 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. HAUGLAND, Chairman

HB 1127 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Natural Resources to which was referred HB 1133 has had the same under consideration and recommends by a vote of 12 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2, delete lines 3 through 8 and insert in lieu thereof the following subsection:

"2. In addition to being subject to the civil penalties of this chapter and to any penalty provided by law, a person is guilty of a class C felony if that person willfully, as defined by section 12.1-02-02, violates any provision of this chapter, or any rule or order of the commission relating to safety or the prevention or control of pollution or waste, the violation is causing or likely to cause a serious and imminent threat of pollution or injury to the public health or safety, and the person committing the violation has left the state."

And renumber the lines, sections, and pages accordingly

REP. A. OLSON, Chairman

HB 1133 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations to which was referred HB 1141 has had the same under consideration and recommends by a vote of 21 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. PETERSON, Chairman

HB 1141 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Political Subdivisions to which was referred HB 1233 has had the same under consideration and recommends by a vote of 12 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 27, delete the word "governor" and insert in lieu thereof the words "industrial commission" and delete the words "executive order or" and insert in lieu thereof the word "rule"

On page 1, line 28, delete the word "proclamation"

On page 2, line 3, delete the words "governor's office" and insert in lieu thereof the words "industrial commission" and delete the word "governor" and insert in lieu thereof the words "industrial commission"

On page 2, line 4, delete the word "governor" and insert in lieu thereof the words "industrial commission"

On page 2, line 18, delete the word "to"

On page 2, line 25, delete the words "project or purpose" and insert in lieu thereof the words "bond issue"

On page 2, line 26, delete the word "state" and insert in lieu thereof the word "federal"

On page 2, line 27, after the word "that" insert the words "the bonds must be within the ceiling for"

On page 2, line 28, delete the word "will" and insert in lieu thereof the word "to"

On page 2, delete lines 33 through 35

On page 3, delete lines 1 through 3

On page 3, line 4, delete the numeral "9" and insert in lieu thereof the numeral "8"

On page 3, line 9, delete the word "governor" and insert in lieu thereof the words "industrial commission"

On page 3, line 13, delete the word "governor" and insert in lieu thereof the words "industrial commission"

On page 3, line 14, delete the words "executive order or proclamation" and insert in lieu thereof the word "rule"

On page 4, line 2, delete the word "governor" and insert in lieu thereof the words "industrial commission"

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

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

MR. SPEAKER: Your Committee on Transportation to which was referred HB 1241 has had the same under consideration and recommends by a vote of 12 YEAS, 1 NAYS, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 2, delete the numerals "19-18-13, 19-18-14, 19-18-15" and insert in lieu thereof the numerals "49-18-13, 49-18-14, 49-18-15"

On page 5, line 8, after the word "approval" insert the words
". The commission shall retain the right to suspend such rate reductions within thirty days of filing"

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

HB 1241 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Human Services and Veterans Affairs to which was referred HB 1329 has had the same under consideration and recommends by a vote of 15 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. HAUGLAND, Chairman

HB 1329 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Political Subdivisions to which was referred HB 1332 has had the same under consideration and recommends by a vote of 11 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 1, after the word "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to amend and reenact subsection 2 of section 32-12.1-03, subsection 3 of section 32-12.1-04, sections 32-12.1-05 and 32-12.1-10 of the North Dakota Century Code, relating to the award of damages against political subdivisions, the liability of political subdivision employees, and the statute of limitations for actions brought against political subdivisions.

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

SECTION 1. AMENDMENT. Subsection 2 of section 32-12.1-03 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. The liability of political subdivisions under this chapter shall be limited to two hundred fifty thousand dollars per person and five hundred thousand dollars for injury to three or more persons during any single occurrence. Liability for punitive or exemplary damages may exceed these limitations when such injuries have been caused by willful or malicious behavior or conduct regardless of the number of political subdivisions, or employees of such political subdivisions, which are involved in that occurrence. In no event may a political subdivision be held liable, or be ordered to indemnify an employee held liable, for punitive or exemplary damages.

SECTION 2. AMENDMENT. Subsection 3 of section 32-12.1-04 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. No employee may be held liable in the employee's personal capacity for acts or omissions of the employee occurring within the scope of the employee's employment unless the acts or omissions constitute reckless or grossly negligent conduct, or willful or wanton misconduct. An employee may be personally liable for money damages for injuries when the injuries are proximately caused by the negligence, wrongful act, or omission of the employee acting outside the scope of the employee's employment or office. The plaintiff in such an action bears the burden of proof to show by clear and convincing evidence that the employee was either acting outside the scope of the employee's

employment or office or the employee was acting within the scope of employment in a reckless, grossly negligent, willful, or wanton manner. Employees and political subdivisions may be jointly or severally liable for punitive or exemplary damages. The extent to which an employee may be personally liable pursuant to this section and whether the employee was acting within the scope of employment or office shall be specifically stated in a final judgment.

SECTION 3. AMENDMENT. Section 32-12.1-05 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

32-12.1-05. Liability insurance policy coverage. ~~Except for punitive or exemplary damages for which a political subdivision may be held liable, an~~ An insurance policy or insurance contract purchased by a political subdivision pursuant to this chapter may provide coverage for liabilities established by this chapter and may provide such additional coverage as the governing body of the political subdivision determines to be appropriate. The insurer may not assert the defense of governmental immunity, but this chapter confers no right upon a claimant to sue an insurer directly. If a dispute exists concerning the amount or nature of the required insurance coverage, the dispute must be tried separately. The insurance coverage authorized by this chapter may be in addition to any insurance coverage purchased by a political subdivision pursuant to any other provision of law.

SECTION 4. AMENDMENT. Section 32-12.1-10 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

32-12.1-10. Statute of limitations. An action brought under this chapter must be commenced within ~~three~~ two years after the claim for relief has accrued."

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

HB 1332 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Natural Resources to which was referred HB 1412 has had the same under consideration and recommends by a vote of 8 YEAS, 5 NAYS, 4 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

On page 1, line 10, delete the word "There" and insert in lieu thereof the words "Following issuance of a spacing order by

the industrial commission or the commencement of an action to recover unpaid royalties, there"

On page 1, line 16, delete the word "fifty" and insert in lieu thereof the words "one thousand"

On page 1, line 25, after the comma insert the word "or"

On page 1, line 27, after the word "Act" insert a period and delete the remainder of the line

On page 1, delete line 28

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

On page 2, delete lines 8 through 14

On page 2, line 17, after the numerals "38-08-06.3" insert the words "within sixty days after receiving a request for the information by certified mail"

On page 3, line 3, delete the words "delay rental payments,"

On page 3, line 4, delete the words "bonus payments, or"

On page 3, line 6, delete the numerals and words ", 3, or 4" and delete the words "that are not"

On page 3, line 7, delete the words "the person entitled to be paid. All payments"

On page 3, line 8, delete the words "over which a dispute exists must be deposited in"

On page 3, line 13, after the first word "royalty" insert the words ", free of production costs,"

On page 3, line 23, after the word "party" insert the words "in a court action"

On page 3, line 26, delete the word "felony" and insert in lieu thereof the word "misdemeanor"

On page 3, line 27, delete the words "and the minimum fine is"

On page 3, line 28, delete the words "one thousand dollars" and after the period insert the words "Payments not made as a result of a clerical error are not grounds for termination of the lease and do not subject the person obligated to pay royalties under this Act to the penalty provided in this section if the nonpayment is corrected and all unpaid royalties are paid pursuant to the sixty-day notice provisions contained in section 2 of this Act."

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

HB 1412 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Human Services and Veterans Affairs to which was referred HB 1447 has had the same under consideration and recommends by a vote of 14 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

On page 1, line 10, after the period insert the following new sentence: "However, an employee of a treatment or care center may not vote as a member or serve on the board of directors of a nonprofit corporation licensed to operate the treatment or care center."

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

HB 1447 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Finance and Taxation to which was referred HB 1453 has had the same under consideration and recommends by a vote of 10 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

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

On page 1, line 4, after the word "on" insert the words "the royalty owner's share of" and after the word "state" insert the words ", to provide for refund of the tax,"

On page 1, line 6, delete the word "and" and after the word "appropriation" insert the words "; and to provide an effective date"

On page 1, line 12, after the word "owners" insert the words "of land overlying known mineral deposits or owners"

On page 2, line 6, after the first word "of" insert the words "landowners or"

On page 2, line 8, after the word "by" insert the words "landowners or"

On page 2, line 10, after the first word "of" insert the words "landowners or"

On page 2, line 11, after the word "of" insert the words "landowners or"

On page 2, line 19, after the first word "tax" insert the words "on the royalty interests in oil and gas"

On page 2, line 22, after the period insert the words "The tax imposed by this section is to be paid on the share of production owned by royalty owners and is to be collected and paid with payment of other taxes due under this chapter by the person responsible for payment of taxes on production from the well."

On page 2, after line 24, insert the following new section:

"SECTION 4. A new section to chapter 57-51 of the North Dakota Century Code is hereby created and enacted to read as follows:

Refund of additional tax on oil and gas. The owner of any royalty interest in oil or gas on which a tax was paid under section 3 of this Act may obtain a refund of the portion of tax paid that is attributable to that person's interest in the oil or gas by filing a written claim for the refund on a form prescribed by the tax commissioner, providing the information required by the tax commissioner. A person may make a refund claim annually for all taxes paid during a calendar year, on or after January first and before July first of the next following year."

On page 2, line 34, delete the numerals "\$4,950,000" and insert in lieu thereof the numerals "\$825,000"

On page 3, after line 2, insert the following new section:

"SECTION 7. EFFECTIVE DATE. This Act becomes effective on January 1, 1988."

And renumber the lines, sections, and pages accordingly

REP. A. HAUSAUER, Chairman

HB 1453 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Human Services and Veterans Affairs to which was referred HB 1455 has had the same under consideration and recommends by a vote of 10 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. HAUGLAND, Chairman

HB 1455 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Human Services and Veterans Affairs to which was referred HB 1465 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. HAUGLAND, Chairman

HB 1465 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Human Services and Veterans Affairs to which was referred HB 1470 has had the same under consideration and recommends by a vote of 11 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. HAUGLAND, Chairman

HB 1470 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation to which was referred HB 1480 has had the same under consideration and recommends by a vote of 15 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

On page 1, line 11, overstrike the word "less" and insert immediately thereafter the word "more"

And renumber the lines, sections, and pages accordingly

REP. ANDERSON, Chairman

HB 1480 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Natural Resources to which was referred HB 1491 has had the same under consideration and recommends by a vote of 14 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, delete the word "activity" and insert in lieu thereof the word "work"

On page 1, line 5, delete the words "activities conducted in close proximity to" and insert in lieu thereof the words "work near"

On page 1, line 12, overstrike the words ", unless the"

On page 1, line 13, overstrike the words "context otherwise requires"

On page 1, line 17, overstrike the words "all bare or"

On page 1, line 18, overstrike the word "insulated"

- On page 1, line 19, delete the word "except", overstrike the word "those" and insert immediately thereafter the word "except", and overstrike the words "that are"
- On page 1 line 20, overstrike the words "that are" and overstrike the words "iron pipe" and insert immediately thereafter the words "protective conduit"
- On page 1, line 21, overstrike the words "of equal strength"
- On page 1, overstrike lines 22 through 25
- On page 2, line 1, delete the words "Activity in close proximity to" and insert in lieu thereof the words "Work near"
- On page 2, line 2, delete the words "activity or function" and insert in lieu thereof the word "work"
- On page 2, line 5, delete the words "vertical, lateral, or"
- On page 2, line 6, delete the word "swinging"
- On page 2, line 7, delete the word "activity" and insert in lieu thereof the word "work"
- On page 2, line 8, delete the words "entity operating" and insert in lieu thereof the words "operator of"
- On page 2, line 9, delete the words "in proximity to" and insert in lieu thereof the word "near" and delete the word "activity" and insert in lieu thereof the word "work"
- On page 2, line 11, delete the words "the utilization of"
- On page 2, line 12, delete the words "to prevent contact between equipment,"
- On page 2, line 13, delete the words "material, or persons and the high voltage overhead line"
- On page 2, line 15, delete the words "or entity engaging in activities or functions" and insert in lieu thereof the word "working"
- On page 2, line 16, after the word "pay" insert the words "the operator", delete the word "any", and delete the words "to the operator"
- On page 2, line 19, delete the words "within ten feet [3.05 meters] of" and insert in lieu thereof the words "closer to"
- On page 2, line 20, after the word "structure" insert the words "than the minimum clearance required by the latest edition"

of the national electrical safety code, as adopted by the public service commission" and delete the words "Unless the parties agree otherwise, the" and insert in lieu thereof the word "The"

On page 2, line 21, delete the words "or entity"

On page 2, line 22, delete the words "within close proximity to" and insert in lieu thereof the word "near"

On page 2, line 24, after the underscored comma insert the words "or as otherwise agreed upon in writing by the person responsible for the work,"

On page 2, line 25, delete the word "personnel" and insert in lieu thereof the word "persons"

On page 2, line 33, delete the words "in an amount"

On page 2, line 35, delete the words ". Any civil"

On page 3, delete line 1

On page 3, line 2, delete the words "general fund"

On page 3, line 10, delete the words "costs, expenses, and"

On page 3, line 21, overstrike the words "being done"

On page 3, line 24, overstrike the words "as defined in"

On page 3, line 25, overstrike the word and numerals "section 49-21.1-01"

On page 3, line 26, overstrike the word "any"

On page 3, line 27, overstrike the words "traveling or moving upon" and insert immediately thereafter the word "on"

On page 3, line 29, delete the words "being done"

On page 3, line 30, delete the words "with respect to" and insert in lieu thereof the word "on"

On page 3, line 31, delete the words "being done"

On page 3, line 32, delete the words "with respect to work"

On page 3, after line 33, insert the following new subsections:

"6. The operation of highway vehicles or agricultural equipment which in normal use may incidentally pass within the ten-foot [3.05-meter] clearance limitation.

7. Governmental entities responding to an emergency situation.

8. Work by any employee of a surface coal mining company in the course of coal mining activities."

And renumber the lines, sections, and pages accordingly

REP. A. OLSON, Chairman

HB 1491 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Human Services and Veterans Affairs to which was referred HB 1509 has had the same under consideration and recommends by a vote of 12 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. HAUGLAND, Chairman

HB 1509 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Human Services and Veterans Affairs to which was referred HB 1533 has had the same under consideration and recommends by a vote of 13 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

On page 1, line 1, delete the word "sections" and insert in lieu thereof the word "section" and delete the word and numerals "and 39-08-18"

On page 1, line 3, delete the words "and open bottle violations" and insert in lieu thereof the words "of certain alcoholic beverages"

On page 1, line 19, overstrike the words "and shall, if a"

On page 1, line 20, overstrike the words "fine is imposed, be fined not less than", delete the word "two", overstrike the word "hundred", and delete the word "fifty"

On page 1, line 21, overstrike the word "dollars" and insert immediately thereafter the words ". Any person under the age of twenty-one who operates or is in actual physical control of a private motor vehicle at any time when any person in the vehicle is in violation of section 39-08-18, or an equivalent city ordinance, is prima facie presumed to be in possession of an alcoholic beverage"

On page 1, delete lines 24 through 28

On page 2, delete lines 1 through 35

And renumber the lines, sections, and pages accordingly

REP. HAUGLAND, Chairman

HB 1533 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations to which was referred HB 1534 has had the same under consideration and recommends by a vote of 16 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 2, delete the words "a pilot"

On page 1, line 3, delete the word "program" and insert in lieu thereof the word "programs", delete the word "a", and delete the word "district" and insert in lieu thereof the word "districts"

On page 1, line 4, delete the words "using communications satellites" and insert in lieu thereof the words "electronic media"

On page 1, line 9, delete the numerals "150,000" and insert in lieu thereof the numerals "50,000"

On page 1, line 10, delete the word "a"

On page 1, line 11, delete the word "district" and insert in lieu thereof the word "districts", delete the words "a pilot program" and insert in lieu thereof the word "programs", and delete the second word "a"

On page 1, line 12, delete the word "area" and insert in lieu thereof the word "areas"

On page 1, line 13, delete the words "communications satellites" and insert in lieu thereof the words "electronic media"

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

"SECTION 2. PROGRAM AND SCHOOL DISTRICT SELECTION.

The North Dakota curriculum council shall advise the superintendent of public instruction on the selection of electronic media programs to be purchased and on the selection of school districts that will receive funds pursuant to this Act.

SECTION 3. LEGISLATIVE INTENT. It is the intent of the legislative assembly that appropriated funds be used to assist school districts in purchasing equipment and programs for instruction via electronic media."

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The appropriation for a program to use electronic media for instructional purposes is reduced by \$100,000, from \$150,000 to \$50,000. A new section is added requiring the Curriculum Council to advise the Superintendent of Public Instruction on the selection of media programs and a new section of legislative intent is added.

REP. PETERSON, Chairman

HB 1534 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation to which was referred HB 1538 has had the same under consideration and recommends by a vote of 8 YEAS, 7 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 20, delete the word "each" and insert in lieu thereof the words "the last"

On page 1, line 25, remove the overstrike over the words "~~one hundred eighty days~~" and delete the words "one year"

And renumber the lines, sections, and pages accordingly

REP. ANDERSON, Chairman

HB 1538 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Human Services and Veterans Affairs to which was referred HB 1552 has had the same under consideration and recommends by a vote of 12 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. HAUGLAND, Chairman

HB 1552 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Human Services and Veterans Affairs to which was referred HB 1553 has had the same under consideration and recommends by a vote of 15 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. HAUGLAND, Chairman

HB 1553 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary to which was referred HB 1566 has had the same under consideration and recommends by a vote of 13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. KRETSCHMAR, Chairman

HB 1566 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Political Subdivisions to which was referred HB 1572 has had the same under consideration and recommends by a vote of 12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 6, after the word "wetlands" insert the words "; and to provide an effective date"

On page 2, line 29, delete the word "March" and insert in lieu thereof the word "August"

On page 3, after line 26, insert the following section:

"SECTION 3. EFFECTIVE DATE. This Act is effective for all tax years beginning after December 31, 1986."

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

HB 1572 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education to which was referred HB 1586 has had the same under consideration and recommends by a vote of 10 YEAS, 5 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

REP. GATES, Chairman

HB 1586 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Political Subdivisions to which was referred HB 1589 has had the same under consideration and recommends by a vote of 12 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 3, line 18, delete the words "all other political" and insert in lieu thereof the words "townships and cities"

On page 3, line 19, delete the word "subdivisions"

On page 3, line 25, delete the words "other political subdivisions" and insert in lieu thereof the words "townships and cities"

On page 3, line 28, delete the words "political subdivision" and insert in lieu thereof the words "county, township, or city"

On page 3, line 30, delete the words "all political" and insert in lieu thereof the words "the county and all townships and cities in the county"

On page 3, line 31, delete the word "subdivisions"

On page 3, line 33, delete the words "other political subdivisions" and insert in lieu thereof the words "townships and cities"

On page 4, line 1, delete the word "political" and insert in lieu thereof the words "the county and cities in the county"

On page 4, line 2, delete the word "subdivisions"

On page 4, line 5, delete the words "political subdivision" and insert in lieu thereof the words "county or city"

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

"3. For purposes of per capita distributions under this section the population of any city may not be included in the population of any township or the county for purposes of determining the township's or county's allocation of revenue."

And renumber the lines, sections, and pages accordingly

REP. MOORE, Chairman

HB 1589 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Political Subdivisions to which was referred HB 1610 has had the same under consideration and recommends by a vote of 10 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 2, after the second word "and" insert the words "the levy by counties of"

On page 1, line 4, delete the words "cities or"

On page 1, line 11, after the word "and" insert the words "county imposition of" and after the first word "approval" insert the words "- Conformance to state sales tax - Exemptions required"

On page 1, line 15, delete the words "or motor vehicle registration fees, or both" and after the period insert the following sentences: "In addition to or in lieu of sales and use taxes under this section, a county may impose motor vehicle registration fees on the registration of motor vehicles owned by residents of the county upon approval of"

a majority of the voters voting on the question. Motor vehicle registration fees imposed under this section must be established at an equal fee for every vehicle registered. The rate of sales and use taxes imposed by a county or city under this section may not exceed one percent."

On page 1, line 18, delete the words "by a city or county"

On page 1, line 20, delete the words "by the city or county"

On page 1, line 22, after the period insert the following sentences: "A county or city enacting a county or city sales and use tax under this section must exempt from the tax, in addition to those items exempted in chapters 57-39.2 and 57-40.2, all sales at retail of mobile homes used for residential or business purposes, and all sales of farm machinery and irrigation equipment used exclusively for agricultural purposes. "Sales and use taxes", as used in this section, means a tax other than an ad valorem personal and real property tax, imposed by a county or city and conforming with chapters 57-39.2 and 57-40.2. No tax may be levied on the items taxed in chapters 57-39.2 and 57-40.2 unless the tax conforms in all respects to the state tax on those items except as otherwise provided in this section."

On page 1, line 24, delete the words "cities and"

On page 1, line 25, delete the words "governing body of any city or the"

On page 2, line 2, delete the words "city or"

On page 2, line 5, delete the words "city or"

On page 2, line 6, delete the words "appropriate official of the"

On page 2, line 7, delete the first words "city or" and delete the second words "city or"

On page 2, after line 13, insert the following new sections:

"SECTION 3. Allocation of city or county sales and use tax revenues. The state treasurer shall allocate net sales and use tax revenues collected under this Act and under an agreement under section 57-01-02.1 by the tax commissioner in the following manner:

1. If the sales and use tax is levied by a city, seventy-five percent of revenues shall be paid to the city and twenty-five percent shall be paid to the county auditor for distribution to the county and townships and cities in the county, not

including the city which levied the tax, on a per capita basis as determined by the most recent special or regular federal census.

2. If a sales and use tax is levied by a county under this Act, revenues shall be allocated in the following manner:
 - a. Fifty percent of revenues must be allocated to the county and townships and cities within the county in the proportion that the taxes levied in dollars on locally assessed real property within the county by the county, township, or city bears to the sum of taxes levied in dollars on locally assessed real property within the county by the county and all townships and cities in the county.
 - b. Forty percent of revenues must be allocated to the county and townships and cities in the county on a per capita basis as determined by the most recent special or regular federal census.
 - c. Ten percent of revenues must be allocated to the county and cities in the county in the proportion that taxable sales for the reporting period in which the collections were made by retail sales tax permitholders within the county or city bears to the sum of taxable sales during the reporting period by all retail sales tax permitholders within the county. For purposes of allocation to the county under this subdivision, retail sales tax permitholders of the county shall be those whose principal taxable activities or business location is outside city limits.
3. For purposes of per capita distributions under this section the population of any city may not be included in the population of any township or the county for purposes of determining the township's or county's allocation of revenue.

SECTION 4. Allocation of county motor vehicle registration fees. Within fifteen days of receipt of revenue under section 2 of this Act the county treasurer shall allocate and remit to each political subdivision its share of that revenue as provided in this section.

1. Fifty percent of revenues to be allocated under this section shall be allocated to the county and townships and cities in the county in the proportion that the miles of roads and streets

maintained by the county, township, or city bears to the total miles of all such roads and streets within the county.

2. Fifty percent of revenues to be allocated under this section shall be allocated to the county and townships and cities in the county in the proportion that the taxes levied in dollars on locally assessed real property within the county by the county, township, or city bears to the sum of taxes levied in dollars on locally assessed real property within the county by the county and all townships and cities in the county."

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

HB 1610 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Political Subdivisions to which was referred HB 1615 has had the same under consideration and recommends by a vote of 12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2, line 4, after the period insert the words "If the proposal for creation of an improvement project under this chapter is made by any person, group, or entity that is not an officer, board, or agency of the municipality, the person, group, or entity shall file a bond or other sufficient security, payable to the municipality, to defray all costs incurred if the improvement project is later barred under section 40-22.1-08. The bond or other sufficient security must be filed with the city auditor prior to the initiation of any further proceedings under this chapter. The governing body of the municipality shall determine the amount and form of the bond or other sufficient security."

On page 2, line 24, after the period insert the words "Any district created under this chapter shall include only property devoted, in whole or in part, to commercial or business use."

On page 2, line 28, delete the word "may" and insert in lieu thereof the word "shall"

On page 3, line 21, after the first word "the" insert the word "first"

On page 4, line 8, after the period insert the word "The municipality is not responsible for payment of costs incurred if the improvement project is proposed by any

person, group, or entity that is not an officer, board, or agency of the municipality. Payment of the costs incurred for such a barred improvement project must be as provided in section 40-22.1-02."

On page 4, line 9, after the word "project" insert the words "proposed by" and after the word "municipality" insert the words ", the municipality"

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

HB 1615 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary to which was referred HB 1647 has had the same under consideration and recommends by a vote of 10 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. KRETSCHMAR, Chairman

HB 1647 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary to which was referred HB 1649 has had the same under consideration and recommends by a vote of 9 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. KRETSCHMAR, Chairman

HB 1649 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education to which was referred HB 1655 has had the same under consideration and recommends by a vote of 15 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. GATES, Chairman

HB 1655 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation to which was referred HB 1251 has had the same under consideration and recommends by a vote of 13 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. ANDERSON, Chairman

HB 1251 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation to which was referred HB 1334 has had the same under consideration and recommends by a

vote of 14 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. ANDERSON, Chairman

HB 1334 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation to which was referred HB 1314 has had the same under consideration and recommends by a vote of 13 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. ANDERSON, Chairman

HB 1314 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation to which was referred HB 1315 has had the same under consideration and recommends by a vote of 12 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. ANDERSON, Chairman

HB 1315 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Human Services and Veterans Affairs to which was referred HCR 3020 has had the same under consideration and recommends by a vote of 14 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. HAUGLAND, Chairman

HCR 3020 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Human Services and Veterans Affairs to which was referred HCR 3021 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

REP. HAUGLAND, Chairman

HCR 3021 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Human Services and Veterans Affairs to which was referred HCR 3032 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

REP. HAUGLAND, Chairman

HCR 3032 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education to which was rereferred HCR 3057 has had the same under consideration and recommends by a

vote of 17 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. GATES, Chairman

HCR 3057 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education to which was referred HCR 3058 has had the same under consideration and recommends by a vote of 12 YEAS, 3 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

REP. GATES, Chairman

HCR 3058 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Finance and Taxation to which was referred HCR 3059 has had the same under consideration and recommends by a unanimous voice vote that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

REP. A. HAUSAUER, Chairman

HCR 3059 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education to which was referred HCR 3060 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

REP. GATES, Chairman

HCR 3060 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MESSAGE FROM THE SENATE
SENATE CHAMBER

MR. SPEAKER: In accordance with Senate Rule 407, the Senate is unable to allow introduction of HCR 3061.

PERRY GROTEBERG, Secretary

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

ROY GILBREATH, Chief Clerk