

## JOURNAL OF THE HOUSE

## Fiftieth Legislative Assembly

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## THIRTY-FIRST DAY

Bismarck, February 17, 1987

The House convened at 1:00 p.m., with Speaker Kloubec presiding.

The prayer was offered by Mark Bayert, First Presbyterian Church, Bismarck, North Dakota.

## ROLL CALL

The roll was called and all Representatives were present, except Representatives Brokaw, J. DeMers, Gerntholz, Graba, Gunsch, Kingsbury, Laughlin, Mertens, Smette, Solberg, 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 Thirtieth Day and finds the same to be correct.

REP. THOMPSON, Chairman

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

## ANNOUNCEMENT BY SPEAKER

SPEAKER KLOUBEC ANNOUNCED that the following Representatives were absent because they were attending funeral services for Mrs. Jayson Graba, wife of Representative Graba: Representatives Brokaw, J. DeMers, Gerntholz, Graba, Gunsch, Kingsbury, Laughlin, Mertens, Smette, Solberg, and Strinden.

## 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 1025, HB 1051, HB 1070, HB 1231, HB 1234, HB 1245,  
HB 1259, HB 1301, HB 1321, HB 1364, HB 1481, HB 1532,  
HB 1539, HB 1595, HCR 3005

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 2101, SB 2127, SB 2141, SB 2294, SB 2442, SB 2461,  
SB 2482, SB 2486, SB 2490

PERRY GROTEBERG, Secretary

#### MOTIONS

REP. MOORE MOVED that the House reconsider its action whereby the committee report was accepted and HB 1589 was placed on the Sixth order of business on the calendar, which motion prevailed.

REP. MOORE MOVED that HB 1589 be rereferred to the Committee on Political Subdivisions, which motion prevailed.

SPEAKER KLOUBEC ANNOUNCED that HB 1589 was referred to the Committee on Political Subdivisions.

REP. KRETSCHMAR MOVED that the House reconsider its action whereby the committee report was accepted and HB 1649 was placed on the Eleventh order of business on the calendar, which motion prevailed.

REP. KRETSCHMAR MOVED that HB 1649 be rereferred to the Committee on Judiciary, which motion prevailed.

SPEAKER KLOUBEC ANNOUNCED that HB 1649 was referred to the Committee on Judiciary.

#### SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to HB 1012 as recommended by the Committee on Appropriations as printed on pages 988-989 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

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

REP. PETERSON MOVED that the amendments to HB 1017 as recommended by the Committee on Appropriations as printed on pages 989-991 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

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

REP. PETERSON MOVED that the amendments to HB 1018 as recommended by the Committee on Appropriations as printed on pages 991-992 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

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

REP. PETERSON MOVED that the amendments to HB 1028 as recommended by the Committee on Appropriations as printed on

pages 992-993 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1028 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 1133 as recommended by the Committee on Natural Resources as printed on page 993 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

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

REP. MOORE MOVED that the amendments to HB 1233 as recommended by the Committee on Political Subdivisions as printed on pages 994-995 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

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

REP. ANDERSON MOVED that the amendments to HB 1241 as recommended by the Committee on Transportation as printed on page 995 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

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

REP. MOORE MOVED that the amendments to HB 1332 as recommended by the Committee on Political Subdivisions as printed on pages 996-997 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1332 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 1412 as recommended by the Committee on Natural Resources as printed on pages 997-999 of the House Journal be adopted, and when so adopted, recommends the same DO NOT PASS, which motion prevailed.

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

REP. HAUGLAND MOVED that the amendments to HB 1447 as recommended by the Committee on Human Services and Veterans Affairs as printed on page 999 of the House Journal be adopted, and when so adopted, recommends the same DO NOT PASS, which motion prevailed.

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

REP. A. HAUSAUER MOVED that the amendments to HB 1453 as recommended by the **Committee on Finance and Taxation** as printed on pages 999-1000 of the House Journal be adopted, and when so adopted, recommends the same DO NOT PASS, which motion prevailed.

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

REP. ANDERSON MOVED that the amendments to HB 1480 as recommended by the **Committee on Transportation** as printed on page 1001 of the House Journal be adopted, and when so adopted, recommends the same DO NOT PASS, which motion prevailed.

HB 1480 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 1491 as recommended by the **Committee on Natural Resources** as printed on pages 1001-1004 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

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

REP. HAUGLAND MOVED that the amendments to HB 1533 as recommended by the **Committee on Human Services and Veterans Affairs** as printed on pages 1004-1005 of the House Journal be adopted, and when so adopted, recommends the same DO NOT PASS, which motion prevailed.

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

REP. PETERSON MOVED that the amendments to HB 1534 as recommended by the **Committee on Appropriations** as printed on pages 1005-1006 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

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

REP. ANDERSON MOVED that the amendments to HB 1538 as recommended by the **Committee on Transportation** as printed on page 1006 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

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

REP. MOORE MOVED that the amendments to HB 1572 as recommended by the **Committee on Political Subdivisions** as printed on page 1007 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

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

REP. MOORE MOVED that the amendments to HB 1610 as recommended by the Committee on Political Subdivisions as printed on pages 1008-1011 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

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

REP. MOORE MOVED that the amendments to HB 1615 as recommended by the Committee on Political Subdivisions as printed on pages 1011-1012 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

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

#### RECOGNITION

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

#### SECOND READING OF HOUSE BILLS

HB 1008: A BILL for an Act making an appropriation for defraying the expenses of the aeronautics commission 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 70 YEAS, 25 NAYS, 11 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Belter; Berg, G.; Berg, R.; Christman; Cleveland; Dalrymple; Enget; Flaagan; Frey; Gates; Goetz; Gorman; Halmrast; Hamerlik; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Knell; Kolbo; Kretschmar; Kuchera; Lang; Larson; Lautenschlager; Linderman; Lindgren; Martinson; Moore; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olson, V.; Opedahl; O'Shea; Payne; Peterson; Rice; Rydell; Scherber; Schindler; Shaft; Shaw; Shide; Skjerven; Sorensen; Starke; Thompson; Tokach; Tollefson; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Williams, A.; Williams, C.; Winkelman; Speaker Kloubec

NAYS: Anderson; DeMers, P.; Dorso; Dotzenrod; Hanson, L.; Hanson, O.; Haugen; Klundt; Knudson; Koland; Marks; Martin; Melby; Meyer; Murphy; Olsen, D.; Olson, A.;

Riehl; Schneider; Shockman; Stofferahn; Tomac; Whalen;  
Wilkie; Williams, W.

**ABSENT AND NOT VOTING:** Brokaw; DeMers, J.; Gerntholz;  
Graba; Gunsch; Kingsbury; Laughlin; Mertens; Smette;  
Solberg; Strinden

HB 1008 passed and the title was agreed to.

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**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.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 95 YEAS, 0 NAYS, 11 ABSENT AND NOT VOTING.

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

HB 1023 passed and the title was agreed to.

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**HB 1024:** A BILL for an Act making an appropriation for defraying the administrative costs of the teachers' fund for retirement 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 94 YEAS, 0 NAYS, 12 ABSENT AND NOT VOTING.

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

HB 1024 passed and the title was agreed to.

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**HB 1267:** A BILL for an Act to amend and reenact subdivision d of subsection 3 of section 39-12-04 of the North Dakota Century Code, relating to allowable lengths of certain motor vehicles.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 81 YEAS, 12 NAYS, 13 ABSENT AND NOT VOTING.

**YEAS:** Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Christman; Dalrymple; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Gates; Goetz; Gorman; Halmrast; Hamerlik; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kent; Klundt; Knell; Knudson; Koland; Kolbo; Kuchera; Lang; Larson; Linderman; Lindgren; Marks; Martin; Martinson; Melby;

Meyer; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.;  
 Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.;  
 Olson, V.; Opedahl; O'Shea; Payne; Rice; Riehl; Rydell;  
 Scherber; Schindler; Shaft; Shaw; Shide; Shockman;  
 Skjerven; Sorensen; Starke; Tokach; Tollefson; Tomac;  
 Trautman; Ulmer; Vander Vorst; Wald; Watne; Whalen;  
 Wilkie; Williams, A.; Williams, C.; Winkelman

NAYS: Frey; Hanson, L.; Kelly; Kretschmar;  
 Lautenschlager; O'Connell; Schneider; Stofferahn;  
 Thompson; Wentz; Williams, W.; Speaker Kloubec

ABSENT AND NOT VOTING: Brokaw; Cleveland; DeMers, J.;  
 Gerntholz; Graba; Gunsch; Kingsbury; Laughlin; Mertens;  
 Peterson; Smette; Solberg; Strinden

HB 1267 passed and the title was agreed to.

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HB 1331: A BILL for an Act to provide for the time for  
 compliance by counties and cities with laws enacted by the  
 legislative assembly which fiscally affect counties and  
 cities.

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 90 YEAS, 3 NAYS, 13 ABSENT AND  
 NOT VOTING.

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

NAYS: Dalrymple; Hamerlik; Ulmer



ABSENT AND NOT VOTING: Brokaw; Cleveland; DeMers, J.; Gerntholz; Graba; Gunsch; Kingsbury; Laughlin; Mertens; Peterson; Smette; Solberg; Strinden

HB 1331 passed and the title was agreed to.

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HB 1426: A BILL for an Act to amend and reenact sections 52-09-08 and 57-15-28.1 of the North Dakota Century Code, relating to mill levy limitations for counties participating in the old age and survivors' insurance program and other related programs.

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 88 YEAS, 6 NAYS, 12 ABSENT AND NOT VOTING.

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

NAYS: Dotzenrod; Enget; Meyer; Murphy; Riehl; Wilkie

ABSENT AND NOT VOTING: Brokaw; DeMers, J.; Gerntholz; Graba; Gunsch; Kingsbury; Laughlin; Mertens; Peterson; Smette; Solberg; Strinden

HB 1426 passed and the title was agreed to.

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HB 1449: A BILL for an Act to provide authority for the creation and operation of city job development authorities; to create and enact a new subsection to section 57-15-10 of the North Dakota Century Code, relating to a city tax levy for operation of a city job development authority; and to amend and reenact subsection 29 of section 57-15-06.7 of

the North Dakota Century Code, relating to county tax levies for support of job development authorities.

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 85 YEAS, 10 NAYS, 11 ABSENT AND NOT VOTING.

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

**NAYS:** Berg, G.; Frey; Lang; Meyer; Murphy; O'Connell; O'Shea; Riehl; Schindler; Shockman

**ABSENT AND NOT VOTING:** Brokaw; DeMers, J.; Gerntholz; Graba; Gunsch; Kingsbury; Laughlin; Mertens; Smette; Solberg; Strinden

HB 1449 passed and the title was agreed to.

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**HB 1459:** A BILL for an Act to amend and reenact section 50-01-08 of the North Dakota Century Code, relating to the compensation of members of county social service boards.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 87 YEAS, 8 NAYS, 11 ABSENT AND NOT VOTING.

**YEAS:** Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Christman; Cleveland; Dalrymple; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Goetz; Gorman; Halmrast; Hamerlik; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent;

Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar;  
 Kuchera; Lang; Larson; Lautenschlager; Linderman;  
 Lindgren; Marks; Martin; Martinson; Melby; Meyer;  
 Moore; Myrdal; Nelson, C.; Nelson, J.; Nicholas;  
 Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.;  
 Olson, V.; Opedahl; O'Shea; Payne; Peterson; Rice;  
 Riehl; Rydell; Scherber; Schindler; Schneider; Shaft;  
 Shaw; Shockman; Skjerven; Sorensen; Starke; Stofferahn;  
 Thompson; Tollefson; Trautman; Ulmer; Vander Vorst;  
 Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.;  
 Williams, W.; Winkelman

NAYS: Dotzenrod; Hanson, O.; Murphy; Shide; Tokach;  
 Tomac; Wilkie; Speaker Kloubec

ABSENT AND NOT VOTING: Brokaw; DeMers, J.; Gerntholz;  
 Graba; Gunsch; Kingsbury; Laughlin; Mertens; Smette;  
 Solberg; Strinden

HB 1459 passed and the title was agreed to.

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HB 1486: A BILL for an Act to create and enact three new sections to chapter 2-05 of the North Dakota Century Code, relating to aircraft registration; and to amend and reenact section 2-05-11 of the North Dakota Century Code, relating to aircraft registration fees.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 95 YEAS, 0 NAYS, 11 ABSENT AND NOT VOTING.

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

HB 1486 passed and the title was agreed to.

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#### MOTION

REP. GOETZ MOVED that the House waive the reading of the title to HB 1501, which motion prevailed.

#### SECOND READING OF HOUSE BILLS

HB 1501: A BILL for an Act to create and enact a new section to chapter 20.1-12 of the North Dakota Century Code, relating to the harvesting of game birds on private shooting preserves; and to amend and reenact sections 20.1-12-02, 20.1-12-03, 20.1-12-05, and 20.1-12-07 of the North Dakota Century Code, relating to private shooting preserves.

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 94 YEAS, 1 NAY, 11 ABSENT AND NOT VOTING.

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

NAYS: Frey

ABSENT AND NOT VOTING: Brokaw; DeMers, J.; Gerntholz;  
Graba; Gunsch; Kingsbury; Laughlin; Mertens; Smette;  
Solberg; Strinden

HB 1501 passed and the title was agreed to.

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HB 1502: A BILL for an Act to amend and reenact section 57-15-12.1 of the North Dakota Century Code, relating to employment of a full-time forester in certain cities or park districts.

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 4 YEAS, 90 NAYS, 12 ABSENT AND NOT VOTING.

YEAS: Aas; Frey; Tollefson; Speaker Kloubec

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

ABSENT AND NOT VOTING: Brokaw; DeMers, J.; Gerntholz; Graba; Gunsch; Kingsbury; Koland; Laughlin; Mertens; Smette; Solberg; Strinden

HB 1502 was declared lost.

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HB 1526: A BILL for an Act to create and enact a new section to chapter 64-04 of the North Dakota Century Code, relating to a requirement that certain tank wagons be equipped to provide metered bulk tickets.

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, 47 NAYS, 11 ABSENT AND NOT VOTING.

YEAS: Berg, G.; Berg, R.; Dalrymple; DeMers, P.; Dotzenrod; Enget; Flaagan; Frey; Hanson, L.; Haugland; Hill; Hoffner; Hokana; Kelly; Klundt; Knudson; Kolbo; Kuchera; Lautenschlager; Linderman; Marks; Martin; Martinson; Meyer; Myrdal; Nelson, C.; Nelson, J.; Nowatzki; Oban; O'Connell; Opedahl; O'Shea; Riehl; Rydell; Scherber; Schneider; Shockman; Skjerven; Starke; Stofferahn; Tomac; Trautman; Watne; Wentz; Wilkie; Williams, A.; Williams, C.; Williams, W.

NAYS: Aas; Almlie; Anderson; Belter; Christman; Cleveland; Dorso; Gates; Goetz; Gorman; Halmrast; Hamerlik; Hanson, O.; Haugen; Hausauer, A.; Hausauer, R.; Kent; Knell; Koland; Kretschmar; Lang; Larson; Lindgren; Melby; Moore; Murphy; Nicholas; Olsen, D.; Olson, A.; Olson, V.; Payne; Peterson; Rice; Schindler; Shaft; Shaw; Shide; Sorensen; Thompson; Tokach; Tollefson; Ulmer; Vander Vorst; Wald; Whalen; Winkelman; Speaker Kloubec

ABSENT AND NOT VOTING: Brokaw; DeMers, J.; Gerntholz; Graba; Gunsch; Kingsbury; Laughlin; Mertens; Smette; Solberg; Strinden

HB 1526 was declared lost for want of a Constitutional majority.

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HB 1575: A BILL for an Act to amend and reenact section 54-03-20 of the North Dakota Century Code, relating to reimbursement for expenses for members of the legislative assembly; 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 90 YEAS, 6 NAYS, 10 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Christman; Dalrymple; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Goetz; Gorman; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Kelly; Kent; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Lang; Larson; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nelson, J.; Nowatzki; Oban; O'Connell;

Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea;  
Payne; Peterson; Rice; Riehl; Rydell; Scherber;  
Schindler; Schneider; Shaft; Shaw; Shide; Shockman;  
Skjerven; Sorensen; Starke; Stofferahn; Strinden;  
Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer;  
Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.;  
Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

**NAYS:** Cleveland; Gates; Hokana; Kuchera; Nelson, C.;  
Vander Vorst

**ABSENT AND NOT VOTING:** Brokaw; DeMers, J.; Gerntholz;  
Graba; Gunsch; Kingsbury; Laughlin; Nicholas; Smette;  
Solberg

HB 1575 passed, the title was agreed to, and the emergency clause carried.

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HB 1576: A BILL for an Act to amend and reenact section 50-06.2-05 of the North Dakota Century Code, relating to the authority of the board of county commissioners to levy a tax for comprehensive human services programs.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 79 YEAS, 17 NAYS, 10 ABSENT AND NOT VOTING.

**YEAS:** Aas; Almlie; Belter; Berg, G.; Berg, R.; Christman;  
Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso;  
Enget; Flaagan; Frey; Gates; Goetz; Gorman; Halmrast;  
Hamerlik; Hanson, L.; Haugen; Haugland; Hausauer, A.;  
Hausauer, R.; Hill; Hoffner; Hokana; Kent; Knell;  
Knudson; Koland; Kolbo; Kretschmar; Kuchera; Lang;  
Larson; Lautenschlager; Linderman; Lindgren; Marks;  
Martin; Martinson; Moore; Myrdal; Nelson, C.;  
Nelson, J.; Nicholas; Oban; Olsen, D.; Olson, A.;  
Olson, V.; Opedahl; O'Shea; Payne; Peterson; Rice;  
Rydell; Scherber; Schindler; Shaft; Shaw; Shide;  
Skjerven; Sorensen; Stofferahn; Strinden; Thompson;  
Tollefson; Trautman; Ulmer; Vander Vorst; Watne; Wentz;  
Whalen; Williams, A.; Williams, C.; Williams, W.;  
Winkelman; Speaker Kloubec

**NAYS:** Anderson; Dotzenrod; Hanson, O.; Kelly; Klundt;  
Melby; Meyer; Murphy; Nowatzki; O'Connell; Riehl;  
Schneider; Shockman; Starke; Tokach; Tomac; Wilkie

**ABSENT AND NOT VOTING:** Brokaw; Gerntholz; Graba; Gunsch;  
Kingsbury; Laughlin; Mertens; Smette; Solberg; Wald

HB 1576 passed and the title was agreed to.

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**HB 1578:** A BILL for an Act to create and enact six new sections to chapter 15-62.2 of the North Dakota Century Code, relating to the establishment of a North Dakota merit scholarship program; and to amend and reenact sections 15-62.2-01, 15-62.2-02, and 15-62.2-04 of the North Dakota Century Code, relating to administration of the student financial assistance program and merit scholarship program.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 94 YEAS, 3 NAYS, 9 ABSENT AND NOT VOTING.

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

**NAYS:** Aas; Dorso; Murphy

**ABSENT AND NOT VOTING:** Brokaw; Gerntholz; Graba; Gunsch; Kingsbury; Laughlin; Mertens; Smette; Solberg

HB 1578 passed and the title was agreed to.

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**HB 1606:** A BILL for an Act to amend and reenact section 27-20-16 of the North Dakota Century Code, relating to the detention of delinquent, unruly, and deprived children.

Which has been read.



## ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 97 YEAS, 0 NAYS, 9 ABSENT AND NOT VOTING.

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

**NAYS:** None

**ABSENT AND NOT VOTING:** Brokaw; Gerntholz; Graba; Gunsch; Kingsbury; Laughlin; Smette; Solberg; Wald

HB 1606 passed and the title was agreed to.

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**HB 1607:** A BILL for an Act to amend and reenact subsection 1 of section 12.1-32-08 of the North Dakota Century Code, relating to hearing prior to a restitution or reparation order.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 95 YEAS, 3 NAYS, 8 ABSENT AND NOT VOTING.

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

Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell;  
 Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea;  
 Payne; Peterson; Rice; Riehl; Rydell; Scherber;  
 Schindler; Schneider; Shaft; Shaw; Shide; Shockman;  
 Skjerven; Sorensen; Starke; Stofferahn; Strinden;  
 Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer;  
 Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie;  
 Williams, A.; Williams, C.; Williams, W.;  
 Speaker Kloubec

**NAYS:** Hanson, O.; Hausauer, A.; Winkelman

**ABSENT AND NOT VOTING:** Brokaw; Gerntholz; Graba; Gunsch;  
 Kingsbury; Laughlin; Smette; Solberg

HB 1607 passed and the title was agreed to.

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**HB 1626:** A BILL for an Act to amend and reenact sections 30.1-14-01.1 and 30.1-14-05 and subsection 1 of section 30.1-14-07 of the North Dakota Century Code, relating to informal probate proceedings.

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 97 YEAS, 0 NAYS, 9 ABSENT AND NOT VOTING.

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

**NAYS:** None

**ABSENT AND NOT VOTING:** Berg, G.; Brokaw; Gerntholz;  
 Graba; Gunsch; Kingsbury; Laughlin; Smette; Solberg

HB 1626 passed and the title was agreed to.

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HB 1638: A BILL for an Act to create and enact two new subsections to section 19-03.1-23 of the North Dakota Century Code, relating to penalties for violation of the Uniform Controlled Substances 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 93 YEAS, 3 NAYS, 10 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, R.; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Goetz; Gorman; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Kuchera; Lang; Larson; 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; Sorensen; Starke; Stoferahn; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Speaker Kloubec

NAYS: Murphy; Ulmer; Winkelman

ABSENT AND NOT VOTING: Berg, G.; Brokaw; Gerntholz; Graba; Gunsch; Kingsbury; Laughlin; Peterson; Smette; Solberg

HB 1638 passed and the title was agreed to.

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HB 1648: A BILL for an Act to amend and reenact subsection 2 of section 11-10.1-01 of the North Dakota Century Code, relating to the qualifications of the county director of tax equalization.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 95 YEAS, 2 NAYS, 9 ABSENT AND NOT VOTING.

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

NAYS: Hausauer, A.; Winkelman

ABSENT AND NOT VOTING: Brokaw; Gerntholz; Graba; Gunsch; Hausauer, R.; Kingsbury; Peterson; Smette; Solberg

HB 1648 passed and the title was agreed to.

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## MOTIONS

REP. GOETZ MOVED that HB 1462 be placed at the bottom of the calendar, which motion prevailed.

REP. ANDERSON MOVED that HB 1334 be placed directly after HB 1251 on the calendar, which motion prevailed.

## SECOND READING OF HOUSE BILLS

HB 1661: A BILL for an Act relating to definitions of wiretapping and eavesdropping, ex parte orders for wiretapping and eavesdropping by law enforcement officers, orders directing others to furnish assistance in wiretapping and eavesdropping, and reports to the attorney general; 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 74 YEAS, 26 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Anderson; Belter; Berg, G.; Berg, R.; Christman; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Gates; Goetz; Gorman; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Kelly; Kent; Klundt; Knell; Knudson; Kretschmar; Lang; Larson; Laughlin; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Meyer; Moore; Nelson, C.; Nicholas; Oban; Olson, V.; Payne; Rice; Riehl; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Skjerven; Solberg; Sorensen; Starke; Stofferahn; Strinden; Tokach; Tollefson; Trautman; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Aas; Almlie; Brokaw; Cleveland; Enget; Flaagan; Frey; Hill; Koland; Kolbo; Kuchera; Lautenschlager; Murphy; Myrdal; Nelson, J.; Nowatzki; O'Connell; Olsen, D.; Olson, A.; Opedahl; O'Shea; Shide; Shockman; Tomac; Ulmer; Williams, A.

ABSENT AND NOT VOTING: Gerntholz; Graba; Kingsbury; Peterson; Smette; Thompson

HB 1661 passed and the title was agreed to.

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HB 1663: A BILL for an Act relating to higher education nonresident tuition rates.

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, 54 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Almlie; Anderson; Belter; Brokaw; DeMers, P.; Dotzenrod; Enget; Flaagan; Frey; Halmrast; Hanson, L.; Haugen; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kent; Knudson; Laughlin; Linderman; Marks; Martin; Mertens; Meyer; Nelson, C.; Nelson, J.; Nowatzki; Oban; O'Connell; Olson, A.; Opedahl; O'Shea; Peterson; Riehl; Schneider; Shaft; Shaw; Shockman; Skjerven; Solberg; Starke; Stofferahn; Tomac; Ulmer; Watne; Wilkie; Williams, A.; Williams, W.; Winkelman

**NAYS:** Aas; Berg, G.; Berg, R.; Christman; Cleveland; Dalrymple; DeMers, J.; Dorso; Gates; Gerntholz; Goetz; Gorman; Gunsch; Hamerlik; Hanson, O.; Haugland; Kelly; Kingsbury; Klundt; Knell; Koland; Kolbo; Kretschmar; Kuchera; Lang; Larson; Lautenschlager; Lindgren; Martinson; Melby; Moore; Murphy; Myrdal; Nicholas; Olsen, D.; Olson, V.; Payne; Rice; Rydell; Scherber; Schindler; Shide; Smette; Sorensen; Strinden; Thompson; Tokach; Tollefson; Trautman; Vander Vorst; Wald; Wentz; Whalen; Speaker Kloubec

**ABSENT AND NOT VOTING:** Graba; Williams, C.

HB 1663 was declared lost.

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**HB 1664:** A BILL for an Act to amend and reenact section 15-10.1-03 of the North Dakota Century Code, relating to reciprocal higher education agreements.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 30 YEAS, 75 NAYS, 1 ABSENT AND NOT VOTING.

**YEAS:** Belter; Brokaw; DeMers, P.; Dotzenrod; Enget; Frey; Halmarst; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hoffner; Hokana; Knudson; Marks; Mertens; Nelson, J.; Opedahl; O'Shea; Shaw; Shockman; Skjerven; Solberg; Stofferahn; Tomac; Ulmer; Watne; Wilkie; Williams, A.; Williams, W.

**NAYS:** Aas; Almlie; Anderson; Berg, G.; Berg, R.; Christman; Cleveland; Dalrymple; DeMers, J.; Dorso; Flaagan; Gates; Gerntholz; Goetz; Gorman; Gunsch; Hamerlik; Hanson, O.; Hausauer, R.; Hill; Kelly; Kent; Kingsbury; Klundt; Knell; Koland; Kolbo; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Martin; Martinson; Melby; Meyer; Moore; Murphy; Myrdal; Nelson, C.; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Payne; Peterson; Rice; Riehl; Rydell; Scherber; Schindler; Schneider; Shaft; Shide; Smette; Sorensen; Starke; Strinden; Thompson; Tokach; Tollefson; Trautman; Vander Vorst; Wald; Wentz; Whalen; Williams, C.; Winkelman; Speaker Kloubec

**ABSENT AND NOT VOTING:** Graba

HB 1664 was declared lost.

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## MOTION

REP. KOLAND MOVED that the House reconsider its action whereby HB 1609 failed to pass, which motion prevailed on a verification vote.

## SECOND READING OF HOUSE BILL

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.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 57 YEAS, 47 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Christman; Dalrymple; Dorso; Dotzenrod; Gates; Gerntholz; Gorman; Gunsch; Hamerlik; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Kent; Knell; Koland; Kretschmar; Lang; Larson; Lindgren; Martin; Martinson; Melby; Moore; Myrdal; Nicholas; Olsen, D.; Olson, A.; Olson, V.; Payne; Peterson; Rice; Rydell; Schindler; Shaft; Shaw; Shide; Skjerven; Smette; Strinden; Thompson; Tokach; Tollefson; Tomac; Vander Vorst; Wald; Whalen; Williams, C.; Winkelman; Speaker Kloubec

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

ABSENT AND NOT VOTING: Goetz; Graba

HB 1609 passed and the title was agreed to.

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## MOTIONS

REP. R. HAUSAUER MOVED that the House reconsider its action whereby HB 1345 lost for want of a Constitutional majority, which motion prevailed on a verification vote.

REP. STRINDEN MOVED that HB 1345 be laid over until after the recess, which motion prevailed.

REP. STRINDEN MOVED that the House reconsider its action whereby HB 1483 failed to pass for want of a Constitutional majority, which motion prevailed.

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

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

#### SECOND READING OF HOUSE BILLS

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.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 65 YEAS, 25 NAYS, 16 ABSENT AND NOT VOTING.

YEAS: Almlie; Berg, G.; Brokaw; Christman; Cleveland; DeMers, J.; DeMers, P.; Flaagan; Frey; Gates; Gertholz; Goetz; Gorman; Halmrast; Hamerlik; Hanson, L.; Haugland; Hill; Hoffner; Hokana; Kelly; Kent; Klundt; Kolbo; Kuchera; Larson; Laughlin; Linderman; Lindgren; Marks; Martin; Mertens; Meyer; Murphy; Nelson, C.; Nelson, J.; Nowatzki; Oban; O'Connell; Olson, V.; Opedahl; Peterson; Rydell; Scherber; Shaft; Shockman; Skjerven; Solberg; Sorensen; Starke; Stofferahn; Strinden; Tollefson; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman

NAYS: Anderson; Belter; Dotzenrod; Gunsch; Hanson, O.; Haugen; Hausauer, A.; Kingsbury; Knell; Knudson; Koland; Lang; Lautenschlager; Melby; Moore; Olsen, D.; O'Shea; Rice; Schindler; Schneider; Shaw; Shide; Tokach; Tomac; Speaker Kloubec

ABSENT AND NOT VOTING: Aas; Berg, R.; Dalrymple; Dorso; Enget; Graba; Hausauer, R.; Kretschmar; Martinson; Myrdal; Nicholas; Olson, A.; Payne; Riehl; Smette; Thompson

HB 1483 passed and the title was agreed to.

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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.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 50 YEAS, 49 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Almlie; Anderson; Berg, G.; Brokaw; Dorso; Flaagan; Frey; Gerntholz; Goetz; Gunsch; Hanson, L.; Hanson, O.; Haugen; Hausauer, R.; Hokana; Kent; Kingsbury; Knell; Kolbo; Kretschmar; Kuchera; Larson; Laughlin; Lautenschlager; Lindgren; Marks; Martinson; Mertens; Meyer; Murphy; Nelson, C.; Nelson, J.; Nowatzki; O'Connell; Olsen, D.; Opedahl; O'Shea; Peterson; Riehl; Schneider; Shide; Shockman; Skjerven; Stofferahn; Tokach; Tomac; Wald; Williams, A.; Williams, C.; Williams, W.

NAYS: Belter; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dotzenrod; Gates; Gorman; Halmrast; Hamerlik; Haugland; Hausauer, A.; Hill; Hoffner; Kelly; Klundt; Knudson; Koland; Lang; Linderman; Martin; Melby; Moore; Nicholas; Oban; Olson, V.; Payne; Rice; Rydell; Scherber; Schindler; Shaft; Shaw; Solberg; Sorensen; Starke; Strinden; Thompson; Tollefson; Trautman; Ulmer; Vander Vorst; Watne; Wentz; Whalen; Wilkie; Winkelman; Speaker Kloubec

ABSENT AND NOT VOTING: Aas; Berg, R.; Enget; Graba; Myrdal; Olson, A.; Smette

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

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HB 1251: A BILL for an Act to amend and reenact sections 49-18-14, 49-18-15, and 49-18-23 of the North Dakota Century Code, relating to motor carrier permits.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 39 YEAS, 64 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Almlie; Berg, G.; Berg, R.; Christman; Dotzenrod; Gerntholz; Gorman; Gunsch; Kent; Kingsbury; Kretschmar; Lang; Larson; Lautenschlager; Linderman; Lindgren; Melby; Moore; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Olsen, D.; Opedahl; Payne; Riehl; Schindler;

Shaft; Shaw; Shide; Skjerven; Thompson; Tokach; Tomac;  
Ulmer; Vander Vorst; Whalen; Wilkie; Speaker Kloubec

**NAYS:** Aas; Anderson; Belter; Brokaw; Cleveland;  
Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget;  
Flaagan; Frey; Gates; Goetz; Halmrast; Hamerlik;  
Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.;  
Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Klundt;  
Knell; Knudson; Koland; Kolbo; Kuchera; Laughlin;  
Marks; Martin; Martinson; Mertens; Murphy; Myrdal;  
Oban; O'Connell; Olson, A.; Olson, V.; O'Shea;  
Peterson; Rice; Rydell; Scherber; Schneider; Shockman;  
Smette; Solberg; Sorensen; Starke; Stofferahn;  
Strinden; Tollefson; Trautman; Watne; Wentz;  
Williams, A.; Williams, C.; Williams, W.; Winkelman

**ABSENT AND NOT VOTING:** Graba; Meyer; Wald

HB 1251 was declared lost.

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**HB 1334:** A BILL for an Act to amend and reenact sections  
49-18-14, 49-18-15, and 49-18-23 of the North Dakota  
Century Code, relating to motor carrier permits.

Which has been read.

#### ROLL CALL

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

**YEAS:** Almlie; Berg, G.; Berg, R.; Christman; Dotzenrod;  
Gerntholz; Gorman; Kent; Kingsbury; Kretschmar; Lang;  
Larson; Linderman; Lindgren; Melby; Mertens; Meyer;  
Moore; Nelson, C.; Nelson, J.; Nicholas; Nowatzki;  
Olsen, D.; Payne; Riehl; Shaft; Shaw; Shide; Skjerven;  
Thompson; Tokach; Tomac; Ulmer; Vander Vorst; Whalen;  
Wilkie; Speaker Kloubec

**NAYS:** Aas; Anderson; Belter; Brokaw; Cleveland;  
Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget;  
Flaagan; Frey; Gates; Goetz; Gunsch; Halmrast;  
Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland;  
Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana;  
Kelly; Klundt; Knell; Knudson; Koland; Kolbo; Kuchera;  
Laughlin; Lautenschlager; Marks; Martin; Martinson;  
Murphy; Myrdal; Oban; O'Connell; Olson, A.; Olson, V.;  
O'Shea; Rice; Rydell; Scherber; Schindler; Schneider;  
Shockman; Smette; Sorensen; Starke; Stofferahn;  
Strinden; Tollefson; Trautman; Wald; Watne; Wentz;  
Williams, A.; Williams, C.; Williams, W.; Winkelman

**ABSENT AND NOT VOTING:** Graba; Opedahl; Peterson; Solberg

HB 1334 was declared lost.

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HB 1314: A BILL for an Act to create and enact a new section to chapter 49-18 of the North Dakota Century Code, relating to collective ratemaking discussions by common motor carriers.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 29 YEAS, 76 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Almlie; Berg, G.; Berg, R.; Christman; Dotzenrod; Gorman; Kretschmar; Lang; Larson; Lindgren; Melby; Mertens; Moore; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Olsen, D.; Opedahl; Payne; Schindler; Shaft; Shide; Shockman; Thompson; Tomac; Vander Vorst; Whalen; Speaker Kloubec

NAYS: Aas; Anderson; Belter; Brokaw; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Kingsbury; Klundt; Knell; Knudson; Koland; Kolbo; Kuchera; Laughlin; Lautenschlager; Linderman; Marks; Martin; Martinson; Meyer; Murphy; Myrdal; Oban; O'Connell; Olson, A.; Olson, V.; O'Shea; Peterson; Rice; Riehl; Rydell; Scherber; Schneider; Shaw; Skjerven; Smette; Solberg; Sorensen; Starke; Stofferahn; Strinden; Tokach; Tollefson; Trautman; Ulmer; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman

ABSENT AND NOT VOTING: Graba

HB 1314 was declared lost.

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HB 1315: A BILL for an Act to amend and reenact section 49-18-18 of the North Dakota Century Code, relating to tariffs of certain motor carriers.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 31 YEAS, 74 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Almlie; Berg, G.; Berg, R.; Christman; Dorso; Dotzenrod; Gorman; Kent; Kretschmar; Larson; Lindgren;

Melby; Mertens; Moore; Myrdal; Nelson, J.; Nicholas; Nowatzki; Olsen, D.; Opedahl; Payne; Shaft; Shaw; Shide; Thompson; Tokach; Tomac; Ulmer; Vander Vorst; Whalen; Speaker Kloubec

**NAYS:** Aas; Anderson; Belter; Brokaw; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kingsbury; Klundt; Knell; Knudson; Koland; Kolbo; Kuchera; Lang; Laughlin; Lautenschlager; Linderman; Marks; Martin; Martinson; Meyer; Murphy; Nelson, C.; Oban; O'Connell; Olson, A.; Olson, V.; O'Shea; Peterson; Rice; Riehl; Rydell; Scherber; Schindler; Schneider; Shockman; Skjerven; Smette; Solberg; Sorensen; Starke; Stofferahn; Strinden; Tollefson; Trautman; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman

**ABSENT AND NOT VOTING:** Graba

HB 1315 was declared lost.

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#### MOTION

**REP. STRINDEN MOVED** that the House waive the reading of the title to HB 1033, which motion prevailed.

#### SECOND READING OF HOUSE BILLS

**HB 1033:** A BILL for an Act to create and enact a new section to chapter 50-06 of the North Dakota Century Code, relating to the creation of a human services board; to amend and reenact sections 50-06-01, 50-06-01.1, 50-06-01.3, 50-06-01.4, and 50-06-05.1 of the North Dakota Century Code, relating to the authority of the human services board and the structure of the department of human services.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 57 YEAS, 46 NAYS, 3 ABSENT AND NOT VOTING.

**YEAS:** Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Christman; Dorso; Dotzenrod; Enget; Flaagan; Gerntholz; Goetz; Gorman; Hanson, O.; Haugen; Haugland; Hausauer, R.; Hill; Hokana; Kent; Kingsbury; Klundt; Knudson; Koland; Kretschmar; Lang; Martin; Melby; Meyer; Myrdal; Nicholas; O'Connell; Olson, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Peterson; Rice; Riehl; Schindler; Shide; Skjerven; Smette; Solberg;

Starke; Strinden; Thompson; Tokach; Trautman;  
Vander Vorst; Wald; Watne; Whalen; Wilkie; Williams, C.

NAYS: Brokaw; Cleveland; Dalrymple; DeMers, J.;  
DeMers, P.; Frey; Gates; Gunsch; Halmrast; Hamerlik;  
Hanson, L.; Hoffner; Kelly; Knell; Kolbo; Kuchera;  
Larson; Laughlin; Lautenschlager; Linderman; Lindgren;  
Marks; Martinson; Mertens; Moore; Murphy; Nelson, C.;  
Nelson, J.; Nowatzki; Oban; Payne; Rydell; Scherber;  
Schneider; Shaw; Shockman; Sorensen; Stofferahn;  
Tollefson; Tomac; Ulmer; Wentz; Williams, A.;  
Williams, W.; Winkelman; Speaker Kloubec

ABSENT AND NOT VOTING: Graba; Hausauer, A.; Shaft

HB 1033 passed and the title was agreed to.

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HB 1127: A BILL for an Act to establish an advisory committee to  
the executive director of the department of human services  
and to set out the structure, duties, and authority of that  
committee.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was  
called and there were 4 YEAS, 99 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: DeMers, J.; Dorso; Frey; Oban

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

ABSENT AND NOT VOTING: Graba; Hausauer, A.; Meyer

HB 1127 was declared lost.

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## MOTION

REP. NICHOLAS MOVED that HB 1614 be returned to the House floor from the Committee on Agriculture for the purpose of withdrawal, which motion prevailed.

## REQUEST

REP. WATNE REQUESTED the unanimous consent of the House to withdraw HB 1614. There being no objection, it was so ordered by the Speaker.

## MOTION

REP. GOETZ MOVED that the House waive the reading of the title to HB 1141, which motion prevailed.

## SECOND READING OF HOUSE BILLS

HB 1141: A BILL for an Act providing an appropriation for defraying the expenses of the department of agriculture of the state of North Dakota incurred in initiating a cooperative agreement with the North Dakota agricultural statistics service of the United States department of agriculture for the collection and dissemination of agricultural information.

Which has been read.

## ROLL CALL

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

YEAS: Goetz; Vander Vorst

NAYS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; 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; Martinson; Melby; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Rice; Riehl; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Starke; Stofferahn; Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

ABSENT AND NOT VOTING: Graba; Martin; Mertens; Meyer; Olsen, D.; Peterson; Strinden; Wilkie

HB 1141 was declared lost.

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HB 1329: A BILL for an Act to amend and reenact section 26.1-36-07 of the North Dakota Century Code, relating to required group health insurance coverage for adopted children.

Which has been read.

#### ROLL CALL

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

YEAS: Aas; Almlie; Anderson; Belter; Berg, 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; Martinson; Melby; Meyer; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Rice; Riehl; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shide; Shockman; Skjervén; Smette; Solberg; Sorensen; Starke; Stofferahn; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: None

ABSENT AND NOT VOTING: Graba; Martin; Mertens; Peterson

HB 1329 passed and the title was agreed to.

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#### MOTIONS

REP. STRINDEN MOVED that House Rule 507 be suspended until the Thirty-second Legislative Day, which motion prevailed.

REP. GOETZ MOVED that the House waive the reading of the title to HB 1455, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1455: A BILL for an Act to amend and reenact section 23-17.3-01 of the North Dakota Century Code, relating to certificate of need for home health agencies; and to repeal

chapter 23-17.2 and section 23-17.3-03 of the North Dakota Century Code, relating to certificate of need for expansion of hospital facilities and certificate of need for home health agencies.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 53 YEAS, 51 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Berg, R.; Christman; Cleveland; Dorso; Dotzenrod; Gates; Gerntholz; Goetz; Gorman; Gunsch; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Kent; Kingsbury; Knell; Koland; Kuchera; Lang; Larson; Lindgren; Martin; Martinson; Melby; Murphy; Myrdal; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Payne; Peterson; Rice; Rydell; Schindler; Shaft; Shide; Smette; Sorensen; Strinden; Tollefson; Trautman; Wald; Wentz; Whalen; Speaker Kloubec

NAYS: Belter; Berg, G.; Brokaw; Dalrymple; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Halmrast; Hill; Hoffner; Hokana; Kelly; Klundt; Knudson; Kolbo; Kretschmar; Laughlin; Lautenschlager; Linderman; Marks; Mertens; Meyer; Moore; Nelson, C.; Nelson, J.; Oban; O'Connell; Olson, V.; Opedahl; O'Shea; Riehl; Scherber; Schneider; Shaw; Shockman; Skjervan; Solberg; Starke; Stofferahn; Tokach; Tomac; Ulmer; Vander Vorst; Watne; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman

ABSENT AND NOT VOTING: Graba; Thompson

HB 1455 was declared lost for want of a Constitutional majority.

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#### MOTIONS

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

REP. GOETZ MOVED that the House be on the Fifth order of business, and at the conclusion of the Fifth order, the House be on the Ninth order of business, and at the conclusion of the Ninth order, the House be on the Thirteenth order of business, and at the conclusion of the Thirteenth order, the House stand adjourned until 1:00 p.m., Wednesday, February 18, 1987, which motion prevailed.



## REPORTS OF STANDING COMMITTEES

MR. SPEAKER: Your Committee on Appropriations to which was referred HB 1007 has had the same under consideration and recommends by a vote of 19 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 12, delete the numerals "173,373" and insert in lieu thereof the numerals "145,085"

On page 1, line 13, delete the numerals "45,600" and insert in lieu thereof the numerals "38,800"

On page 1, line 15, delete the numerals "312,405" and insert in lieu thereof the numerals "292,751"

On page 1, line 16, delete the numerals "193,000" and insert in lieu thereof the numerals "160,751"

On page 1, line 17, delete the numerals "724,928" and insert in lieu thereof the numerals "637,937"

And renumber the lines, sections, and pages accordingly

## STATEMENT OF PURPOSE OF AMENDMENT:

Indian Affairs

The general fund compensation increases of \$3,646 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 total general fund reductions of \$86,991 is as follows:

<u>Description</u>	<u>Salaries and Wages</u>	<u>Operating Expenses</u>	<u>Native American Alcohol and Drug Abuse Education</u>	<u>Grants, Benefits, and Claims</u>	<u>Total General Fund</u>
Remove salary increases of two percent plus \$50/month	\$ (3,646)				\$ (3,646)
Reclassify the administrative officer position from a grade 22 to a grade 20 and the administrative secretary position from a grade 15 to a grade 12	(14,467)				(14,467)
Reduce executive director's salary	(2,915)				(2,915)
Delete temporary salaries and wages	(7,260)				(7,260)
Reduce operating expenses		\$ (6,800)			(6,800)
Reduce Native American alcohol and drug abuse program			\$ (19,654)		(19,654)
Delete funding for the Indian development fund				\$ (25,000)	(25,000)
Reduce funding for the Indian scholarship program				(7,249)	(7,249)
<b>Total changes</b>	<u>\$ (28,288)</u>	<u>\$ (6,800)</u>	<u>\$ (19,654)</u>	<u>\$ (32,249)</u>	<u>\$ (86,991)</u>

REP. PETERSON, Chairman

HB 1007 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 1009 has had the same under consideration and recommends by a vote of 22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

- On page 1, line 3, delete the word "principle" and insert in lieu thereof the word "principal"
- On page 1, line 18, delete the numerals "1,581,111" and insert in lieu thereof the numerals "1,578,272"
- On page 1, line 21, delete the numerals "2,156,713" and insert in lieu thereof the numerals "2,153,874"
- On page 1, line 24, delete the numerals "313,776" and insert in lieu thereof the numerals "311,762"
- On page 1, line 27, delete the numerals "380,806" and insert in lieu thereof the numerals "378,792"
- On page 2, line 1, delete the numerals "2,537,519" and insert in lieu thereof the numerals "2,532,666"
- On page 2, line 2, delete the numerals "2,537,519" and insert in lieu thereof the numerals "2,532,666"
- On page 2, line 12, delete the numerals "1,591,839" and insert in lieu thereof the numerals "1,343,384"
- On page 2, line 24, overstrike the word "is" and insert immediately thereafter the word "are"
- On page 2, after line 27, insert the following new sections:

"SECTION 5. TRANSFER - VETERANS' POSTWAR TRUST FUND - GENERAL FUND. Notwithstanding the provisions of North Dakota Century Code section 37-14-14, the unobligated balance in the veterans' postwar trust fund on July 1, 1987, shall be transferred by the state treasurer to the general fund on July 1, 1987.

SECTION 6. LEGISLATIVE INTENT. It is the intent of the legislative assembly that in future bienniums the veterans home and veterans affairs be funded from the general fund."

And renumber the lines, sections, and pages accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### Veterans Home

The compensation increases of \$35,839 from the veterans' postwar trust 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 change of \$2,839 is as follows:

<u>Description</u>	<u>Total Estimated Income Increase/(Decrease)</u>
<u>Salaries and wages</u>	
Remove the salary increases of two percent plus \$50/month	\$(35,839)
Authorize one licensed practical nurse	(33,000)
<u>Estimated income</u>	
Reduce veterans' postwar trust fund transfer by \$245,616, increase for other anticipated income of \$245,616	0
Total increase/(decrease)	\$ (2,839)

The transfer to the Veterans Home from the veterans' postwar trust fund is reduced by an additional \$245,616; \$233,686 for interest and income to be allocated by the Board of University and School Lands, and \$11,930 for miscellaneous income the Veterans Home anticipates to receive. These amounts were not reflected in the executive recommendation.

A new section provides for a transfer of the unobligated balance in the veterans' postwar trust fund to the general fund on July 1, 1987. The 1987-89 transfers and appropriations from the fund for the Veterans Home and Veterans Affairs are to be considered as obligations of the fund in determining the amount to be transferred to the general fund.

A new legislative intent section provides that in future bienniums the Veterans Home and Veterans Affairs be funded from the general fund.

#### Veterans Affairs

The compensation increases of \$5,584 from the veterans' postwar trust 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 change of \$2,014 is as follows:

#### Salaries and wages

Remove the salary increases of two percent plus \$50/month	\$ (5,584)
Increase for reclassified position and other adjustments	3,570
Total increase/(decrease)	\$ (2,014)

The salaries and wages line item is increased \$3,570 from the veterans' postwar trust fund to allow for a secretary II position that was reclassified and for filling a secretary III position at a higher salary amount than was included in the budget.

REP. PETERSON, Chairman

HB 1009 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 1010 has had the same under consideration and recommends by a vote of 20 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 14, delete the numerals "1,438,328" and insert in lieu thereof the numerals "1,375,569"

On page 1, line 17, delete the numerals "1,737,859" and insert in lieu thereof the numerals "1,675,100"

And renumber the lines, sections, and pages accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### Department of Banking and Financial Institutions

The compensation increases of \$29,295 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 \$62,759 change in the general fund is as follows:

Total General Fund Increase/(Decrease)
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<u>Salaries and wages</u>	
Remove the salary increases of two percent plus \$50/month	\$(29,295)

Revision in salary amount to reflect the salary of the person actually in the position	(33,464)
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Total increase/(decrease)	\$ (62,759)
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This amount reflects the filling of several positions at a lower classification. The executive recommendation anticipated that the positions would be filled at a higher classification, resulting in the salary and wage difference of \$33,464.

REP. PETERSON, Chairman

HB 1010 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 1011 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 "337,226" and insert in lieu thereof the numerals "329,948"

On page 1, line 13, delete the numerals "55,900" and insert in lieu thereof the numerals "50,900"

On page 1, line 15, delete the numerals "395,626" and insert in lieu thereof the numerals "383,348"

And renumber the lines, sections, and pages accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### Securities Commissioner

The compensation increases of \$7,278 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 \$12,278 general fund change is as follows:

##### General Fund Increase/(Decrease)

<u>Salaries and wages</u>	
Remove salary increases of two percent plus \$50/month	\$ (7,278)

Operating expenses

Reduce operating expenses	(5,000)
Professional services - \$3,000	
Travel - \$2,000	

Total increase/(decrease)	\$(12,278)
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REP. PETERSON, Chairman

HB 1011 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 1013 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 "297,136" and insert in lieu thereof the numerals "290,469"

On page 1, line 16, delete the numerals "451,473" and insert in lieu thereof the numerals "444,806"

And renumber the lines, sections, and pages accordingly

## STATEMENT OF PURPOSE OF AMENDMENT:

Milk Stabilization Board

The compensation increases of \$6,667 from other funds included in the executive budget of two percent plus \$50 per month for the last year of the biennium are deleted from the appropriation. To the extent that salary increases are provided by the 50th Legislative Assembly, they will be provided in separate legislation.

REP. PETERSON, Chairman

HB 1013 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 1015 has had the same under consideration and recommends by a vote of 19 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 13, delete the numerals "266,773" and insert in lieu thereof the numerals "260,816"

On page 1, line 14, delete the numerals "169,949" and insert in lieu thereof the numerals "157,031"

On page 1, line 16, delete the numerals "1,244,390" and insert in lieu thereof the numerals "1,209,690"

On page 1, line 17, delete the numerals "1,681,812" and insert in lieu thereof the numerals "1,628,237"

On page 1, line 18, delete the numerals "1,205,629" and insert in lieu thereof the numerals "1,204,424"

On page 1, line 19, delete the numerals "476,183" and insert in lieu thereof the numerals "423,813"

And renumber the lines, sections, and pages accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### Council on the Arts

The compensation increases of \$5,957, of which \$4,752 is from the general fund and \$1,205 is from federal funds, included in the executive budget of two percent plus \$50 per month for the last year of the biennium are deleted from the appropriation. To the extent that salary increases are provided by the 50th Legislative Assembly, they will be provided in separate legislation.

An analysis of the general fund change of \$52,370 and the federal funds change of \$1,205 is as follows:

<u>Description</u>	<u>Total Increase/ (Decrease)</u>	<u>General Fund</u>	<u>Federal Funds</u>
<u>Salaries and wages</u>			
Remove the salary increase of two percent plus \$50/month	\$ (5,957)	\$(4,752)	\$(1,205)
<u>Operating expenses</u>			
Reduce operating expenses	(2,918)	(2,918)	
Reduce funding for traditional arts program by \$10,000 (operating expenses); increase funding for Arts in Education program by \$10,000 (grants line item)	\$ 0		
<u>Grants</u>			
Eliminate touring arts program	\$(44,700)	\$(44,700)	



Total increase/(decrease)	\$ (53,575)	\$ (52,370)	\$ (1,205)
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REP. PETERSON, Chairman

HB 1015 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 1016 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 15, delete the numerals "12,762,723" and insert in lieu thereof the numerals "12,371,424"

On page 1, line 16, delete the numerals "3,717,467" and insert in lieu thereof the numerals "3,665,467"

On page 1, line 18, delete the numerals "207,600" and insert in lieu thereof the numerals "165,600"

On page 1, line 20, delete the numerals "16,879,224" and insert in lieu thereof the numerals "16,393,925"

On page 2, line 12, delete the numerals "16,879,224" and insert in lieu thereof the numerals "16,393,925"

And renumber the lines, sections, and pages accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### Highway Patrol

The compensation increases of \$257,299 from the state highway 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 changes in special funds is as follows:

<u>Description</u>	<u>Total Special Funds Increase/(Decrease)</u>
<u>Salaries and wages</u>	
Remove salary increase of two percent plus \$50/month	\$(257,299)
Delete funding, retaining the authorization for two FTE:	(134,000)
1 field training position - \$77,000	
1 data processing coordinator - \$57,000	

<u>Operating expenses</u>	(52,000)
Motor pool - \$40,000	
Miscellaneous operating expenses - \$12,000	

<u>Equipment</u>	(42,000)
Delete funding for radar replacement	
Total increase/(decrease)	<u>\$(485,299)</u>

REP. PETERSON, Chairman

HB 1016 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 1019 has had the same under consideration and recommends by a vote of 22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 3, delete the words "to provide for a transfer from the abandoned property" and insert in lieu thereof the words "and to declare an emergency."

On page 1, delete lines 4 through 7

On page 1, line 19, delete the numerals "962,371" and insert in lieu thereof the numerals "785,037"

On page 1, line 20, delete the numerals "318,693" and insert in lieu thereof the numerals "275,271"

On page 1, line 21, delete the numerals "155,985" and insert in lieu thereof the numerals "135,985"

On page 1, line 22, delete the numerals "24,392" and insert in lieu thereof the numerals "23,078"

On page 1, delete lines 23 through 24

On page 1, line 25, delete the numerals "167,365" and insert in lieu thereof the numerals "100,000"

On page 1, delete line 27, and insert in lieu thereof the following:

"Dickinson experiment station 1,779,041"

On page 1, line 28, delete the numerals "35,000" and insert in lieu thereof the numerals "20,000"

On page 2, line 1, delete the numerals "7,302,806" and insert in lieu thereof the numerals "3,207,412"

- On page 2, line 2, delete the numerals "7,052,806" and insert in lieu thereof the numerals "1,428,371"
- On page 2, line 3, delete the numerals "250,000" and insert in lieu thereof the numerals "1,779,041"
- On page 2, delete lines 16 through 34 and insert in lieu thereof the following new section:

"SECTION 4. EMERGENCY. The line item "Dickinson experiment station" in section 1 of this Act is hereby declared to be an emergency measure and is in effect upon the filing of this Act with the secretary of state."

On page 3, delete lines 1 through 19

And renumber the lines, sections, and pages accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### Land Department

The compensation increases of \$19,459 from other funds included in the executive budget of two percent plus \$50 per month for the last year of the biennium are deleted from the appropriation. To the extent that salary increases are provided by the 50th Legislative Assembly, they will be provided in separate legislation.

The consolidation of the energy development impact function with the Land Department is also deleted, a \$5,443,892 other fund reduction.

An analysis of the \$1,529,041 general fund and the \$5,624,435 special funds change is as follows:

	Total Funds Increased (Decrease)	General Fund Increase (Decrease)	Estimated Income Increase (Decrease)
<u>Salaries and wages</u>			
Remove salary increases of two percent plus \$50/ month	\$ (19,459)	\$	\$ (19,459)
Delete funding for an Accountant I position	(49,634)		(49,634)
Delete salaries and wages related to the consolidation of the energy development impact function with the Land Department	(108,241)		(108,241)

<u>Operating expenses</u>		
Reduce operating expenses for advertising, travel, and motor pool	(8,693)	(8,693)
Delete operating expenses related to the consolidation of the energy development impact function with the Land Department	(34,729)	(34,729)
<u>Data processing</u>		
Reduce data processing for programming implementation and system upgrades	(20,000)	(20,000)
<u>Equipment</u>		
Reduce equipment	(392)	(392)
Delete equipment expense related to the consolidation of the energy development impact function with the Land Department	(922)	(922)
<u>Grants - coal impact</u>		
Delete coal impact grants related to the consolidation of the energy development impact function with the Land Department	(1,300,000)	(1,300,000)
<u>Grants - oil impact</u>		
Delete oil impact grants related to the consolidation of the energy development impact function with the Land Department	(4,000,000)	(4,000,000)
<u>Other grants</u>		
Reduce funding for leafy spurge spraying - \$31,541; reduce funding for range inventory and analysis - \$9,541; and delete funding for soil surveys - \$26,283	(67,365)	(67,365)
<u>Coal research</u>		
Delete funding for coal research	(250,000)	(250,000)
<u>Contingency fund</u>		
Reduce the contingency	(15,000)	(15,000)

Dickinson Experiment Station

Provide for a complete payoff of the special assessments on the old Dickinson Experiment Station (state addition)	1,779,041	1,779,041
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Total increase (decrease)	\$(4,095,394)	\$1,529,041	\$(5,624,435)
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This Act was declared an emergency so that the special assessments may be paid when they become due in March 1987.

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

HB 1019 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 1021 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 18, delete the numerals "2,180,505" and insert in lieu thereof the numerals "2,118,159"

On page 1, line 19, delete the numerals "627,883" and insert in lieu thereof the numerals "608,505"

On page 1, line 20, delete the numerals "146,980" and insert in lieu thereof the numerals "121,980"

On page 1, line 24, delete the numerals "5,013,348" and insert in lieu thereof the numerals "4,906,624"

On page 1, line 26, delete the numerals "3,013,348" and insert in lieu thereof the numerals "2,906,624"

On page 2, line 3, delete the numerals "8,349,862" and insert in lieu thereof the numerals "8,007,177"

On page 2, line 4, delete the numerals "4,827,070" and insert in lieu thereof the numerals "4,909,577"

On page 2, line 7, delete the numerals "800,000" and insert in lieu thereof the numerals "300,000"

On page 2, line 8, delete the numerals "17,789,037" and insert in lieu thereof the numerals "17,028,859"

On page 2, line 20, delete the numerals "1,810,512" and insert in lieu thereof the numerals "1,770,838"

On page 2, line 27, delete the numerals "31,732,222" and insert in lieu thereof the numerals "31,692,548"

On page 2, line 28, delete the numerals "3,013,348" and insert in lieu thereof the numerals "2,906,642"

On page 2, line 29, delete the numerals "66,615,519" and insert in lieu thereof the numerals "65,815,667"

On page 2, line 30, delete the numerals "69,628,867" and insert in lieu thereof the numerals "68,722,291"

On page 3, line 21, delete the numerals "1987" and insert in lieu thereof the numerals "1988"

And renumber the lines, sections, and pages accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### Industrial Commission

The general fund compensation increases of \$42,346 included in the executive budget of two percent plus \$50 per month for the last year of the biennium are deleted from the appropriation. To the extent that salary increases are provided by the 50th Legislative Assembly, they will be provided in separate legislation.

The amendment decreases the Industrial Commission's general fund appropriation by \$106,724. An analysis of the \$106,724 reduction is as follows:

##### Salaries and wages

Salary increase of two percent plus \$50/month	\$ 42,346
Reduce temporary salaries	<u>20,000</u>

Total salaries and wages	<u>\$ 62,346</u>
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##### Operating expenses

Reduce operating expenses	<u>\$ 19,378</u>
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##### Data processing

Reduce data processing	<u>\$ 25,000</u>
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Total	\$106,724
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##### Bank of North Dakota

An analysis of the Bank's total \$760,178 reduction is as follows:

##### Salaries and wages

Salary increase of two percent plus \$50/month	\$185,835
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Delete funding for two FTEs:	74,343
2 loan tellers in student loans	
Total salaries and wages	<u>\$260,178</u>
Contingency	
Provide a total of \$300,000 rather than \$800,000 for contingency line item	\$500,000
Total	<u>\$760,178</u>

The amendment also transfers \$82,507 from the salaries and wages line item to the operating expenses line item. This provides for the transfer of an Attorney II position to the Attorney General's office and allows the Bank to contract for legal services with the Attorney General.

The compensation increases of \$185,835 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.

#### Housing Finance Agency

The compensation increases of \$39,674 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.

#### Mill and Elevator Association

The bill is amended so the transfer of one-half of the Mill and Elevator profits included in Section 5 of the bill is to be made by June 30, 1988, rather than June 30, 1987.

REP. PETERSON, Chairman

HB 1021 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 1064 has had the same under consideration and recommends by a vote of 10 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 3, after the semicolon insert the words "to amend and reenact subdivision c of subsection 1 of section 57-38-01.3 of the North Dakota Century Code, relating to a limitation on income tax deductions for corporations for federal income taxes paid;"

On page 1, delete lines 7 through 11 and insert in lieu thereof the following new section:

"SECTION 1. AMENDMENT. Subdivision c of subsection 1 of section 57-38-01.3 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

- c. Reduced by the amount, up to a maximum of fifty thousand dollars, of federal income taxes, paid or accrued as the case may be during the applicable tax year to the extent that such taxes were paid or accrued upon income which becomes a part of the North Dakota taxable income. Federal income taxes for prior periods assessed against the taxpayer by reason of audit or other adjustment by the internal revenue service, or voluntary disclosure by the taxpayer, are not deductible except in the period in which income so taxed was reported or reportable or in which an adjustment was required but only after an adjustment is made by or with the office of the state tax commissioner. A refund of federal income tax shall be reported and included in North Dakota taxable income in the year in which the tax was originally deducted."

On page 1, line 12, underscore everything after the first period

On page 1, underscore lines 13 through 23

On page 1, line 24, underscore everything after the first period

On page 1, underscore lines 25 through 28

On page 2, line 1, underscore the entire line and after the word "corporation" insert the words "incorporated in the United States in a unitary relationship with the taxpayer and"

On page 2, underscore lines 2 through 34

On page 3, underscore lines 1 through 7

On page 3, line 8, underscore everything after the first period

On page 3, underscore lines 9 through 14

On page 3, line 15, underscore everything after the first period

On page 3, underscore lines 16 through 18

On page 3, line 19, underscore everything after the first period



On page 3, underscore lines 20 through 23

On page 3, line 24, underscore the entire line, after the word "The" insert the words "after tax", and delete the word "book"

On page 3, underscore lines 25 through 33

On page 4, underscore lines 1 through 13

On page 4, line 14, underscore everything after the first period

On page 4, underscore lines 15 through 19

On page 4, line 20, delete the words "EFFECTIVE DATE." and insert in lieu thereof the words "Domestic disclosure spreadsheet. The tax commissioner may require any corporation included in the water's edge combined group as defined in section 3 of this Act to file within three months after the taxpayer files its federal income tax return, a domestic disclosure spreadsheet to provide"

On page 4, delete lines 21 through 35

On page 5, delete lines 1 through 26

On page 5, underscore lines 27 through 35

On page 6, underscore lines 1 and 2

On page 6, after line 2, insert the following new section:

"SECTION 9. EFFECTIVE DATE. Sections 2 through 8 of this Act are effective for taxable years beginning after December 31, 1988. Section 1 of this Act is effective for taxable years beginning after June 30, 1987."

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

HB 1064 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government to which was referred HB 1078 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 15, after the word "parties" insert the words "but not less than the fair market value thereof, based upon two independent appraisals"

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

HB 1078 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor to which was referred HB 1079 has had the same under consideration and recommends by a vote of 13 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 10, after the word "is" insert the words ", or would qualify as a nonprofit organization that is," and after the word "in" insert the words "paragraphs 3, 4, 5, 6, 7, 10, and 19 of"

On page 1, line 12, after the letter "(c)" insert the numerals "(3), (4), (5), (6), (7), (10), and (19)"

On page 1, line 15, delete the words "person who caused the damage or injury" and insert in lieu thereof the words "officer, director, or trustee"

On page 1, line 20, after the word "negligence" insert the words "on the part of the officer, director, or trustee"

On page 1, line 21, delete the words "person who caused the damage or injury" and insert in lieu thereof the words "officer, director, or trustee"

On page 1, line 22, delete the words "compensation or"

On page 1, line 23, delete the word "two" and insert in lieu thereof the word "one" and delete the word "five" and insert in lieu thereof the word "two"

On page 1, line 24, after the word "for" insert the words "expenses actually incurred as a result of providing" and delete the word "provided"

On page 1, line 25, after the word "organization" insert the words "and did not receive or expect to receive compensation or anything in lieu of compensation as payment for services provided as a director, officer, or trustee of the nonprofit organization"

On page 1, delete lines 26 and 27

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

HB 1079 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations to which was rereferred HB 1091 has had the same under consideration and recommends by a vote of 20 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. PETERSON, Chairman

HB 1091 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 Engrossed HB 1123 has had the same under consideration and recommends by a vote of 12 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 3, delete the words "and to amend and reenact section"

On page 1 of the engrossed bill, delete line 4

On page 1 of the engrossed bill, line 5, delete the words "without liability insurance;"

On page 1 of the engrossed bill, line 11, after the period insert the words "The liability insurance card shall be issued and delivered with the policy."

On page 1 of the engrossed bill, line 21, after the period insert the words "If the driver is not the owner of the vehicle the owner is liable."

On page 1 of the engrossed bill, delete lines 25 through 27

On page 2 of the engrossed bill, delete lines 1 through 7

And renumber the lines, sections, and pages accordingly

REP. ANDERSON, Chairman

Engrossed HB 1123 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government to which was referred HB 1130 has had the same under consideration and recommends by a vote of 7 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. MARTINSON, Chairman

HB 1130 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 1151 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE

AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 4, delete the second comma and insert in lieu thereof the word "or" and delete the word ", or"

On page 1, delete the words "family reunification"

On page 1, line 14, delete the second comma and insert in lieu thereof the word "or" and delete the words ", or family"

On page 1, line 15, delete the word "reunification"

On page 1, line 16, after the period insert the following sentences: "The guardian ad litem may be appointed at the time of a temporary protection order or at any time prior to the full hearing. The role of the guardian ad litem shall consist of investigation and making a recommendation and report to the court. At no time shall the involvement of the guardian ad litem alter the requirements set forth in section 14-07.1-03. The appointment of the guardian ad litem shall expire immediately after the full hearing unless the court retains the right, upon specific finding of need, to continue the appointment of a guardian ad litem to participate in visitation. The guardian ad litem shall have access to records before the court except as otherwise provided by law."

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

HB 1151 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 1188 has had the same under consideration and recommends by a vote of 10 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 11, delete the word "seventeen" and insert in lieu thereof the word "fifteen"

On page 1, line 17, delete the word "seventeen" and insert in lieu thereof the word "fifteen"

On page 2, line 10, remove the overstrike over the word "~~two~~" and delete the word "three"

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

HB 1188 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 rereferred HB 1192 has had the same under consideration and recommends by a vote of 14 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 1, line 19, after the word "~~ef~~" insert the words "three-fourths of"

On page 1, line 21, remove the overstrike over the word "~~one~~" and delete the word "two" and insert in lieu thereof the words "and one-half"

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

HB 1192 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 1272 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 PASS:

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

On page 3, line 10, delete the word "Designated" and insert in lieu thereof the words "Except as otherwise provided, designated"

On page 3, line 12, after the word "drift" insert the words ". The proprietor of a food establishment with the seating capacity for fifty or more persons may temporarily, during the course of daily business, expand the designated smoking area beyond fifty percent of the total available area if the smoking area becomes fully occupied and the additional space needed for the expansion is vacant or available"

On page 3, line 18, after the word "area" insert an underscored period and delete the remainder of the line

On page 3, delete line 19

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

HB 1272 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 rereferred HB 1296 has had the same under consideration and recommends by a vote of 12 YEAS, 4 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, after line 24, insert the following new subsection:

- "2. If the declarant is a resident of a long-term care facility as defined in section 50-10.1-01 at the time the declaration is executed, one of the two witnesses to the declaration must be a regional long-term care ombudsman as provided in section 50-10.1-02."

On page 4, line 12, delete the words "Unless the declaration otherwise provides, the" and insert in lieu thereof the word "The"

On page 5, line 16, delete the letters "AA" and insert in lieu thereof the letter "C"

And renumber the lines, sections, and pages accordingly

REP. HAUGLAND, Chairman

HB 1296 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 1319 has had the same under consideration and recommends by a vote of 17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 4, line 6, delete the word "on" and insert in lieu thereof the words "calculated on the basis of one hundred twenty percent of the purchase price paid by the person for"

On page 5, line 7, after the period insert the words "The basis for determination of the tax due under this chapter on an item of tangible personal property under this subdivision is one hundred twenty percent of the price paid by the purchaser for the item of tangible personal property."

And renumber the lines, sections, and pages accordingly

REP. A. HAUSAUER, Chairman

HB 1319 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

#### DIVIDED REPORT

MR. SPEAKER: 8 members of your Committee on Transportation to which was referred HB 1326 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

- On page 1, line 1, after the numerals "57-43.1-02" insert the numerals ", 57-43.1-03,"
- On page 1, line 3, delete the semicolon and after the second word "and" insert the words "to refund of certain motor vehicle fuels taxes;"
- On page 1, line 6, after the word "alcohol" insert the words "; and to provide for an expiration date"
- On page 1, line 12, remove the overstrike over the words "--Tax reduced for"
- On page 1, line 13, remove the overstrike over the words "certain alcohol-blended fuels"
- On page 1, line 17, remove the overstrike over the words "The tax imposed on gasoline sold which contains a minimum"
- On page 1, lines 18 through 24, remove the overstrike
- On page 1, line 25, remove the overstrike over the letter "a-", after the word "through" insert the word "Through", and remove the overstrike over the words "June 30, 1987, eight cents"
- On page 1, lines 26 and 27, remove the overstrike
- On page 2, line 1, remove the overstrike over the words "b- From July 1, 1987, through" and after the word "four" insert the words "the earlier of June 30, 1989, or the date determined under subdivision d, two"
- On page 2, lines 2 and 3, remove the overstrike
- On page 2, line 4, remove the overstrike over the letter and word "e- After", after the numerals 1992 insert the words "the earlier of June 30, 1989, or the date determined under subdivision d", and remove the overstrike over the words "7 at the same rate as the tax"
- On page 2, line 5, remove the overstrike
- On page 2, after line 5, insert the following new subdivision:

"d. After June 30, 1987, the amount specified in subdivision b until this subdivision is complied with. The following procedures apply:

- (1) Each month, the commissioner shall determine the total number of gallons [3.79 liters] of gasoline sold since

June 30, 1987, and entitled to the exemption allowed under this subsection.

- (2) The commissioner shall then determine the average number of gallons [3.79 liters] of that gasoline sold each month since June 30, 1987.
- (3) The commissioner shall then determine the sum of two plus the number of months since June 1987.
- (4) The commissioner shall then multiply the number determined under paragraph 2 times the number determined under paragraph 3.
- (5) When the product determined under paragraph 4 reaches one hundred twenty-five million gallons [473,168,000.0 liters], the exemption allowed under this subsection no longer applies, except that even if the specified number of gallons [3.79 liters] is exceeded for the final month, the exemption applies for that entire month. When appropriate, the commissioner shall publish a notice that the exemption no longer applies."

On page 2, remove the overstrike from lines 6 through 21

On page 2, line 22, remove the overstrike over the numeral "4-"

On page 2, line 24, remove the overstrike over the numeral "5-" and delete the numeral "3."

On page 2, after line 28, insert the following new sections:

"SECTION 2. AMENDMENT. Section 57-43.1-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-43.1-03. Refund of tax provided for - Reduction of refund for offset of partial exemption for certain gasoline containing alcohol and for agriculturally derived fuel tax fund. Any person who buys or uses any motor vehicle fuel as defined in subsection 4 of section 57-43.1-01 for agricultural or industrial purposes, except motor vehicle fuel used in motor vehicles operated or intended to be operated in whole or in part upon any of the public highways of this state on which the motor vehicle fuel tax has been paid, ~~shall~~ is entitled to be reimbursed or repaid, within the time provided in this ~~section~~ chapter,



the amount of the tax paid by ~~him~~ that person upon the presentation to and the approval of the commissioner of a claim for refund. The amount of the tax refund provided for in this section ~~shall be~~ is reduced, in addition to the amount required under section 54-27-19.1, by four and one-half cent cents per gallon [3.79 liters] retroactive to January 1, 1983, except those fuels used in aircraft or with respect to refunds claimed by aircraft fuel users, and. Of the reduction in refund required under this section, one-half cent per gallon [3.79 liters] withheld from the refund ~~shall~~ must be deposited in the agriculturally derived fuel tax fund. The remaining four cents is allocated back to the highway tax distribution fund, as required under section 57-43.1-28, as a replacement for the loss to that fund occasioned by the partial exemption for certain gasoline containing alcohol. Those persons who have a valid tax assignment permit issued by the commissioner under section 57-43.1-11 ~~shall~~ must be charged four and one-half cent cents per gallon [3.79 liters] by the dealer ~~and the one-half cent.~~ The dealer ~~shall remit that charge shall be remitted to the commissioner by the dealer~~ when the dealer submits the tax assigned invoices for credit.

SECTION 3. AMENDMENT. Effective July 1, 1989, section 57-43.1-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-43.1-03. Refund of tax provided for - Reduction for agriculturally derived fuel tax fund. Any person who buys or uses any motor vehicle fuel as defined in subsection 4 of section 57-43.1-01 for agricultural or industrial purposes, except motor vehicle fuel used in motor vehicles operated or intended to be operated in whole or in part upon any of the public highways of this state on which the motor vehicle fuel tax has been paid, ~~shall~~ is entitled to be reimbursed or repaid, within the time provided in this section chapter, the amount of the tax paid by ~~him~~ that person upon the presentation to and the approval of the commissioner of a claim for refund. The amount of the tax refund provided for in this section ~~shall be~~ is reduced, in addition to the amount required under section 54-27-19.1, by one-half cent per gallon [3.79 liters] retroactive to January 1, 1983, except those fuels used in aircraft or with respect to refunds claimed by aircraft fuel users, and the. The one-half cent per gallon [3.79 liters] withheld from the refund ~~shall~~ must be deposited in the agriculturally derived fuel tax fund. Those persons who have a valid tax assignment permit issued by the commissioner under section 57-43.1-11 ~~shall~~ must be charged one-half cent per gallon [3.79 liters] by the dealer ~~and the one-half cent.~~ The dealer ~~shall remit that charge shall be remitted to the commissioner by the dealer~~ when the dealer submits the tax assigned invoices for credit."

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

"SECTION 6. EXPIRATION DATE. Section 2 of this Act is effective through June 30, 1989, and after that date is ineffective."

And renumber the lines, sections, and pages accordingly

Rep. Anderson  
Rep. O. Hanson  
Rep. Aas  
Rep. Flaagan  
Rep. Haugen  
Rep. Knell  
Rep. Scherber  
Rep. C. Williams

This report of your divided committee was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: 8 members of your Committee on Transportation to which was referred HB 1326 has had the same under consideration and recommends that the same DO PASS:

Rep. Almlie  
Rep. Belter  
Rep. Dorso  
Rep. Hokana  
Rep. Klundt  
Rep. Marks  
Rep. O'Connell  
Rep. Shaft

REP. ANDERSON, Chairman

#### REPORTS OF STANDING COMMITTEES

MR. SPEAKER: Your Committee on Industry, Business and Labor to which was referred HB 1338 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 NOT PASS:

- On page 2, line 15, overstrike the word "seventy" and insert immediately thereafter the word "sixty"
- On page 2, line 19, overstrike the word "forty" and insert immediately thereafter the word "twenty"
- On page 2, line 28, delete the word "fifty-six" and insert in lieu thereof the word "forty-six"
- On page 2, line 33, delete the word "thirty" and insert in lieu thereof the word "twenty"

On page 4, line 15, overstrike the word "seventy" and insert immediately thereafter the word "sixty"

On page 4, line 19, overstrike the word "forty" and insert immediately thereafter the word "twenty"

On page 4, line 28, delete the word "fifty-six" and insert in lieu thereof the word "forty-six"

On page 4, line 33, delete the word "thirty" and insert in lieu thereof the word "twenty"

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

HB 1338 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 1346 has had the same under consideration and recommends by a vote of 10 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to create and enact three new subsections to section 57-51-01 and four new sections to chapter 57-51 of the North Dakota Century Code, relating to definitions for purposes of the oil and gas gross production tax, an additional gross production tax on oil production and apportionment of the additional tax, a procedure for seeking financial assistance for the development of water-related projects from the resources trust fund, review of applications for financial assistance for water-related projects, and production reports; to amend and reenact sections 57-51-14 and 57-51-15 of the North Dakota Century Code, relating to duties of the state tax commissioner and state treasurer and apportionment of the oil and gas gross production tax; to repeal chapter 57-51.1 of the North Dakota Century Code, relating to an oil extraction tax; and to provide an effective date.

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

SECTION 1. Three new subsections to section 57-51-01 of the North Dakota Century Code are hereby created and enacted to read as follows:

"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" means maintenance of the well 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.

"Property" means the right that 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 as a producing formation that is separate and distinct from, and not in communication with, any other producing formation.

"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 during any preceding consecutive twelve-month period beginning after December 31, 1972. Wells that 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 2. A new section to chapter 57-51 of the North Dakota Century Code is hereby created and enacted to read as follows:

Additional gross production tax - Exemption. A tax of three and one-half percent of the gross value at the well is levied upon all oil and gas produced within the state of North Dakota, less the value of any part the ownership or right to which is exempt from taxation. The tax attaches to and is levied upon the whole production, including what is commonly known as the royalty interest. Any oil produced from a stripper well property is exempt from the tax imposed by this section.

SECTION 3. A new section to chapter 57-51 of the North Dakota Century Code is hereby created and enacted to read as follows:

Commissioner may accept production reports computed on a property basis. The commissioner may allow any person required to file a producer's or purchaser's report to

compute the average daily production of a well on the basis of the average daily production of the property on which the well is located. However, a well with an average daily production of more than one hundred barrels may not be included in a property for purposes of determining that property's average daily production and must be reported on an individual basis.

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

Resources trust fund - Procedure for review of applications for financial assistance for water-related projects.

1. A political subdivision or rural water system seeking loans, grants, or other financial assistance by legislative appropriation from the resources trust fund for a water-related project or study must submit the proposed water-related project or study to the state water commission for review. The commission may require the political subdivision or rural water system to supply information as it considers necessary to review the request. After consideration and review of the proposed water-related project or study, the state water commission may conduct or it may require the project sponsor to conduct a preliminary study for the proposed project or study. The preliminary study must be conducted in accordance with criteria established pursuant to subsection 3.
2. Every legislative bill appropriating moneys from the resources trust fund pursuant to subsection 1 must be accompanied by a state water commission report, which must include:
  - a. A summary of the engineering feasibility study of the proposed water project.
  - b. Statements concerning the proposed water project as it relates to the comprehensive state water plan of the state water commission.
  - c. The need for the proposed water project, including any alternative projects which would satisfy such need.
  - d. The availability of other sources of funding or financial assistance for such water project.

e. A recommendation as to whether or not the proposed water project should receive financial assistance through legislative appropriation from the resources trust fund.

f. Other items as deemed necessary or appropriate by the state water commission.

3. The state water commission shall adopt rules for governing the review and recommendation of proposed water projects for which financial assistance by legislative appropriation from the resources trust fund is being sought under this section.

SECTION 5. AMENDMENT. Section 57-51-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-51-14. Duties of commissioner and state treasurer. It shall be the duty of the commissioner to deposit with the state treasurer all moneys collected ~~by him~~ under this chapter and to accompany each remittance of taxes collected under section 57-51-02, when possible, with a certificate showing the county where produced. The state treasurer, quarterly, shall pay over to the county treasurers of the several counties the moneys to which they are entitled hereunder under section 57-51-15.

SECTION 6. AMENDMENT. Section 57-51-15 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-51-15. Apportionment and use of proceeds of tax collected under section 57-51-02. The gross production tax provided for in ~~this chapter~~ section 57-51-02 shall be apportioned as follows:

1. First an amount equal to one percent of the gross value at the well of the oil and gas upon which a tax is collected under this chapter section 57-51-02 shall be deposited with the state treasurer, who shall ~~distribute the revenues in the following manner-~~

a. ~~For taxes received between July 1, 1981, and June 30, 1983-~~

- (1) ~~The treasurer shall first distribute an amount which, when added to that distributed to townships from nonrefunded motor vehicle fuel and special fuel taxes under section 57-43-1-03, will result in a total~~

distribution to townships under these two sections of eight million dollars for the 1981-83 biennium. The same distribution formula shall be used for moneys allocated to townships under this section as under 57-43-1-03,

{2} The treasurer shall next distribute an amount which, when added to the sum distributed under paragraph 1, does not exceed thirty-two million dollars for the 1981-83 biennium, to the highway tax distribution fund established under section 54-27-19, and

{3} The treasurer shall finally distribute any amount over thirty-two million dollars generated by this subsection for the 1981-83 biennium to the state general fund.

b. For any taxes received after June 30, 1983, all revenues shall be credited credit that amount to the state general fund.

2. The first one million dollars of annual revenue from the tax imposed by section 57-51-02 after the deduction of the amount provided for in subsection 1 from oil or gas produced in any county shall be allocated seventy-five percent to that county and twenty-five percent to the state general fund. The second one million dollars of annual revenue from the tax imposed by section 57-51-02 after the deduction of the amount provided for in subsection 1 from oil or gas produced in any county shall be allocated fifty percent to that county and fifty percent to the state general fund. All annual revenue from the tax imposed by section 57-51-02 after the deduction of the amount provided for in subsection 1 above two million dollars from oil or gas produced in any county shall be allocated twenty-five percent to that county and seventy-five percent to the state general fund. However, the amount to which each county shall be entitled pursuant to this subsection shall be limited based upon the population of the county according to the last official decennial federal census as follows:

a. Counties having a population of three thousand or less shall receive no more than three million nine hundred thousand dollars for each fiscal year.

- b. Counties having a population of over three thousand but less than six thousand shall receive no more than four million one hundred thousand dollars for each fiscal year.
- c. Counties having a population of six thousand or more shall receive no more than four million six hundred thousand dollars for each fiscal year.

Any allocations for any county pursuant to this subsection which exceed the applicable limitation for that county as provided in subdivisions a through c shall be deposited instead in the state's general fund.

- 3. Forty-five percent of all revenues as may by the legislative assembly be allocated to any county hereunder shall be credited by the county treasurer to the county general fund. Thirty-five percent of all revenues allocated to any county shall be apportioned by the county treasurer quarterly to school districts within the county on the average daily attendance distribution basis, as certified to him by the county superintendent of schools. However, no school district shall receive in any single academic year an amount under this subsection greater than the county average per-pupil cost multiplied by seventy percent, then multiplied by the number of pupils in average daily attendance or the number of children of school age in the school census for the county whichever is greater. Provided, however, that in any county in which the average daily attendance or the school census, whichever is greater, is fewer than four hundred, the county shall be entitled to one hundred twenty percent of the county average per-pupil cost multiplied by number of pupils in average daily attendance or the number of children of school age in the school census for the county, whichever is greater. Once this level has been reached through distributions under this subsection, all excess funds to which the school district would be entitled as part of its thirty-five percent share shall be deposited instead in the county general fund. The county superintendent of schools of each oil-producing county shall certify to the county treasurer by July first of each year the amount to which each school district is limited pursuant to this subsection. As used in this subsection, "average daily attendance" means the average daily attendance for the school year immediately



preceding the certification by the county superintendent of schools required by this subsection. Twenty percent of all revenues allocated to any county hereunder shall be paid quarterly by the county treasurer to the incorporated cities of the county based upon the population of each incorporated city according to the last official decennial federal census. However, no city shall receive in any fiscal year an amount under this subsection greater than five hundred dollars per capita. Once this level has been reached through distributions under this subsection, all excess funds to which any city would be entitled except for this limitation shall be deposited instead in the county general fund. Provided, however, that in determining the population of any city in which total employment increases by more than two hundred percent seasonally due to tourism, the population of that city for purposes of determining the per capita limitation in this section shall be increased by adding to the population of the city as determined by the last official decennial federal census a number to be determined as follows:

- a. Seasonal employees of state and federal tourist facilities within five miles [8.05 kilometers] of the city shall be included by adding the months all such employees were employed during the prior year and dividing by twelve.
- b. Seasonal employees of all private tourist facilities within the city and seasonal employees employed by the city shall be included by adding the months all such employees were employed during the prior year and dividing by twelve.
- c. The number of visitors to the tourist attraction within the city or within five miles [8.05 kilometers] of the city which draws the largest number of visitors annually shall be included by taking the smaller of either of the following:
  - (1) The total number of visitors to that tourist attraction the prior year divided by three hundred sixty-five; or
  - (2) Four hundred twenty.

SECTION 7. A new section to chapter 57-51 of the North Dakota Century Code is hereby created and enacted to read as follows:

Apportionment and use of proceeds of tax collected under section 2 of this Act. Taxes collected under section 2 of this Act and deposited with the state treasurer must be apportioned quarterly by the state treasurer as follows:

1. Ten percent must be credited to a special trust fund in the state treasury, to be known as the resources trust fund. The funds in the resources trust fund must be deposited and invested as are other state funds to earn the maximum amount permitted by law and the income must be deposited in the resources trust fund. The principal and income of the resources trust fund may be expended only pursuant to legislative appropriation and must be available to:
  - a. The state water commission for planning for and construction of water-related projects, including rural water systems, which projects must be those that the state water commission has the authority to undertake and construct pursuant to chapter 61-02; and
  - b. The industrial commission for the funding of programs for development of energy conservation and renewable energy sources; for studies for development of cogeneration systems that increase the capacity of a system to produce more than one kind of energy from the same fuel; for studies for development of waste products utilization; and for the making of grants and loans in connection therewith.
2. Ninety percent must be allocated and credited to the state general fund for general state purposes.

SECTION 8. REPEAL. Chapter 57-51.1 of the North Dakota Century Code is hereby repealed.

SECTION 9. EFFECTIVE DATE. This Act becomes effective on January 1, 1989."

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

HB 1346 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 1389 has had the same under consideration and recommends by a vote of 14 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 4, line 14, delete the numeral "1987" and insert in lieu thereof the numeral "1988"

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

HB 1389 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 1421 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 3, after the word "the" insert the words "physically handicapped," and after the word "disabled" insert a comma

On page 1, line 13, after the word "for" insert the words "physically handicapped," and after the word "disabled" insert an underscored comma

On page 1, line 15, delete the word "The" and insert in lieu thereof the words "Unless no work activity center bids on the contract, the"

On page 1, line 18, delete the word "a" and delete the word "center" and insert in lieu thereof the word "centers"

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

HB 1421 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor to which was referred HB 1430 has had the same under consideration and recommends by a vote of 13 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. WHALEN, Chairman

HB 1430 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 1448 has had the same under consideration and recommends by a vote of 12 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 5, line 3, delete the word "finds" and insert in lieu thereof the word "fines"

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

HB 1448 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor to which was referred HB 1450 has had the same under consideration and recommends by a vote of 10 YEAS, 4 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 word "residential"

On page 1, line 14, delete the words "for compensation"

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

HB 1450 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor to which was referred HB 1454 has had the same under consideration and recommends by a vote of 12 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 2, delete the words "; and to provide a penalty"

On page 1, line 6, delete the first comma and insert in lieu thereof the word "or" and delete the words ", or makes payroll deductions"

On page 1, line 7, delete the word "for"

On page 1, line 12, delete the word "plan"

On page 1, line 14, delete the word "plan"

On page 1, line 17, delete the word "plan"

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

On page 2, delete lines 3 and 4

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

HB 1454 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Agriculture to which was referred HB 1468 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 10, overstrike the words "all or"

On page 1, line 13, overstrike the words "and a division of the crop is made"

On page 1, line 17, overstrike the words "the lessee" and insert immediately thereafter the words "any part"

On page 1, line 18, overstrike the words "raised upon such" and insert immediately thereafter the words "over and above the lessor's rental share produced upon the"

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

HB 1468 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Agriculture to which was referred HB 1495 has had the same under consideration and recommends by a vote of 12 YEAS, 3 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 9, delete the word "unorganized"

On page 1, line 11, delete the word "unorganized"

On page 1, line 12, after the word "drains" insert the words "as defined in section 61-21-01"

On page 1, line 14, delete the word "shall" and insert in lieu thereof the word "may"

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

HB 1495 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor to which was referred HB 1518 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 NOT PASS.

REP. WHALEN, Chairman

HB 1518 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Finance and Taxation to which was referred HB 1530 has had the same under consideration and recommends by a vote of 14 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 3, after the word "facility" insert the words "; and to declare an emergency"

On page 2, line 16, delete the word "either" and after the word "first" insert the word "taxable"

On page 2, line 17, delete the words and numerals "or July 1, 1987, whichever is later" and insert in lieu thereof the words and numerals "after September 30, 1986"

On page 2, line 19, after the word "first" insert the word "taxable"

On page 2, line 20, delete the words and numerals ", if the date is after June 30, 1987"

On page 2, line 27, delete the word "either" and after the word "first" insert the word "taxable"

On page 2, line 28, delete the words and numerals "or July 1, 1987, whichever is later" and insert in lieu thereof the words and numerals "after September 30, 1986"

On page 2, after line 33, insert the following new section:

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

And renumber the lines, sections, and pages accordingly

REP. A. HAUSAUER, Chairman

HB 1530 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Agriculture to which was referred HB 1545 has had the same under consideration and recommends by a vote of 12 YEAS, 2 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 10, remove the overstrike over the words "a seven member" and delete the words "an eight-member"

On page 1, line 13, overstrike the words "the vice president for agriculture, North"

On page 1, overstrike line 14

On page 1, line 15, overstrike the words "science, the president" and insert immediately thereafter the words "a representative"

On page 1, line 21, after the word "association" insert the words "who also operates a state-approved seed conditioning plant"

On page 1, line 24, after the period insert the words "The dean of the school of agriculture of the North Dakota state university of agriculture and applied science is an advisory, nonvoting member of the commission."

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

HB 1545 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 1550 has had the same under consideration and recommends by a vote of 10 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2, line 16, after the word "physicians" insert the words "by specialty"

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

HB 1550 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Agriculture to which was referred HB 1554 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 20, after the word "drain" insert the words "or drainage structure constructed by any governmental entity for which no continuing funds for maintenance are available"

On page 2, line 11, after the word "drain" insert the words "or drainage structure constructed by any governmental entity for which no continuing funds for maintenance are available"

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

HB 1554 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government to which was referred HB 1559 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. MARTINSON, Chairman

HB 1559 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 1567 has had the same under consideration and recommends by a vote of 8 YEAS, 7 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 18, after the first underscored comma insert the words "the guarantor has paid or contributed to the payment of the total balance due on the original obligation of the principal at any time, unless the guarantor renews the guaranty thereafter in writing" and delete the words "there is an extension,"

On page 1, delete line 19

On page 1, line 20, delete the word "obligation"

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

HB 1567 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

#### DIVIDED REPORT

MR. SPEAKER: A majority of your Committee on Judiciary to which was referred HB 1571 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to provide for comparative fault, several liability, separate finding of damages, reduction for collateral source payments, periodic payments, economic, noneconomic,



and exemplary damages; to suspend or to repeal sections 9-10-07 and 32-03-07 of the North Dakota Century Code, relating to comparative negligence and exemplary damages; and to provide an expiration date.

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

**SECTION 1. Definition.** As used in this Act, "fault" includes acts or omissions that are in any measure negligent or reckless towards the person or property of the actor or others, or that subject a person to tort liability or dram shop liability. The term also includes strict liability for product defect, breach of warranty, negligence or assumption of risk, misuse of a product for which the defendant otherwise would be liable, and failure to exercise reasonable care to avoid an injury or to mitigate damages. Legal requirements of causal relation apply both to fault as the basis for liability and to contributory fault.

**SECTION 2. Modified comparative fault.** Contributory fault does not bar recovery in an action by any person to recover damages for death or injury to person or property unless the fault was as great as the combined fault of all persons who contribute to the injury, but any damages allowed must be diminished in proportion to the amount of contributing fault attributable to the person recovering. The court may, and when requested by any party, shall direct the jury to find separate special verdicts determining the amount of damages and the percentage of fault attributable to each person, whether or not a party, who contributed to the injury. The court shall then reduce the amount of such damages in proportion to the amount of fault attributable to the person recovering. When two or more parties are found to have contributed to the injury, the liability of each party is several only, and is not joint, and each party is liable only for the amount of damages attributable to the percentage of fault of that party, except that any persons who act in concert in committing a tortious act or aid or encourage the act, or ratifies or adopts the act for their benefit, are jointly liable for all damages attributable to their combined percentage of fault. Under this section, fault includes negligence, malpractice, absolute liability, dram shop liability, failure to warn, reckless or willful conduct, assumption of risk, misuse of product, and failure to avoid injury. Under this section, fault does not include any product liability, including product liability involving negligence or strict liability or breach of warranty for product defect.

**SECTION 3. Pure comparative fault - Product liability actions.** Contributory fault does not bar recovery in an action by

any person to recover damages for death or injury to person or property, but any damages allowed must be diminished in proportion to the amount of contributing fault attributable to the person recovering. The court may, and when requested by any party, shall direct the jury to find separate special verdicts determining the amount of damages and the percentage of fault attributable to each person, whether or not a party, who contributed to the injury. The court shall then reduce the amount of such damages in proportion to the amount of fault attributable to the person recovering. When two or more parties are found to have contributed to the injury, the liability of each party is several only, and is not joint, and each party is liable only for the amount of damages attributable to the percentage of fault of that party, except that any persons who act in concert in committing a tortious act or aid or encourage the act, or ratifies or adopts the act for their benefit, are jointly liable for all damages attributable to their combined percentage of fault. Under this section, fault means product liability involving negligence or strict liability or breach of warranty for product defect.

**SECTION 4. Economic and noneconomic damages for wrongful death or injury to person.** In any civil action for damages for wrongful death or injury to a person and whether arising out of breach of contract or tort, damages may be awarded by the trier of fact as follows:

1. Compensation for economic damages, which are damages arising from medical expenses and medical care, rehabilitation services, custodial care, loss of earnings and earning capacity, loss of income or support, burial costs, cost of substitute domestic services, loss of employment or business or employment opportunities and other monetary losses.
2. Compensation for noneconomic damages, which are damages arising from pain, suffering, inconvenience, physical impairment, disfigurement, mental anguish, emotional distress, fear of injury, loss or illness, loss of society and companionship, loss of consortium, injury to reputation, humiliation and other nonpecuniary damage.

**SECTION 5. Separate finding on damages.** In awarding compensation for damages to any party, the trier of fact shall make separate findings which must specify:

1. The amount of compensation for past economic damages.

2. The amount of compensation for future economic damages.
3. The amount of compensation for noneconomic damages.

**SECTION 6. Reduction for collateral source payments.** After an award of economic damages, the party responsible for the payment thereof is entitled to and may apply to the court for a reduction of the economic damages to the extent that the economic losses presented to the trier of fact are covered by payment from a collateral source. A "collateral source" payment is any sum from any other source paid or to be paid to cover an economic loss which need not be repaid by the party recovering economic damages, but does not include life insurance, other death or retirement benefits, or any insurance or benefit purchased by the party recovering economic damages.

**SECTION 7. Pleading of damages.** Any pleading for damages for death or injury to a person may pray for economic and noneconomic damages separately. Any prayer for noneconomic damages of less than fifty thousand dollars or for economic damages may be for a specific dollar amount. Any prayer for noneconomic damages for fifty thousand dollars or more must be stated generally as "a reasonable sum but not less than fifty thousand dollars".

**SECTION 8. Review of reasonableness of economic damages.** In addition to any other remedy provided by law and after a jury award of economic damages, any party responsible for the payment of any part thereof may request a review of the reasonableness of the award by the court as follows:

1. Awards in excess of two hundred fifty thousand dollars before reduction for contributory fault and collateral source payments are subject to review for reasonableness under this Act.
2. The burden is on the moving party to establish that the amount of economic damage awarded was not reasonable in that it does not bear a reasonable relation to the economic damage incurred and to be incurred as proven by the party recovering the award.
3. If the court finds that the jury award of economic damages is unreasonable, the court shall reduce the award to reasonable economic damages.

**SECTION 9. Periodic payments for continuing custodial care.** If an injured party claims future economic damages for continuing institutional or custodial care that will be required for a period of more than two years, at the

discretion of the court any party may request the trier of fact to make a special finding of the total amount awarded for this care, separate from other future economic damages, and if a separate award is made, any party may make periodic payments for this care in an amount approved by the court, provided payment of the total award for this care is adequately secured. The adequacy of the periodic payments within the limit of the total award will be subject to review by the court from time to time, and upon the death of the injured person the obligation to provide for further continuing care shall terminate.

SECTION 10. Nondisclosure of reduction for collateral source payments. The jury may not be informed of the potential for the reduction of economic damages because of payments from collateral sources.

SECTION 11. When court or jury may give exemplary damages. In any action for the breach of an obligation not arising from contract, when the defendant has been guilty by clear and convincing evidence of oppression, fraud, or malice, actual or presumed, the court or jury, in addition to the actual damages, may give damages for the sake of example and by way of punishing the defendant. Upon commencement of the action, the complaint may not seek exemplary damages. After filing the suit, a party may make a motion to amend the pleadings to claim exemplary damages. The motion must allege an applicable legal basis for awarding exemplary damages and must be accompanied by one or more affidavits showing the factual basis for the claim. At the hearing on the motion, if the court finds prima facie evidence in support of the motion, the court shall grant the moving party permission to amend the pleadings to claim exemplary damages. For purposes of tolling the statute of limitations, pleadings amended under this section relate back to the time the action was commenced.

SECTION 12. Post trial review. Motions for periodic payments, reductions of awards for contributory fault and collateral source payments, for review of the reasonableness of an award, and for setting the amount of exemplary damages, must be made to the judge who presided over the trial of the action, unless the judge is unable to act, in which case, the motion must be presented to a judge designated by the presiding judge of the district in which the trial was held. The motion must be made within ten days of the jury verdict, or order of the court, and if so made, judgment may not be entered until the motion has been ruled on.

SECTION 13. REPEAL. If this Act does not contain an expiration date, North Dakota Century Code sections 9-10-07 and 32-03-07 are hereby repealed.

**SECTION 14. APPLICABILITY.** This Act applies to claims for relief which accrue after the effective date of this Act.

**SECTION 15. EXPIRATION DATE - SUSPENSION.** This Act is effective through June 30, 1993, and after that date is ineffective. North Dakota Century Code sections 9-10-07 and 32-03-07 are suspended from the effective date of this Act through June 30, 1993. Sections 9-10-07 and 32-03-07 as they existed on the day before the effective date of this Act are in effect on July 1, 1993."

And renumber the lines, sections, and pages accordingly

Rep. Aas  
Rep. Flaagan  
Rep. Knudson  
Rep. Kolbo  
Rep. Murphy  
Rep. J. Nelson  
Rep. Sorensen  
Rep. A. Williams

**MR. SPEAKER:** A minority of your Committee on Judiciary to which was referred HB 1571 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to provide for comparative fault, joint and several liability, separate finding of damages, reduction for collateral source payments, periodic payments, economic, noneconomic, and exemplary damages; to suspend or to repeal sections 9-10-07 and 32-03-07 of the North Dakota Century Code, relating to comparative negligence and exemplary damages; and to provide an expiration date.

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

**SECTION 1. Definition.** As used in this Act, "fault" includes acts or omissions that are in any measure negligent or reckless towards the person or property of the actor or others, or that subject a person to tort liability or dram shop liability. The term also includes strict liability for product defect, breach of warranty, negligence or assumption of risk, misuse of a product for which the defendant otherwise would be liable, and failure to exercise reasonable care to avoid an injury or to mitigate damages. Legal requirements of causal relation apply both to fault as the basis for liability and to contributory fault.

**SECTION 2. Modified comparative fault.** Contributory fault does not bar recovery in an action by any person to recover damages for death or injury to person or property unless the fault was as great as the combined fault of all persons who contribute to the injury, but any damages allowed must be diminished in proportion to the amount of contributing fault attributable to the person recovering. The court may, and when requested by any party, shall direct the jury to find separate special verdicts determining the amount of damages and the percentage of fault attributable to each person, whether or not a party, who contributed to the injury. The court shall then reduce the amount of such damages in proportion to the amount of fault attributable to the person recovering. When two or more parties are found to have contributed to the injury, the liability of each party for damages must be in proportion to the percentage of fault attributable to each, except as provided in section 4 of this Act. Under this section, fault includes negligence, malpractice, absolute liability, dram shop liability, failure to warn, reckless or willful conduct, assumption of risk, misuse of product, and failure to avoid injury. Under this section, fault does not include any product liability, including product liability involving negligence or strict liability or breach of warranty for product defect.

**SECTION 3. Pure comparative fault - Product liability actions.** Contributory fault does not bar recovery in an action by any person to recover damages for death or injury to person or property, but any damages allowed must be diminished in proportion to the amount of contributing fault attributable to the person recovering. The court may, and when requested by any party, shall direct the jury to find separate special verdicts determining the amount of damages and the percentage of fault attributable to each person, whether or not a party, who contributed to the injury. The court shall then reduce the amount of such damages in proportion to the amount of fault attributable to the person recovering. When two or more parties are found to have contributed to the injury, the liability of each party for damages must be in proportion to the percentage of fault attributable to each, except as provided in section 4 of this Act.

**SECTION 4. Joint and several liability.** When two or more parties are found to have contributed to the injury, except as otherwise provided in this section, the liability of each party is joint and several for economic damages and only several for noneconomic and exemplary damages. Any persons who act in concert in committing a tortious act or aid or encourage the act, or ratify or adopt the act for their benefit, are jointly liable for all damages attributable to their combined percentage of fault.

**SECTION 5. Economic and noneconomic damages for wrongful death or injury to person.** In any civil action for damages for wrongful death or injury to a person and whether arising out of breach of contract or tort, damages may be awarded by the trier of fact as follows:

1. Compensation for economic damages, which are damages arising from medical expenses and medical care, rehabilitation services, custodial care, loss of earnings and earning capacity, loss of income or support, burial costs, cost of substitute domestic services, loss of employment or business or employment opportunities and other monetary losses.
2. Compensation for noneconomic damages, which are damages arising from pain, suffering, inconvenience, physical impairment, disfigurement, mental anguish, emotional distress, fear of injury, loss or illness, loss of society and companionship, loss of consortium, injury to reputation, humiliation and other nonpecuniary damage.

**SECTION 6. Separate finding on damages.** In awarding compensation for damages to any party, the trier of fact shall make separate findings that must specify:

1. The amount of compensation for past economic damages.
2. The amount of compensation for future economic damages.
3. The amount of compensation for noneconomic damages.

**SECTION 7. Reduction for collateral source payments.** After an award of economic damages, the party responsible for the payment thereof is entitled to and may apply to the court for a reduction of the economic damages to the extent that the economic losses presented to the trier of fact are covered by payment from a collateral source. A "collateral source" payment is any sum from any other source paid or to be paid to cover an economic loss which need not be repaid by the party recovering economic damages, but does not include life insurance, other death or retirement benefits, or any insurance or benefit purchased by the party recovering economic damages.

**SECTION 8. Pleading of damages.** Any pleading for damages for death or injury to a person may pray for economic and noneconomic damages separately. Any prayer for noneconomic damages of less than fifty thousand dollars

or for economic damages may be for a specific dollar amount. Any prayer for noneconomic damages for fifty thousand dollars or more must be stated generally as "a reasonable sum but not less than fifty thousand dollars".

**SECTION 9. Review of reasonableness of economic damages.**

In addition to any other remedy provided by law and after a jury award of economic damages, any party responsible for the payment of any part thereof may request a review of the reasonableness of the award by the court as follows:

1. Awards in excess of two hundred fifty thousand dollars before reduction for contributory fault and collateral source payments are subject to review for reasonableness under this Act.
2. The burden is on the moving party to establish that the amount of economic damage awarded was not reasonable in that it does not bear a reasonable relation to the economic damage incurred and to be incurred as proven by the party recovering the award.
3. If the court finds that the jury award of economic damages is unreasonable, the court shall reduce the award to reasonable economic damages.

**SECTION 10. Periodic payments for continuing custodial care.**

If an injured party claims future economic damages for continuing institutional or custodial care that will be required for a period of more than two years, at the discretion of the court any party may request the trier of fact to make a special finding of the total amount awarded for this care, separate from other future economic damages, and if a separate award is made, any party may make periodic payments for this care in an amount approved by the court, provided payment of the total award for this care is adequately secured. The adequacy of the periodic payments within the limit of the total award will be subject to review by the court from time to time, and upon the death of the injured person the obligation to provide for further continuing care shall terminate.

**SECTION 11. Nondisclosure of reduction for collateral source payments.** The jury may not be informed of the potential for the reduction of economic damages because of payments from collateral sources.

**SECTION 12. When court or jury may give exemplary damages.** In any action for the breach of an obligation not arising from contract, when the defendant has been guilty by clear and convincing evidence of oppression, fraud, or malice, actual or presumed, the court or jury, in addition to the actual damages, may give damages for the sake of



example and by way of punishing the defendant. Upon commencement of the action, the complaint may not seek exemplary damages. After filing the suit, a party may make a motion to amend the pleadings to claim exemplary damages. The motion must allege an applicable legal basis for awarding exemplary damages and must be accompanied by one or more affidavits showing the factual basis for the claim. At the hearing on the motion, if the court finds prima facie evidence in support of the motion, the court shall grant the moving party permission to amend the pleadings to claim exemplary damages. For purposes of tolling the statute of limitations, pleadings amended under this section relate back to the time the action was commenced.

**SECTION 13. Post trial review.** Motions for periodic payments, reductions of awards for contributory fault and collateral source payments, for review of the reasonableness of an award, and for setting the amount of exemplary damages, must be made to the judge who presided over the trial of the action, unless the judge is unable to act, in which case, the motion must be presented to a judge designated by the presiding judge of the district in which the trial was held. The motion must be made within ten days of the jury verdict, or order of the court, and if so made, judgment may not be entered until the motion has been ruled on.

**SECTION 14. REPEAL.** If this Act does not contain an expiration date, North Dakota Century Code sections 9-10-07 and 32-03-07 are hereby repealed

**SECTION 15. APPLICABILITY.** This Act applies to all claims for relief which accrue after the effective date of this Act.

**SECTION 16. EXPIRATION DATE - SUSPENSION.** This Act is effective through June 30, 1993, and after that date is ineffective. North Dakota Century Code sections 9-10-07 and 32-03-07 are suspended from the effective date of this Act through June 30, 1993. Sections 9-10-07 and 32-03-07 as they existed on the day before the effective date of this Act are in effect on July 1, 1993."

And renumber the lines, sections, and pages accordingly

Rep. Kretschmar  
Rep. Wentz  
Rep. Cleveland  
Rep. Lindgren  
Rep. Shaft  
Rep. Ulmer  
Rep. Wilkie

REP. KRETCHMAR, Chairman

The reports of the majority and the minority were placed on the Sixth order of business on the calendar for the succeeding legislative day.

#### REPORTS OF STANDING COMMITTEES

MR. SPEAKER: Your Committee on Agriculture to which was referred HB 1582 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. NICHOLAS, Chairman

HB 1582 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 1593 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 4, line 23, delete the words "and second"

On page 4, line 25, delete the words "and second"

On page 4, line 29, remove the overstrike over the word "~~second~~,"

On page 4, line 30, remove the overstrike over the comma

On page 5, delete lines 19 through 25

And renumber the lines, sections, and pages accordingly

REP. HAUGLAND, Chairman

HB 1593 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 1597 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 15, delete the word "application" and insert in lieu thereof the word "applicant" and after the word "show" insert the words ", upon request by an officer of the highway patrol,"

On page 1, line 24, delete the word "thirty" and insert in lieu thereof the words "twenty-five"

And renumber the lines, sections, and pages accordingly

REP. ANDERSON, Chairman

HB 1597 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 1598 has had the same under consideration and recommends by a vote of 10 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2, line 23, remove the overstrike over the comma "7" and insert immediately thereafter the words "and for the collection and transport of solid wastes,"

On page 2, line 24, remove the overstrike over the word "and"

On page 2, line 25, delete the words ", and"

On page 2, line 26, delete the words "for the collection and transport of solid wastes at any time"

And renumber the lines, sections, and pages accordingly

REP. ANDERSON, Chairman

HB 1598 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 1600 has had the same under consideration and recommends by a vote of 10 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 5, delete the first word "subsection" and insert in lieu thereof the word "subsections", after the numeral "4" insert the word and numeral "and 5", and delete the second word "subsection" and insert in lieu thereof the word and numeral "subsections 3 and"

On page 1, line 11, delete the word "Subsection" and insert in lieu thereof the word "Subsections" and after the numeral "4" insert the word and numeral "and 5"

On page 1, line 12, delete the word "is" and insert in lieu thereof the word "are"

On page 1, line 18, after the underscored comma insert the words "to certify to the tax commissioner which wells are stripper wells and the depth of those wells,"

On page 1, after line 23, insert the following subsection:

"5. To adopt and to enforce rules and orders to effectuate the purposes and the intent of this

chapter and of subsections 1, 3, and 5 of section 57-51.1-01."

On page 1, line 24, delete the word "Subsection" and insert in lieu thereof the words and numeral "Subsections 3 and"

On page 1, line 25, delete the word "is" and insert in lieu thereof the word "are"

On page 1, after line 26, insert the following subsection:

"3. "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."

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

HB 1600 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 1619 has had the same under consideration and recommends by a vote of 17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. A. HAUSAUER, Chairman

HB 1619 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor to which was referred HB 1622 has had the same under consideration and recommends by a vote of 14 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 2, delete the word "the"

On page 1, line 9, overstrike the word "fire"

On page 1, line 16, overstrike the word "fire" and insert immediately thereafter the words "any covered cause of loss"

On page 1, line 22, overstrike the word "fire" and insert immediately thereafter the word "covered"

On page 1, line 26, overstrike the word "fire" and insert immediately thereafter the word "covered"

On page 2, line 7, overstrike the words "the fire or"

On page 2, line 8, overstrike the word "lightning" and insert immediately thereafter the words "any covered cause of"

On page 2, line 9, overstrike the word "fire"

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

HB 1622 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Agriculture to which was referred HB 1630 has had the same under consideration and recommends by a vote of 11 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2, line 11, delete the words "guilty of a class A felony" and insert in lieu thereof the words "subject to a civil penalty not to exceed twenty-five thousand dollars"

On page 2, line 14, delete the words "guilty of a class A felony" and insert in lieu thereof the words "subject to a civil penalty not to exceed twenty-five thousand dollars" and underscore the words "and may"

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

HB 1630 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 1637 has had the same under consideration and recommends by a vote of 13 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. A. HAUSAUER, Chairman

HB 1637 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Finance and Taxation to which was referred HB 1640 has had the same under consideration and recommends by a vote of 13 YEAS, 4 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 22, after the word "state" insert the words "or the county auditor"

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

HB 1640 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 1644 has had the same under consideration and recommends by a vote of 14 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

REP. GATES, Chairman

HB 1644 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Agriculture to which was referred HB 1646 has had the same under consideration and recommends by a vote of 13 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. NICHOLAS, Chairman

HB 1646 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 8 YEAS, 7 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 2, line 1, delete the words "or within ninety days after the financing"

On page 2, delete lines 2 through 4

On page 2, line 5, delete the word "collateral,"

On page 2, line 7, delete the words "or a partial termination"

On page 2, line 8, delete the word "statement"

On page 2, line 10, delete the words "or a security interest in any particular"

On page 2, delete line 11

On page 2, line 12, delete the words "financing statement"

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

"c. Within ninety days after written demand by a debtor, send the debtor for each filing officer with whom the financing statement was filed a termination statement or a partial termination statement to the effect that the secured party no longer claims a security interest in any particular classification of collateral identified in the financing statement, which must be identified by file number. This subdivision applies only if the security interest has been extinguished as to all or any particular classification of collateral by a disposition of the collateral other than in the debtor's ordinary course of business."

And renumber the lines, sections, and pages accordingly

REP. KRETSCHMAR, Chairman

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

MR. SPEAKER: Your Committee on Industry, Business and Labor to which was referred HCR 3023 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. WHALEN, Chairman

HCR 3023 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government to which was referred HCR 3028 has had the same under consideration and recommends by a vote of 11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

REP. MARTINSON, Chairman

HCR 3028 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor to which was referred HCR 3049 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. WHALEN, Chairman

HCR 3049 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor to which was referred HCR 3050 has had the same under consideration and recommends by a vote of 11 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

REP. WHALEN, Chairman

HCR 3050 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MR. SPEAKER:** Your Committee on State and Federal Government to which was referred SB 2123 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

**REP. MARTINSON, Chairman**

SB 2123 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

**MR. SPEAKER:** Your Committee on State and Federal Government to which was referred SB 2193 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

**REP. MARTINSON, Chairman**

SB 2193 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

**MR. SPEAKER:** Your Committee on State and Federal Government to which was referred SB 2313 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

**REP. MARTINSON, Chairman**

SB 2313 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

**MR. SPEAKER:** Your Committee on State and Federal Government to which was referred SB 2416 has had the same under consideration and recommends by a vote of 12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

**REP. MARTINSON, Chairman**

SB 2416 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

**MR. SPEAKER:** Your Committee on State and Federal Government to which was referred SB 2417 has had the same under consideration and recommends by a vote of 11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

**REP. MARTINSON, Chairman**

SB 2417 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

**MR. SPEAKER:** Your Committee on State and Federal Government to which was referred SB 2426 has had the same under consideration and recommends by a vote of 11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

**REP. MARTINSON, Chairman**



SB 2426 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

#### FIRST READING OF A HOUSE CONCURRENT RESOLUTION

Reps. Hoffner, Oban introduced:

HCR 3065: A concurrent resolution directing the Legislative Council to study the retail gasoline market in this state. Was read the first time and referred to the Committee on Transportation.

#### FIRST READING OF SENATE BILLS

SB 2040: A BILL for an Act to create and enact three new sections to chapter 40-18 of the North Dakota Century Code, relating to the clerk of municipal court and the transfer of cases from municipal court to county court; to amend and reenact sections 27-07.1-17, 29-07-01.1, 40-11-13, 40-18-01, 40-18-03, 40-18-06, 40-18-14, 40-18-15, 40-18-19, 40-18-20, 40-18-22, and 40-21-14 of the North Dakota Century Code, relating to jurisdiction of county courts, payment of expenses, fines for violations of municipal ordinances, qualifications of municipal judges, municipal court procedure, and notices to the supreme court; and to repeal section 40-08-21 of the North Dakota Century Code, relating to the authority of mayors to release imprisoned offenders from jail.

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

SB 2053: A BILL for an Act to amend and reenact sections 26.1-33-36 and 28-22-03.1 of the North Dakota Century Code, relating to the exemption of rights in life insurance policies and pensions from executions of judgments.

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

SB 2055: A BILL for an Act to amend and reenact section 28-01-22.1 of the North Dakota Century Code, relating to the statute of limitations for actions against the state; and to provide an effective date.

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

SB 2095: A BILL for an Act to amend and reenact section 26.1-25-04.1 of the North Dakota Century Code, relating to discounts from certain motor vehicle insurance premiums and disclosure of the amounts of the discounts.

Was read the first time and referred to the Committee on Industry, Business and Labor.

SB 2097: A BILL for an Act to create and enact a new subsection to section 26.1-04-03, a new subsection to section 26.1-33-05, and a new subdivision to subsection 1 of section 26.1-36-04 of the North Dakota Century Code, relating to unfair insurance practices and required insurance premium refunds.

Was read the first time and referred to the Committee on Industry, Business and Labor.

**SB 2135:** A BILL for an Act to create and enact section 6-07-04.2 of the North Dakota Century Code, relating to emergency action of the acquisition of a failing institution; and to amend and reenact sections 6-01-17 and 6-02-05 of the North Dakota Century Code, relating to the yearly assessment of banks and application for an organization certificate.

Was read the first time and referred to the **Committee on Industry, Business and Labor**.

**SB 2175:** A BILL for an Act to amend and reenact subsection 1 of section 43-15-42.1 of the North Dakota Century Code, relating to disciplinary action of the board of pharmacy; and to provide a penalty.

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

**SB 2176:** A BILL for an Act to amend and reenact subsections 1 and 14 of section 43-15-10 of the North Dakota Century Code, relating to the powers of the board of pharmacy.

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

**SB 2181:** A BILL for an Act to amend and reenact section 54-12-08 of the North Dakota Century Code, relating to assistant and special assistant attorneys general and to billing arrangements for legal services.

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

**SB 2218:** A BILL for an Act to amend and reenact subsections 9, 10, 11, 12, and 13 of section 52-06-02 of the North Dakota Century Code, relating to educational employee disqualification from unemployment compensation benefits.

Was read the first time and referred to the **Committee on Industry, Business and Labor**.

**SB 2299:** A BILL for an Act to create and enact a new section to chapter 57-40.3 of the North Dakota Century Code, relating to a statement of purchase price and trade-in allowance for motor vehicles which must be furnished by a seller of a motor vehicle; and to amend and reenact section 57-40.3-05 of the North Dakota Century Code, relating to the motor vehicle purchaser's certificate which must be furnished to the motor vehicle registrar in transferring title to a motor vehicle.

Was read the first time and referred to the **Committee on Transportation**.

**SB 2336:** A BILL for an Act to provide for the establishment of an adult protective services demonstration project to be developed and managed by the department of human services; and to provide an expiration date.

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

**SB 2344:** A BILL for an Act to amend and reenact sections 16.1-11-24, 16.1-11-25, 16.1-11-37, and 16.1-15-01 of the North Dakota Century Code, relating to no-party primary ballots.

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

**SB 2368:** A BILL for an Act to amend and reenact section 39-16-03 of the North Dakota Century Code, relating to notification of requests for an abstract of a driver's operating record.

Was read the first time and referred to the **Committee on Transportation.**

**SB 2376:** A BILL for an Act to create and enact chapter 26.1-15.1 of the North Dakota Century Code, relating to fraternal benefit societies; to amend and reenact section 26.1-16-02 of the North Dakota Century Code, relating to application to fraternal benefit societies; to repeal chapter 26.1-15 of the North Dakota Century Code, relating to fraternal benefit societies; to provide a penalty; and to provide an effective date.

Was read the first time and referred to the **Committee on Industry, Business and Labor.**

**SB 2433:** A BILL for an Act to amend and reenact section 35-05-01.1 of the North Dakota Century Code, relating to duration of financing statements on crop mortgages.

Was read the first time and referred to the **Committee on Agriculture.**

**SB 2446:** A BILL for an Act to amend and reenact sections 15-29-03, 15-29-03.1, 15-29-04, 15-29-06, subsection 12 of section 15-29-08, sections 15-29-09, 15-29-10, 15-29-11, and 15-29-13 of the North Dakota Century Code, relating to changing references from school district clerk to school district business manager; and to change statutory references from clerk of the school district to business manager of the school district.

Was read the first time and referred to the **Committee on Education.**

**SB 2516:** A BILL for an Act to amend and reenact section 6-09-15.4 of the North Dakota Century Code, relating to loans to businessmen.

Was read the first time and referred to the **Committee on Industry, Business and Labor.**

**SB 2519:** A BILL for an Act to amend and reenact sections 61-31-01, 61-31-02, subsection 4 of section 61-31-05, and sections 61-31-08 and 61-31-10 of the North Dakota Century Code, relating to the waterbank program.

Was read the first time and referred to the **Committee on Agriculture.**

**SB 2527:** A BILL for an Act to amend and reenact sections 29-04-02, 29-04-03, and 29-04-03.1 of the North Dakota

Century Code, relating to prosecution of certain sexual offenses if the victim is under eighteen years of age.  
Was read the first time and referred to the **Committee on Judiciary**.

**SB 2534:** A BILL for an Act to amend and reenact section 44-04-20 of the North Dakota Century Code, relating to notices of public meetings.

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

#### FIRST READING OF SENATE CONCURRENT RESOLUTIONS

**SCR 4018:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of implementing a guaranteed tuition program for financing a child's postsecondary education.

Was read the first time and referred to the **Committee on Education**.

**SCR 4031:** A concurrent resolution directing the Legislative Council to study the Uniform Juvenile Court Act, child abuse and neglect laws, other state and federal laws, and current administrative rules and practices regarding the confidentiality, management, exchange, and use of records and information relating to services provided to minors.

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

**SCR 4038:** A concurrent resolution directing the Legislative Council to study the judicial standard of a "person requiring treatment" as used in mental health commitment proceedings resulting in treatment programs other than hospitalization.

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

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

**ROY GILBREATH, Chief Clerk**