

JOURNAL OF THE HOUSE

Fiftieth Legislative Assembly

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FIFTY-FIFTH DAY

Bismarck, March 25, 1987
The House convened at 10:00 a.m., with Speaker Kloubec presiding.

The prayer was offered by Tom Stark, Capital City Christian Church, Bismarck, North Dakota.

ROLL CALL

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

A quorum was declared by the Speaker.

MOTION

REP. STRINDEN MOVED that the members of the Committee on Appropriations be excused, which motion prevailed.

CORRECTION AND REVISION OF THE JOURNAL

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

On page 2139, line 36, after the words and punctuation "DO PASS," insert the following: "and be rereferred to the Committee on Appropriations"

On page 2139, delete lines 37 and 38 and insert in lieu thereof the following: "SB 2477 was rereferred to the Committee on Appropriations."

REP. THOMPSON, Chairman

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

MOTION

REP. STRINDEN MOVED that that portion of House Rule No. 507 pertaining to when bills must be reported out of committee in the second house be suspended for the Committee on Appropriations and the Committee on Finance and Taxation, which motion prevailed.

DELIVERY OF ENROLLED RESOLUTIONS

THE SPEAKER ANNOUNCED that the following resolutions were delivered to the Secretary of State for his filing at the hour of 9:00 a.m., March 25, 1987:

HCR 3005, HCR 3010, HCR 3020, HCR 3021, HCR 3032, HCR 3050,
HCR 3069, HCR 3072

MOTION

REP. STRINDEN MOVED that the divided committee report on SB 2188, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

MESSAGES FROM THE SENATE

SENATE CHAMBER

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

HB 1079, HB 1099, HB 1117, HB 1254, HB 1405, HB 1420,
HB 1456, HB 1460, HB 1491, HB 1568, HB 1608, HCR 3060,
HCR 3063

PERRY GROTEBERG, Secretary

SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the Senate has concurred in the House amendments to SB 2090, SB 2143, and SB 2403 and subsequently passed the same.

PERRY GROTEBERG, Secretary

SENATE CHAMBER

MR. SPEAKER: The House request to return SCR 4016 is respectfully denied which motion lost on a verification vote pursuant to Joint Rule 204, which states "Either house, upon majority vote, shall return any bill or resolution called for by resolution of the other house, if the bill or resolution is yet in possession of the house called on, and no action thereon has been had. In case action has been had, then it shall require a two-thirds vote of the house asked to return a bill or resolution called for." Senate action had been taken and the motion to return SCR 4016 failed for lack of a two-thirds majority.

PERRY GROTEBERG, Secretary

SENATE CHAMBER

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

SB 2093, SB 2095, SB 2119, SB 2134, SB 2141, SB 2185,
SB 2205, SB 2252, SB 2266, SB 2273, SB 2293, SB 2363,
SB 2412, SB 2415, SB 2450, SB 2455, SB 2467, SB 2516,
SCR 4016

PERRY GROTEBERG, Secretary

SIXTH ORDER OF BUSINESS

REP. KRETSCHMAR MOVED that the amendments to SB 2040 as recommended by the Committee on Judiciary as printed on pages 2161-2162 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2040 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REP. WHALEN MOVED that the amendments to SB 2127 as recommended by the Committee on Industry, Business and Labor as printed on pages 2162-2164 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2127 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. NICHOLAS MOVED that the House do concur in the Senate amendments to HB 1207 as printed on page 1843 of the House Journal, which motion prevailed.

MOTION

REP. STRINDEN MOVED that the rules be suspended, that HB 1207 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1207: A BILL for an Act to create and enact a new chapter to title 4 of the North Dakota Century Code, relating to chemigation regulation; 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 79 YEAS, 1 NAY, 26 ABSENT AND NOT VOTING.

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

Vander Vorst; Watne; Wentz; Wilkie; Williams, A.;
Williams, C.; Williams, W.; Speaker Kloubec

NAYS: Hokana

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

HB 1207 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. ANDERSON MOVED that the House do concur in the Senate amendments to HB 1241 as printed on page 2017 of the House Journal, which motion prevailed.

MOTION

REP. STRINDEN MOVED that the rules be suspended, that HB 1241 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1241: A BILL for an Act to amend and reenact sections 49-18-06, 49-18-08, 49-18-13, 49-18-14, 49-18-15, and 49-18-18 of the North Dakota Century Code, relating to public service commission regulation of common motor carriers; and to repeal sections 49-18-21 and 49-18-46 of the North Dakota Century Code, relating to public service commission regulation of common motor carriers.

Which has been read.

ROLL CALL

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

YEAS: Aas; Almlie; Anderson; Belter; Berg, R.; Brokaw;
Christman; Cleveland; Dalrymple; DeMers, J.;
DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey;
Gates; Goetz; Gorman; Halmrast; Hamerlik; Hanson, L.;
Hanson, O.; Haugen; Haugland; Hausauer, A.; Hokana;
Klundt; Knell; Koland; Kolbo; Kretschnar; Lang; Larson;
Lautenschlager; Linderman; Lindgren; Marks; Martin;
Martinson; Melby; Mertens; Meyer; Moore; Murphy;
Myrdal; Nelson, C.; Nelson, J.; Nicholas; Oban;
O'Connell; Olsen, D.; Olson, A.; Olson, V.; O'Shea;
Riehl; Rydell; Scherber; Schindler; Schneider; Shaft;
Shaw; Shide; Skjerven; Sorensen; Starke; Strinden;

Tokach; Tollefson; Tomac; Trautman; Ulmer;
Vander Vorst; Watne; Wentz; Wilkie; Williams, A.;
Williams, C.; Williams, W.; Speaker Kloubec

NAYS: None

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

HB 1241 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. ANDERSON MOVED that the House do concur in the Senate amendments to HB 1481 as printed on page 2018 of the House Journal, which motion prevailed.

MOTION

REP. STRINDEN MOVED that the rules be suspended, that HB 1481 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1481: A BILL for an Act to amend and reenact subsection 3 of section 57-43.1-01, sections 57-43.1-35, 57-43.1-42, 57-43.1-43, subsection 5 of section 57-43.2-01, and sections 57-43.2-28, 57-43.2-35, and 57-43.2-36 of the North Dakota Century Code, relating to the definition of importer for use, importer for use tax credits, reports, and payments for motor vehicle fuels and special fuels taxes.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 83 YEAS, 0 NAYS, 23 ABSENT AND NOT VOTING.

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

Riehl; Rydell; Scherber; Schindler; Schneider; Shaft;
 Shaw; Shide; Skjerven; Sorensen; Starke; Strinden;
 Tokach; Tollefson; Tomac; Trautman; Ulmer;
 Vander Vorst; Watne; Wentz; Wilkie; Williams, A.;
 Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: None

ABSENT AND NOT VOTING: Berg, G.; Gerntholz; Graba;
 Gunsch; Hausauer, R.; Hill; Kelly; Kent; Kingsbury;
 Knudson; Kuchera; Nowatzki; Opedahl; Payne; Peterson;
 Rice; Shockman; Smette; Solberg; Stofferahn; Thompson;
 Wald; Whalen

HB 1481 passed and the title was agreed to.

MESSAGES TO THE SENATE HOUSE CHAMBER

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

SB 2145

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

SB 2280

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

SB 2008, SB 2014, SB 2031, SB 2097, SB 2103, SB 2314,
 SB 2387, SB 2391, SB 2439, SB 2484, SB 2489, SCR 4026

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

SB 2020, SB 2137, SB 2218, SB 2219, SB 2225, SB 2235,
 SB 2281, SB 2354, SB 2376, SB 2381, SCR 4062, SCR 4063,
 SCR 4068

ROY GILBREATH, Chief Clerk

MOTIONS

REP. PETERSON MOVED that the House reconsider its action whereby the committee report was accepted and SB 2068 was placed on the

Fourteenth order of business on the calendar, which motion prevailed.

REP. PETERSON MOVED that SB 2068 be rereferred to the Committee on Appropriations, which motion prevailed.

SPEAKER KLOUBEC ANNOUNCED that SB 2068 was referred to the Committee on Appropriations.

SECOND READING OF HOUSE BILLS

HB 1680: A BILL for an Act to amend and reenact subdivision a of subsection 2 of section 54-35-02.4 of the North Dakota Century Code, relating to payment of costs of actuarial reports to the legislative council's committee on public employees retirement programs.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 66 YEAS, 34 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Christman; Cleveland; Dalrymple; DeMers, J.; Dorso; Dotzenrod; Frey; Gerntholz; Goetz; Gorman; Gunsch; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Hausauer, A.; Hausauer, R.; Kelly; Kent; Knell; Koland; Kretschmar; Lang; Larson; Lindgren; Marks; Martin; Martinson; Melby; Moore; Murphy; Myrdal; Nelson, J.; Nicholas; Olson, A.; Olson, V.; Opedahl; Payne; Peterson; Rice; Rydell; Schindler; Schneider; Shaft; Shaw; Shide; Skjerven; Smette; Sorensen; Thompson; Tokach; Tollefson; Tomac; Trautman; Vander Vorst; Wald; Whalen; Wilkie; Williams, A.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Berg, G.; Berg, R.; Brokaw; DeMers, P.; Enget; Flaagan; Gates; Graba; Halmrast; Haugland; Hill; Hoffner; Hokana; Kingsbury; Klundt; Kolbo; Laughlin; Lautenschlager; Linderman; Mertens; Meyer; Nelson, C.; Nowatzki; Oban; O'Connell; O'Shea; Riehl; Scherber; Solberg; Starke; Ulmer; Watne; Wentz; Williams, C.

ABSENT AND NOT VOTING: Knudson; Kuchera; Olsen, D.; Shockman; Stofferahn; Strinden

HB 1680 passed and the title was agreed to.

HB 1681: A BILL for an Act to amend and reenact subsection 2 of section 54-05.1-03 of the North Dakota Century Code, relating to reporting of expenditures by lobbyists.

Which has been read.

ROLL CALL

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

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

NAYS: Hill; Kingsbury; O'Connell; Stofferahn; Wilkie

ABSENT AND NOT VOTING: Hausauer, R.; Knudson; Kuchera; Peterson; Shockman; Strinden

HB 1681 passed and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3089: A concurrent resolution directing the Legislative Council to study North Dakota workmen's compensation benefits and premiums, as they compare to those in other states.

Which has been read.

The question being on the adoption of the resolution.

HCR 3089 was declared lost on a verification vote.

SECOND READING OF SENATE BILLS

SB 2003: A BILL for an Act making an appropriation for defraying the expenses of the division of independent study of the state of North Dakota; and to amend and reenact section 15-19-04 of the North Dakota Century Code, relating to oversight of the high school correspondence 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 101 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING.

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

SB 2003 passed and the title was agreed to.

SB 2027: A BILL for an Act making an appropriation for defraying the expenses of the game and fish department 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 97 YEAS, 5 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Kingsbury; Klundt; Knell; Koland; Kolbo; Kretschmar;

Kuchera; Lang; Larson; Laughlin; Lautenschlager;
 Linderman; Lindgren; Marks; Martin; Martinson; Melby;
 Mertens; Meyer; Moore; Myrdal; Nelson, C.; Nelson, J.;
 Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.;
 Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Peterson;
 Rice; Riehl; Rydell; Scherber; Schneider; Shaft; Shaw;
 Shide; Skjerven; Smette; Solberg; 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: Anderson; Belter; Dorso; Murphy; Schindler

ABSENT AND NOT VOTING: Berg, G.; Knudson; Shockman;
 Strinden

SB 2027 passed and the title was agreed to.

MOTION

REP. GOETZ MOVED that the House waive the reading of the title to SB 2202, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2202: A BILL for an Act to create and enact a new subsection to section 39-06.1-06, a new paragraph to subdivision a of subsection 3 of section 39-06.1-10, and a new subdivision to subsection 1 of section 39-09-02 of the North Dakota Century Code, relating to highway speed limits and sanctions for violation of highway speed limits; to amend and reenact subsection 3 of section 39-06.1-06, paragraph 33 of subdivision a of subsection 3 of section 39-06.1-10, and subdivision f of subsection 1 of section 39-09-02 of the North Dakota Century Code, relating to sanctions for violation of speed limits; to provide a penalty; and to provide a contingent effective date; 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 98 YEAS, 4 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; Graba; Gunsch;
 Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.;
 Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent;
 Kingsbury; Klundt; Knell; Koland; Kolbo; Kretschmar;

Kuchera; Lang; Larson; Laughlin; 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; Skjerven; Smette; Solberg; Sorensen; Starke; Stofferahn; Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Halmrast; Hamerlik; Lautenschlager; Wentz

ABSENT AND NOT VOTING: Knudson; Peterson; Shockman; Strinden

SB 2202 passed, the title was agreed to, and the emergency clause carried.

SB 2316: A BILL for an Act to create and enact three new sections to chapter 35-17 of the North Dakota Century Code, relating to agister's liens.

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 101 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Kingsbury; Klundt; Knell; 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; Skjerven; Smette; Solberg; Sorensen; Starke; Stofferahn; Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: None

ABSENT AND NOT VOTING: Knudson; Peterson; Shockman;
Strinden; Whalen

SB 2316 passed and the title was agreed to.

MOTION

REP. GOETZ MOVED that SB 2409 be placed at the bottom of the calendar, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4043: A concurrent resolution designating U.S. Highway 2 as a Centennial Highway.

Which has been read.

ROLL CALL

The question being on the adoption of the resolution, as amended, the roll was called and there were 81 YEAS, 18 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; DeMers, J.; Dotzenrod; Enget; Flaagan; Frey; Gerntholz; Gorman; Graba; Halmrast; Hamerlik; Hanson, O.; Haugen; Haugland; Hausauer, R.; Hoffner; Hokana; Kelly; Kent; Kingsbury; Klundt; Koland; Kolbo; Kretschmar; Kuchera; Lang; Laughlin; Lautenschlager; Linderman; Martin; Martinson; Mertens; Meyer; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, V.; Opedahl; Payne; Rice; Riehl; Rydell; Scherber; Schindler; Shaft; Shaw; Shide; Skjerven; Smette; Solberg; Sorensen; Starke; Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Speaker Kloubec

NAYS: DeMers, P.; Dorso; Gates; Goetz; Gunsch; Hanson, L.; Hill; Knell; Larson; Marks; Melby; Olson, A.; O'Shea; Schneider; Stofferahn; Wald; Williams, W.; Winkelman

ABSENT AND NOT VOTING: Dalrymple; Hausauer, A.; Knudson; Lindgren; Peterson; Shockman; Strinden

SCR 4043 was declared adopted on a roll call vote.

SIGNING OF BILLS AND RESOLUTIONS

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following:

HB 1034, HB 1330, HB 1533

ROY GILBREATH, Chief Clerk

MESSAGES TO THE SENATE
HOUSE CHAMBER

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

HB 1034, HB 1330, HB 1533

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House has concurred in the Senate amendments to HB 1207, HB 1241, and HB 1481 and subsequently passed the same.

ROY GILBREATH, Chief Clerk

MOTION

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

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

REPORT OF CONFERENCE COMMITTEE

REP. BELTER MOVED that the conference committee report on HB 1068 as printed on page 2134 of the House Journal be adopted, which motion prevailed

MOTION

REP. STRINDEN MOVED that the following message be sent to the Senate, which motion prevailed.

MESSAGE TO THE SENATE
HOUSE CHAMBER

MR. PRESIDENT PRO TEMPORE: The sixty-five Members of the House of Representatives who, in a bipartisan vote, requested the return of SCR 4016 regret your decision to not comply with the House's request for its return.

Because of Lt. Governor Ruth Meiers' death and the abbreviated session on Friday in honor of our former colleague and also members absent on Monday attending the funeral, House Rule 341 regarding reconsideration was suspended in order that reconsideration by a majority of the members elect could take place on bills and resolutions acted upon on Thursday, Friday, and Monday. Therefore, these bills and resolutions were to be kept at the Desk.

The House Desk Force made a mistake and inadvertently sent SCR 4016 to the Senate contrary to the motion passed by the House of Representatives.

ROY GILBREATH, Chief Clerk

MOTION

REP. GOETZ MOVED that SB 2409 be placed at the top of the calendar, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2409: A BILL for an Act to create and enact a new section to chapter 38-09 of the North Dakota Century Code, relating to public offering of state mineral leases.

Which has been read.

ROLL CALL

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

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

NAYS: Aas; Berg, R.; Dorso; Goetz; Koland; Kretschmar; Martinson; Myrdal; Olsen, D.; Olson, A.; Olson, V.; Rydell; Smette; Tollefson

ABSENT AND NOT VOTING: Knudson; Peterson; Shockman

SB 2409 passed and the title was agreed to.

SB 2050: A BILL for an Act to provide for the establishment of a North Dakota venture capital corporation; to amend and reenact section 6-09.2-01, subsection 1 of section 6-09.2-03, sections 6-09.2-04, 6-09.2-05, 6-09.2-07, 6-09.2-08, 6-09.2-09, 6-09.2-10, and 6-09.2-11 of the North

Dakota Century Code, relating to the industrial development revenue bond guarantee program and the duties of the economic development commission; and to repeal section 6-09.2-06 of the North Dakota Century Code, relating to the industrial development revenue bond fund.

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, 63 NAYS, 6 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Haugland; Knudson; Peterson; Rydell; Shockman; Wentz

SB 2050 was declared lost.

SB 2172: A BILL for an Act to amend and reenact section 52-06-04 of the North Dakota Century Code, relating to unemployment compensation benefit amounts.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 43 YEAS, 61 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Berg, G.; Brokaw; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Graba; Halmrast; Hanson, L.; Haugland; Hill; Hoffner; Hokana; Kelly; Kolbo; Laughlin; Lautenschlager; Linderman; Marks; Mertens; Meyer;

Murphy; Nelson, C.; Nelson, J.; Nowatzki; Oban;
O'Connell; Opedahl; O'Shea; Riehl; Scherber; Schneider;
Shaw; Skjerven; Solberg; Starke; Stofferahn; Tomac;
Ulmer; Watne; Wilkie; Williams, W.

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

ABSENT AND NOT VOTING: Knudson; Shockman

SB 2172 was declared lost.

SB 2173: A BILL for an Act to create and enact a new section to chapter 43-15 of the North Dakota Century Code, relating to out-of-state pharmacies.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 56 YEAS, 46 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aas; Berg, R.; Christman; DeMers, J.; Dotzenrod;
Enget; Flaagan; Goetz; Graba; Hamerlik; Hanson, L.;
Hanson, O.; Hausauer, R.; Kelly; Kingsbury; Klundt;
Koland; Kuchera; Larson; Laughlin; Lautenschlager;
Linderman; Martin; Mertens; Meyer; Moore; Nicholas;
Nowatzki; O'Connell; Olsen, D.; Olson, V.; Opedahl;
Peterson; Scherber; Schneider; Shaft; Shide; Skjerven;
Smette; Solberg; Starke; Stofferahn; Strinden;
Thompson; Tokach; Tollefson; Tomac; Trautman; Wald;
Watne; Whalen; Wilkie; Williams, A.; Williams, C.;
Williams, W.; Speaker Kloubec

NAYS: Almlie; Anderson; Belter; Berg, G.; Brokaw;
Cleveland; Dalrymple; DeMers, P.; Dorso; Frey; Gates;
Gerntholz; Gorman; Gunsch; Halmrast; Haugen; Haugland;
Hausauer, A.; Hill; Hoffner; Hokana; Kent; Knell;
Kolbo; Kretschmar; Lang; Lindgren; Marks; Martinson;
Melby; Murphy; Myrdal; Nelson, C.; Nelson, J.; Oban;
Olson, A.; O'Shea; Payne; Rice; Riehl; Schindler; Shaw;
Sorensen; Ulmer; Vander Vorst; Winkelman

ABSENT AND NOT VOTING: Knudson; Rydell; Shockman; Wentz

SB 2173 passed and the title was agreed to.

MESSAGES TO THE SENATE
HOUSE CHAMBER

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

HB 1068

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

HB 1680, HB 1681

ROY GILBREATH, Chief Clerk

SIGNING OF BILLS AND RESOLUTIONS

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following:

SB 2093, SB 2095, SB 2119, SB 2134, SB 2141, SB 2185,
SB 2205, SB 2252, SB 2266, SB 2273, SB 2293, SB 2363,
SB 2412, SB 2415, SB 2450, SB 2455, SB 2467, SB 2516

ROY GILBREATH, Chief Clerk

MESSAGE TO THE SENATE
HOUSE CHAMBER

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

SB 2093, SB 2095, SB 2119, SB 2134, SB 2141, SB 2185,
SB 2205, SB 2252, SB 2266, SB 2273, SB 2293, SB 2363,
SB 2412, SB 2415, SB 2450, SB 2455, SB 2467, SB 2516

ROY GILBREATH, Chief Clerk

SECOND READING OF SENATE BILLS

SB 2191: A BILL for an Act to amend and reenact sections 23-17.2-01, 23-17.2-02, 23-17.2-03, 23-17.2-04, 23-17.2-05, and 23-17.2-09 of the North Dakota Century Code, relating to the certificate of need for expansion of hospital facilities.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 58 YEAS, 45 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Almlie; Anderson; Berg, G.; Berg, R.; Brokaw; Christman; Dalrymple; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gerntholz; Gorman; Graba; Halmrast; Hanson, L.; Hill; Hoffner; Hokana; Kelly; Klundt; Kolbo; Kretschmar; Kuchera; Laughlin; Lautenschlager; Linderman; Marks; Mertens; Meyer; Myrdal; Nelson, C.; Nelson, J.; Nowatzki; Oban; O'Connell; Olson, V.; Opedahl; O'Shea; Riehl; Scherber; Schneider; Shaw; Solberg; Starke; Stofferahn; Tokach; Tomac; Trautman; Ulmer; Vander Vorst; Watne; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman

NAYS: Aas; Belter; Cleveland; Dorso; Dotzenrod; Gates; Goetz; Gunsch; Hamerlik; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Kent; Kingsbury; Knell; Koland; Lang; Larson; Lindgren; Martin; Martinson; Melby; Moore; Murphy; Olsen, D.; Olson, A.; Payne; Peterson; Rice; Rydell; Schindler; Shaft; Shide; Skjerven; Smette; Sorensen; Strinden; Thompson; Tollefson; Wald; Wentz; Whalen; Speaker Kloubec

ABSENT AND NOT VOTING: Knudson; Nicholas; Shockman

SB 2191 passed and the title was agreed to.

SB 2220: A BILL for an Act to amend and reenact sections 52-04-05, 52-04-06, 52-04-09, and 52-04-10 of the North Dakota Century Code, relating to standard rates of contributions for unemployment compensation purposes, variations in standard rates of contributions, classification of employers to determine contributions, and notification of contributions for the ensuing year; to provide an effective date.

Which has been read.

MOTION

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

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 42 YEAS, 62 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Berg, G.; Brokaw; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Graba; Halmrast; Hanson, L.; Haugland; Hill; Hoffner; Hokana; Kelly; Kolbo; Laughlin; Lautenschlager; Linderman; Marks; Mertens; Meyer; Murphy; Nelson, C.; Nelson, J.; Nowatzki; Oban;

O'Connell; Opedahl; O'Shea; Riehl; Scherber; Schneider;
Shaw; Stofferahn; Tomac; Ulmer; Watne; Wentz; Wilkie;
Williams, A.; Williams, W.

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

ABSENT AND NOT VOTING: Knudson; Shockman

SB 2220 was declared lost.

MOTION

REP. O'CONNELL MOVED that the House reconsider its action whereby SB 2368 failed to pass, which motion lost on a verification vote.

SECOND READING OF SENATE BILLS

SB 2224: A BILL for an Act to amend and reenact subdivision 1 of subsection 9 of section 26.1-04-03 of the North Dakota Century Code, relating to reimbursement of nursing home insureds.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 34 YEAS, 67 NAYS, 5 ABSENT AND NOT VOTING.

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

NAYS: Aas; Almlie; Anderson; Belter; Berg, R.; Christman;
Cleveland; Dalrymple; Dorso; Dotzenrod; Enget; Gates;
Gerntholz; Goetz; Gorman; Gunsch; Hamerlik; Hanson, O.;
Haugen; Haugland; Hausauer, A.; Hausauer, R.; Kent;
Kingsbury; Knell; Koland; Kretschmar; Kuchera; Lang;
Lindgren; Martin; Martinson; Melby; Meyer; Moore;
Murphy; Myrdal; Nicholas; Olsen, D.; Olson, A.;

Olson, V.; Payne; Rice; Riehl; Rydell; Schindler;
 Shaft; Shaw; Shide; Skjerven; Smette; Solberg;
 Sorensen; Stofferahn; Strinden; Tokach; Tollefson;
 Tomac; Trautman; Vander Vorst; Wald; Wentz; Whalen;
 Wilkie; Williams, C.; Winkelman; Speaker Kloubec

ABSENT AND NOT VOTING: Knudson; Peterson; Shockman;
 Thompson; Watne

SB 2224 was declared lost.

SB 2244: A BILL for an Act to amend and reenact sections
 50-25.1-02, 50-25.1-03, 50-25.1-03.1, 50-25.1-04,
 50-25.1-04.1, 50-25.1-05, 50-25.1-05.1, 50-25.1-05.2,
 50-25.1-05.3, 50-25.1-06, 50-25.1-07, and 50-25.1-11 of the
 North Dakota Century Code, relating to child abuse and
 neglect.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was
 called and there were 80 YEAS, 19 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.;
 Christman; Cleveland; Dalrymple; DeMers, J.;
 DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey;
 Gates; Gerntholz; Goetz; Gorman; Graba; Halmrast;
 Hamerlik; Hanson, L.; Haugen; Haugland; Hausauer, A.;
 Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent;
 Kingsbury; Kolbo; Kretschmar; Kuchera; Larson;
 Laughlin; Lautenschlager; Linderman; Lindgren; Marks;
 Martinson; Mertens; Meyer; Moore; Nelson, C.;
 Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell;
 Opedahl; O'Shea; Payne; Rice; Riehl; Rydell; Scherber;
 Schneider; Shaft; Shaw; Skjerven; Solberg; Sorensen;
 Stofferahn; Strinden; Tokach; Tollefson; Trautman;
 Ulmer; Watne; Wentz; Wilkie; Williams, A.;
 Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Gunsch; Hanson, O.; Klundt; Knell; Koland; Martin;
 Melby; Murphy; Myrdal; Olsen, D.; Olson, A.; Olson, V.;
 Schindler; Shide; Smette; Starke; Thompson; Tomac;
 Vander Vorst

ABSENT AND NOT VOTING: Brokaw; Knudson; Lang; Peterson;
 Shockman; Wald; Whalen

SB 2244 passed and the title was agreed to.

MOTIONS

REP. GOETZ MOVED that SB 2315 be placed at the bottom of the calendar, which motion prevailed.

REP. C. WILLIAMS MOVED that the House reconsider its action whereby SB 2166 failed to pass, which motion lost on a verification vote.

SECOND READING OF SENATE BILLS

SB 2317: A BILL for an Act to create and enact two new subsections to section 26.1-01-07 and a new chapter to title 26.1 of the North Dakota Century Code, relating to insurance premium finance companies; and to provide a penalty.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 16 YEAS, 82 NAYS, 8 ABSENT AND NOT VOTING.

YEAS: Brokaw; DeMers, J.; DeMers, P.; Enget; Frey; Graba; Hoffner; Hokana; Kolbo; Mertens; Nelson, C.; Oban; O'Connell; O'Shea; Starke; Wald

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

ABSENT AND NOT VOTING: Kelly; Knudson; Meyer; Peterson; Schneider; Shockman; Skjervén; Whalen

SB 2317 was declared lost.

SB 2328: A BILL for an Act to amend and reenact section 39-21-41.2 of the North Dakota Century Code, relating to child restraint devices.

Which has been read.

MOTION

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

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 58 YEAS, 45 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Belter; Berg, R.; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hoffner; Hokana; Kelly; Klundt; Kolbo; Kretschmar; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Moore; Nelson, C.; Nicholas; Nowatzki; Oban; Olson, V.; Payne; Rydell; Scherber; Schneider; Shaft; Solberg; Sorensen; Starke; Stofferahn; Strinden; Tollefson; Trautman; Wald; Wentz; Williams, C.; Williams, W.; Speaker Kloubec

NAYS: Anderson; Berg, G.; Brokaw; Dorso; Gunsch; Haugen; Hausauer, A.; Hausauer, R.; Hill; Kent; Kingsbury; Knell; Koland; Kuchera; Lang; Martin; Martinson; Melby; Mertens; Meyer; Murphy; Myrdal; Nelson, J.; O'Connell; Olsen, D.; Olson, A.; Opedahl; O'Shea; Rice; Riehl; Schindler; Shaw; Shide; Skjervan; Smette; Thompson; Tokach; Tomac; Ulmer; Vander Vorst; Watne; Whalen; Wilkie; Williams, A.; Winkelman

ABSENT AND NOT VOTING: Knudson; Peterson; Shockman

SB 2328 passed and the title was agreed to.

MESSAGE TO THE SENATE
HOUSE CHAMBER

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

SB 2003, SB 2027, SB 2202, SB 2316, SB 2409, SCR 4043

ROY GILBREATH, Chief Clerk

MOTIONS

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

REP. GOETZ MOVED that the House be on the Fifth order of business, and at the conclusion of the Fifth order, the House be on the Seventh order of business, and at the conclusion of the Seventh order, the House stand adjourned until 10:00 a.m., Thursday, March 26, 1987, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER: Your Committee on Joint Constitutional Revision to which was referred HCR 3011 has had the same under consideration and recommends by a vote of 6 YEAS, 4 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 7, delete the word "may" and insert in lieu thereof the word "shall"

On page 1, line 24, remove the overstrike over the word "shall"

On page 1, line 25, delete the word "may"

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

HCR 3011 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Joint Constitutional Revision to which was referred HCR 3014 has had the same under consideration and recommends by a vote of 5 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 12, after the word "state" insert the words "as determined by the legislative assembly"

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

HCR 3014 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Joint Constitutional Revision to which was referred HCR 3029 has had the same under consideration and recommends by a vote of 9 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 2, line 18, after the comma insert the words "tax commissioner,"

On page 2, line 27, delete the word "nominated" and insert in lieu thereof the word "running"

On page 5, after line 26, insert the following new section:

"SECTION 10. A new section to a new article V of the Constitution of the State of North Dakota is hereby created and enacted to read as follows:

Any governor of this state who asks, receives, or agrees to receive any bribe upon any understanding that the governor's official opinion, judgment, or action shall be influenced thereby, or who gives or offers, or promises the governor's official influence in consideration that any member of the legislative assembly shall give the member's official vote or influence on any particular side of any question or matter upon which the member may be required to act in the member's official capacity, or who menaces any member by the threatened use of the governor's veto power, or who offers or promises any member that the governor will appoint any particular person or persons to any office created or thereafter to be created, in consideration that any member shall give the member's official vote or influence on any matter pending or thereafter to be introduced into either house of the legislative assembly, or who threatens any member that the governor will remove any person or persons from office or position with intent in any manner to influence the action of that member, must be punished in the manner now, or that may hereafter be, provided by law, and upon conviction thereof forfeits all right to hold or exercise any office of trust or honor in this state."

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

HCR 3029 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Joint Constitutional Revision to which was referred HCR 3033 has had the same under consideration and recommends by a vote of 8 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. MARTIN, Chairman

HCR 3033 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Joint Constitutional Revision to which was referred HCR 3034 has had the same under consideration and recommends by a vote of 10 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, delete the words "the general" and insert in lieu thereof the word "an"

On page 1, line 7, delete the words "and that all referred" and insert in lieu thereof the words "until the referred tax measure has been voted upon and successfully referred by a vote of the electorate"

On page 1, line 8, delete the words "tax measures must be voted upon at the next general election"

On page 2, line 3, delete the words ", other than a tax measure,"

On page 2, delete lines 5 and 6

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

HCR 3034 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Joint Constitutional Revision to which was referred HCR 3036 has had the same under consideration and recommends by a vote of 7 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

On page 2, line 4, delete the word "budget" and insert in lieu thereof the word "appropriation"

On page 2, line 12, delete the word "five" and insert in lieu thereof the word "four"

On page 2, line 19, delete the word "five" and insert in lieu thereof the word "four"

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

HCR 3036 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Joint Constitutional Revision to which was referred HCR 3037 has had the same under consideration and recommends by a vote of 8 YEAS, 1 NAY, 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 7, delete the words "and to"

On page 1, line 8, delete the words "call a special election for a vote on a measure so referred"

On page 2, line 31, delete the words "The legislative"

On page 2, delete lines 32 and 33

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

HCR 3037 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Joint Constitutional Revision to which was referred HCR 3044 has had the same under consideration and recommends by a vote of 10 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 1, after the word "resolution" delete the remainder of the resolution and insert in lieu thereof the following: "for the amendment of subsections 2 through 8 of section 6 of article VIII of the Constitution of the State of North Dakota, relating to the appointment of members to and the powers and duties of the state board of higher education.

STATEMENT OF INTENT

This amendment updates the language relating to the appointment of members to and the powers and duties of the state board of higher education and removes the prohibition against having more than one graduate from the same institution on the state board of higher education.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the following proposed amendments to subsections 2 through 8 of section 6 of article VIII of the Constitution of the State of North Dakota are agreed to and shall be submitted to the qualified electors of the State of North Dakota at the general election to be held in 1988, in accordance with the provisions of section 16 of article IV of the Constitution of the State of North Dakota.

SECTION 1. AMENDMENT. Subsections 2 through 8 of section 6 of article VIII of the Constitution of the State of North Dakota are hereby amended and reenacted to read as follows:

2. a. The state board of higher education shall consist of seven members, with staggered seven-year terms continuing as those terms currently exist, all of whom shall be qualified electors and ~~taxpayers~~ of the state, and who shall have resided in this state for not less than five years immediately preceding their appointment, ~~to~~ be appointed by the governor, ~~by and with the consent of and confirmed by the senate,~~ from a list of names selected as hereinafter provided.

~~There shall not be on said board more than one graduate of any one of the~~

institutions under the jurisdiction of the state board of higher education at any one time. No person employed by any institution under the control of the board shall may serve as a member of the board, nor shall may any employee of any such institution be eligible for membership on the state board of higher education for a period of two years following the termination of his after employment.

On or before the first day of February, 1939, the The governor shall nominate members to the board of higher education from a list of three names for each position, selected by the unanimous action of the president of the North Dakota educational association, the chief justice of the supreme court, and the superintendent of public instruction, and, with the consent of a majority of the members-elect of the senate, shall appoint from such list as such state board of higher education seven members, whose terms. Terms shall commence on the first day of July, 1939, one of which terms and shall expire on the thirtieth day of June, 1940, and one on the thirtieth day of June in each of the years 1941, 1942, 1943, 1944, 1945, and 1946. The term of office of members appointed to fill vacancies at the expiration of said terms shall be each member is for seven years, and in the case of vacancies otherwise arising, appointments shall may be made only for the balance of the term of the members whose places are to be filled.

- b. In the event any nomination made by the governor is not consented to and confirmed by the senate as hereinbefore provided, the governor shall again nominate a candidate for such the office, selected from a new list, prepared in the manner hereinbefore provided, which. The nomination shall must be submitted to the senate for confirmation, and said the proceedings shall must be continued until such all appointments have been confirmed by the senate, or the session of the legislature shall have legislative assembly has adjourned.
- c. When any term expires or a vacancy occurs when the legislature legislative assembly is not in session, the governor may appoint from a list selected as hereinbefore provided, a

member who shall serve until the opening of the next session of the legislature legislative assembly, at which time his the appointment ~~shall~~ must be certified to the senate for confirmation, as above provided; and if the appointment ~~be is~~ not confirmed by the thirtieth legislative day of ~~such the~~ session, ~~his the~~ office ~~shall~~ be is deemed vacant and the governor shall nominate from a list selected as hereinbefore provided, another candidate for ~~such the~~ office and the same proceedings ~~shall~~ must be followed as are above set forth; provided further, that when the legislature shall be legislative assembly is in session at any time within six months prior to the date of the expiration of the term of any member, the governor shall nominate ~~his a~~ successor from a list selected as above set forth, within the first thirty days of ~~such the~~ session, and upon confirmation by the senate ~~such the~~ successor shall take office at the expiration of the term of the incumbent. No person ~~who has been nominated~~ and whose nomination the senate has failed to confirm, ~~shall be is~~ eligible for an interim appointment.

3. The members of the state board of higher education may only be removed by impeachment for the offenses and in the manner ~~and according to the procedure~~ provided for the removal of the governor by impeachment proceedings.
4. Each appointive member of the state board of higher education shall receive ~~such~~ compensation as may be determined by the legislative assembly for the time actually spent devoted to the duties of ~~his~~ office; and, ~~in addition,~~ shall receive ~~his~~ necessary expenses in the same manner and amounts as other state officials for attending meetings and performing other functions of ~~his~~ office.
5. The legislature legislative assembly shall provide adequate funds for the proper carrying out of the functions and duties of the state board of higher education.
6. a. The state board of higher education shall ~~held its first meeting at the office of the state board of administration at Bismarck, on the 6th day of July, 1939, and shall organize and elect one of its members as president of~~ such the board for a term of one year. It

shall also at said meeting, or as soon thereafter as may be practicable, elect a competent person as secretary, who shall reside during his term of office in the city of Bismarck, North Dakota. Said secretary shall to hold office at the will of the board. As soon as said board is established and organized, it shall assume all the powers and perform all the duties now conferred by law upon the board of administration in connection with the several institutions hereinbefore mentioned, and the said board of administration shall immediately upon the organization of said state board of higher education, surrender and transfer to said state board of higher education all duties, rights, and powers granted to it under the existing laws of this state concerning the institutions hereinbefore mentioned, together with all property, deeds, records, reports, and appurtenances of every kind belonging or appertaining to said institutions.

- b. The said state board of higher education shall have has full authority over the institutions under its control with the right, among its other powers, to prescribe, limit, or modify the courses offered at the several institutions. In furtherance of its powers, the The state board of higher education shall have has the power to delegate to its employees details of the administration of the institutions under its control. The said state board of higher education shall have has full authority to organize or reorganize within constitutional and statutory limitations, the work of each institution under its control, and to do each and everything necessary and proper for the efficient and economic administration of said state educational institutions of higher education.
- c. Said The board shall prescribe for all of said institutions of higher education standard systems of accounts and records and shall biennially, and within six (6) months immediately preceding the regular session of the legislature, legislative assembly make a report to the governor, covering in detail the operations of the educational institutions under its control.

- d. It shall be the duty of the heads of the several state institutions ~~hereinbefore mentioned~~, of higher education to submit the budget requests for the biennial appropriations for ~~said the~~ institutions to ~~said the~~ state board of higher education; and ~~said~~. The state board of higher education shall consider ~~said the~~ budgets and shall revise the same as in its judgment ~~shall be for will serve~~ the best interests of the educational system of the state; and ~~thereafter the~~. The state board of higher education shall prepare and present to the state budget board governor and to the legislature legislative assembly a single unified budget covering the needs of all the institutions under its control. "~~Said budget shall be prepared and presented by the board of administration until the state board of higher education organizes as provided in subsection 6a.~~" The appropriations for all of ~~said~~ institutions of higher education shall be contained in one legislative measure, except as otherwise allowed by law. The budgets and appropriation measures for the agricultural experiment stations and their substations and the extension division of the North Dakota state university of agriculture and applied science may be separate from those of state educational institutions.
- e. The ~~said~~ state board of higher education ~~shall have has~~ the control of the expenditure of the funds belonging to, and allocated to ~~such institutions and also those, or~~ appropriated by the legislature, legislative assembly for the institutions of higher education in this state; ~~provided, however, except that funds appropriated by the legislature legislative assembly and specifically designated for any one or more of such institutions, shall institution may~~ not be used for any other institution.
7. a. The state board of higher education shall, ~~as seen as practicable~~, appoint for a term of not to exceed three {3} years, a state commissioner of higher education, whose principal office ~~shall must~~ be at the state capitol, in the city of Bismarck. ~~Said The~~ commissioner of higher education ~~shall be is~~ responsible to the state board of higher

education and ~~shall be~~ removable by said the board for cause.

b. The state commissioner of higher education ~~shall be a graduate of some reputable college or university, and who by training and experience is familiar with the problems peculiar to higher education.~~

~~e.~~ Such commissioner of higher education shall be the chief executive officer of said the state board of higher education, and shall perform such duties as shall be prescribed by the board.

8. This constitutional provision ~~shall be~~ is self-executing and ~~shall become~~ is effective without the necessity of legislative action."

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

HCR 3044 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Joint Constitutional Revision to which was referred HCR 3064 has had the same under consideration and recommends by a vote of 7 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

On page 1, line 18, after the word "for" insert the words "credit and" and delete the words "in circulation"

On page 2, line 7, delete the words "credit currency system" and insert in lieu thereof the words "United States Treasury Credit Monetary System"

On page 2, line 9, delete the word "establish" and insert in lieu thereof the words "create all"

On page 2, line 10, delete the words "the value of, create, issue, and circulate all currency" and insert in lieu thereof the words "money and establish the value thereof"

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

HCR 3064 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations to which was referred SB 2028 has had the same under consideration and recommends by a vote of 21 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same BE

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

On page 1 of the engrossed bill, line 15, delete the numerals "2,858,803" and insert in lieu thereof the numerals "2,848,903"

On page 1 of the engrossed bill, line 16, delete the numerals "1,723,100" and insert in lieu thereof the numerals "1,692,550"

On page 1 of the engrossed bill, line 21, delete the numerals "2,007,346" and insert in lieu thereof the numerals "1,880,641"

On page 1 of the engrossed bill, line 22, delete the numerals "7,460,412" and insert in lieu thereof the numerals "7,293,257"

On page 1 of the engrossed bill, line 23, delete the numerals "3,161,829" and insert in lieu thereof the numerals "3,085,524"

On page 1 of the engrossed bill, line 24, delete the numerals "4,298,583" and insert in lieu thereof the numerals "4,207,733"

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Parks and Recreation Department

An analysis of the total changes of \$167,155, of which \$90,850 is from the general fund, \$85,700 is from federal funds, and \$9,395 in other funds is as follows:

<u>Description</u>	<u>Total Increase (Decrease)</u>	<u>General Fund</u>	<u>Estimated Income</u>
<u>Salaries and wages</u>			
Reduce salaries associated with:			
Eliminating Little Missouri Breaks State Park expansion	\$ (7,150)	\$ (7,150)	
Closure of Streeter State Park	(2,750)	(2,750)	

Operating expensesReduce operating expenses
associated with:

Eliminating Little Missouri Breaks State Park expansion	(4,300)		\$ (4,300)
Closure of Streeter State Park	(1,250)	(250)	(1,000)
Reduce administrative division operating expenses	\$ (25,000)	\$ (25,000)	

Grants

Delete funding for the Turtle River Park day use	\$ (59,400)	\$ (29,700)	\$(29,700)
Delete Forest Service acquisition - 640 acres in Turtle Mountains	(112,000)	(56,000)	(56,000)
Add funding to provide a total of \$400,000 for the Van Hook Breakwater project	44,695	30,000	14,695
Total increase (decrease)	<u>\$(167,155)</u>	<u>\$ (90,850)</u>	<u>\$(76,305)</u>

REP. PETERSON, Chairman

SB 2028 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 Engrossed SB 2035 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 of the engrossed bill, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act declaring a wetlands policy; and to amend and reenact section 54-35-02.7 of the North Dakota Century Code, relating to the composition of and duties of the Garrison overview committee.

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

SECTION 1. Legislative policy and intent. It is the policy of the legislative assembly that water is one of North Dakota's most important natural resources, and the protection, development, and management of North Dakota's water resources is essential for the long-term public health, safety, general welfare, and economic security of North Dakota and its citizens.

The legislative assembly finds that agriculture is the most important industry in North Dakota and that agricultural concerns must be accommodated in the protection of wetlands. Wetlands can be hindrance to farming practices. Even though property taxes are generally paid on such lands, wetlands provide limited economic return to the landowner. Wetland policies can obstruct water development and water management projects, and can affect other developments.

The legislative assembly finds that the primary reason wetlands are considered important is because wetlands provide the habitat base for the production and maintenance of waterfowl. The legislative assembly also finds that wetlands can moderate the water flow and have value as natural flood control mechanisms, can aid in water purification by trapping, filtering, and storing sediment and other pollutants and by recycling nutrients, and can serve as ground water recharge and discharge areas. Wetlands also function as nursery areas for numerous aquatic animal species and are habitat for a wide variety of plant and animal species, and provide vital habitat for resident wildlife. Wetlands also can provide scientific, aesthetic, and recreational benefits. The legislative assembly therefore concludes that wetlands should be protected and preserved.

In view of the legislative findings and conclusions of the importance of wetlands, water development and management, and agriculture in North Dakota, it is hereby declared to be the wetlands policy of this state that:

1. Water development and wetland preservation activities should be balanced to protect and accommodate agriculture, water, and wetland interests and objectives.
2. Programs protecting and preserving wetlands should provide adequate compensation to the landowner and must provide periodic reevaluation of compensation to the landowner. Annual payments are encouraged as an option for landowners.
3. Land, wetland, or water acquisition for waterfowl production areas, wildlife refuges, or other wildlife, waterfowl, or wetland protection purposes should not be acquired through the exercise of the right of eminent domain.
4. When land is removed from the tax base to protect wetlands, replacement payments must be made by the entity which purchases the land so that the amount of money that would otherwise be received

in taxes if such land was not removed from the tax base is not diminished.

SECTION 2. AMENDMENT. Section 54-35-02.7 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-35-02.7. Garrison diversion overview committee - Duties. The legislative council shall create a legislative council committee entitled the Garrison diversion overview committee. The committee shall consist of the majority and minority leaders and their assistants from the house and senate, the speaker of the house, the president pro tempore of the senate selected at the end of the immediately preceding legislative session, and the chairmen of the house and senate standing committees on natural resources, the chairmen of the house and senate standing committees on agriculture, and a former chairman of the upper Mississippi River basin citizens advisory committee. If a member of the committee legislator named in this section is unable to serve on the committee, the chairman of the legislative council may appoint another member of the legislative assembly to fill the vacancy. The committee shall be responsible for legislative overview of the Garrison diversion project and related matters; and for any necessary discussions with adjacent states on water-related topics. Staff services for the committee shall be provided by the legislative council staff. The committee shall report to the legislative council in the same manner as do other interim legislative council committees.

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

Engrossed SB 2035 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 SB 2036 has had the same under consideration and recommends by a vote of 14 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

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

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

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

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

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

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

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

SB 2036 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 Reengrossed SB 2037 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 be rereferred to the
Committee on Appropriations without recommendation:

On page 3 of the reengrossed bill, line 7, delete the words "in
addition to the assessment of a fee based upon a"

On page 3 of the reengrossed bill, line 8, delete the words
"sliding fee scale"

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

Reengrossed SB 2037 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 Engrossed SB 2038 has had the same under
consideration and recommends by a vote of 14 YEAS, 1 NAY,
1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and
when so amended, recommends the same DO PASS and be rereferred to
the Committee on Appropriations:

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

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

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

Engrossed SB 2038 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 Engrossed SB 2039 has had the same under
consideration and recommends by a vote of 15 YEAS, 1 NAY,

O ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to establish a children's services coordinating committee to develop a plan for a coordinated delivery of services to children and adolescents; to provide a continuing appropriation; and to provide an expiration date."

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

SECTION 1. Children's services coordinating committee - Membership - Meetings. The children's services coordinating committee consists of the governor or a designee of the governor; the attorney general or a designee of the attorney general; the superintendent of public instruction; the executive director of the department of human services; the state health officer; the director of job service North Dakota; the director of institutions; the director of vocational education; the chairman of the governor's committee on children and youth; the executive director of the Indian affairs commission; and a designee of the chief justice. The governor or the governor's designee shall act as chairman of the children's services coordinating committee. The children's services coordinating committee shall meet at least once each month and may establish subcommittees as it deems necessary to carry out its purposes.

SECTION 2. Support services. Each executive branch agency, department, and office shall provide at the request of the governor any support services required for the children's services coordinating committee. The governor may appoint one person who is employed by an executive branch agency, department, or office represented on the children's services coordinating committee as secretary and reporter of the children's services coordinating committee.

SECTION 3. Plan for coordinated delivery of services to children and adolescents. The children's services coordinating committee shall develop a plan for a coordinated delivery of services to children and adolescents, including children and adolescents who are abused, neglected, emotionally disturbed, mentally ill, runaways, homeless, dependent upon alcohol or drugs, delinquent, deprived, or unruly. The children's services coordinating committee shall submit the plan to the legislative council at the first meeting of the legislative council occurring after November 10, 1988. The plan shall include:

1. A clarification of the policies and procedures which address the appropriate role and responsibilities of each state, regional, and local agency, department, institution, and office in the delivery of educational, mental health, protective, rehabilitative, and related social services to children and adolescents;
2. Definitions and definitive criteria for identification of children and adolescents who are at risk and in need of educational, mental health, protective, rehabilitative, and related social services;
3. A description of governmental services authorized for children and adolescents, a description of additional services specifically recommended for authorization, and an inventory of available nongovernmental resources.
4. Recommendations for specific new mechanisms to improve coordination of public and private services for children and adolescents and their families, including the development of regional children's services coordinating committees;
5. Training methods and standards for the training of personnel serving children and adolescents, including identification of existing training resources and cross-training in matters of sexual abuse, substance abuse, child and family treatment, and prevention;
6. Data collection systems for the effective evaluation and oversight of services to children and adolescents;
7. Mechanisms to facilitate coordination with the state board of higher education to address the need for training of professionals in the various disciplines which evaluate and treat children and adolescents at risk;
8. Policies and procedures developed in cooperation with and with input from parent groups of local school districts for the coordination of state activities with public school programs directed toward children and adolescents at risk and their families;
9. Policies and procedures for the coordination of other state activities with public school programs directed toward the prevention of child

abuse and neglect, drug and alcohol abuse, adolescent pregnancy, and suicide prevention; and

10. Any additional matters that may be necessary or appropriate, including recommendations to the legislative assembly for changes in law.

SECTION 4. Duty to review alternatives. The children's services coordinating committee shall review and consider the recommendations contained in the final report of the governor's commission on children and adolescents at risk and such other sources and model programs as the committee may find to be useful.

SECTION 5. Authority to accept and expend grants, gifts, and services - Continuing appropriation. The children's services coordinating committee may apply for and accept any funds, grants, gifts, or services made available for the purpose of planning programs for services for children and adolescents by any federal agency or department or any private agency or individual. Funds received by the children's services coordinating committee pursuant to this section must be deposited in the state treasury in a special fund designated as the children's services coordinating committee fund. There is hereby appropriated out of the children's services coordinating committee fund any moneys that may become available through grants or gifts to the children's services coordinating committee for the purpose of carrying out the provisions of this Act. No expenditure of such moneys may be undertaken without prior approval of the budget section of the legislative council.

SECTION 6. EXPIRATION DATE. This Act is effective through June 30, 1989, and after that date is ineffective."

And renumber the lines, sections, and pages accordingly

REP. HAUGLAND, Chairman

Engrossed SB 2039 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary to which was referred Engrossed SB 2063 has had the same under consideration and recommends by a vote of 12 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS and be rereferred to the Committee on Appropriations:

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

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

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

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

"SECTION 2. APPROPRIATION. There is hereby appropriated out of the moneys derived pursuant to section 1 of this Act, the sum of \$200,000 to the attorney general's operating budget for the enforcement of gaming for the biennium beginning July 1, 1987, and ending June 30, 1989."

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

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

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

REP. KRETSCHMAR, Chairman

Engrossed SB 2063 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 Engrossed SB 2076 has had the same under consideration and recommends by a vote of 16 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 1 of the engrossed bill, line 3, after the word "date" insert the words "and an expiration date"

On page 3 of the engrossed bill, line 27, after the word "DATE" insert the words "- EXPIRATION DATE" and after the word "for" insert the words "the first two"

On page 3 of the engrossed bill, line 28, after the numeral "1986" insert the words ", and is thereafter ineffective"

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

Engrossed SB 2076 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 Engrossed SB 2277 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 6 of the engrossed bill, line 12, delete the underscored period and insert in lieu thereof an underscored semicolon

On page 6 of the engrossed bill, line 14, delete the underscored period and insert in lieu thereof the word "and"

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

Engrossed SB 2277 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 Engrossed SB 2294 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 of the engrossed bill, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to create and enact two new sections to chapter 43-13 of the North Dakota Century Code, relating to the practice of optometry, certification and notification requirements, and standard of care for optometrists; to amend and reenact section 43-13-01 of the North Dakota Century Code, relating to definitions; and to repeal section 43-13-13.1 of the North Dakota Century Code, relating to the authority of the board of optometry."

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

SECTION 1. AMENDMENT. Section 43-13-01 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-13-01. Definitions. In this chapter, unless the context or subject matter otherwise requires:

1. Optometry shall be defined as "Board" means the North Dakota state board of optometry.
2. "Optometry" means a primary health care profession whose practitioners are engaged in the refraction evaluation of disorders of the human eye and the examination, diagnosis, and treatment thereof, together with its appendages, without the use of surgery, and by using such objective or subjective techniques as are necessary to enable recognition of disease for medical referral. Included within the definition shall be the application of ocular diagnostic pharmaceutical agents as authorized by this chapter, and the determination and interpretation of any visual, muscular, neurological or anatomical anomaly of the eye, which may be aided, relieved or corrected through visual training procedures or through the use of lenses, prisms, filters, or combinations thereof held either in contact with the eye, or in frames or mountings. Any person so engaged in visual training procedures or who employs or prescribes lenses, prisms, filters, or combinations thereof held either in contact with the eye, or in frames or mountings, to aid, relieve or correct any visual anomaly, or holds himself out as being able to do so, shall be deemed to be engaged in the practice of optometry and must have a certificate of registration, as herein provided by this chapter.
- 2- The word "board" shall mean the North Dakota state board of optometry.
3. The term "practicing "Diagnosis and treatment" means the determination, interpretation, and treatment of any visual, muscular, neurological, or anatomical anomaly of the eye which may be aided, relieved, or corrected through visual training procedures or through the use of lenses, prisms, filters, ophthalmic instruments, pharmaceutical agents, or combinations thereof, held either in contact with the eye, or in frames

or mountings, as further authorized by this chapter. Laser therapy and the use of invasive surgery are not permitted under this chapter, except superficial foreign bodies may be removed and primary care procedures may be performed. The treatment of glaucoma is not permitted under this chapter.

4. "Pharmaceutical agent" means diagnostic pharmaceutical agents or therapeutic pharmaceutical agents. The term does not include pharmaceutical agents that have no documented use in the treatment of ocular-related disorders or diseases, oral cortico-steroids, and controlled substances, as defined in chapter 19-03.1. As used in this subsection:

a. "Diagnostic pharmaceutical agents" means pharmaceutical agents administered for the evaluation and diagnosis of disorders of the human eye including anesthetics, mydriatics, myotics, cycloplegics, diagnostic dyes, diagnostic stains, and pharmaceutical agents to evaluate abnormal pupil responses.

b. "Therapeutic pharmaceutical agents" means topically administered and prescribed pharmaceutical agents for treatment of ocular-related disorders or disease, locally administered pharmaceutical agents for primary eye care procedures, oral anti-infective agents, oral antihistaminic agents, and oral analgesics for the treatment of ocular-related disorders or diseases. The dispensing of therapeutic pharmaceutical agents is not permitted under this chapter.

5. "Practicing optometry" ~~shall mean~~ means:

- a. Displaying a sign or in any way advertising as an optometrist.
- b. Employing any means for the measurement of the powers of vision or the adaptation of lenses for the aid thereof.
- c. Engaging in any manner in the practice of optometry.

SECTION 2. Two new sections to chapter 43-13 of the North Dakota Century Code are hereby created and enacted to read as follows:

Practice of optometry - Certification requirements - Notification.

1. Any person engaged in visual training procedures or who employs or prescribes lenses, prisms, filters, ophthalmic instruments, or combinations thereof, held either in contact with the eye, or in frames or mounting, to aid, relieve, or correct any visual or ocular anomaly, or holds oneself out as being able to do so, is deemed to be engaged in the practice of optometry.
2. Before any optometrist may prescribe and administer pharmaceutical agents in the treatment and management of ocular diseases, the optometrist must first be certified or qualify for certification in the use of diagnostic pharmaceutical agents. For additional certification to prescribe and administer pharmaceutical agents in the treatment and management of ocular disease, the board shall require at least seventy-six hours of didactic instruction and twenty-four hours of clinical application of pharmaceutical agents for the treatment and management of ocular diseases. The course for therapeutic certification must be provided by an institution accredited by a regional or professional accrediting organization that is recognized and approved by the United States department of education or the council on postsecondary accreditation.
3. The board shall notify the board of pharmacy in writing, and on an annual basis or when other optometrists are certified, of the specific optometrists certified by the board in the use of pharmaceutical agents.

Standard of care - When consultation with physician required.

1. An optometrist certified by the board in the use of pharmaceutical agents as provided in this chapter must be held to the same standard of care in the use of such agents as are physicians licensed by the state board of medical examiners.
2. Any optometrist authorized by the board to use pharmaceutical agents must consult with a physician duly licensed to practice medicine when any diseased or pathological conditions of the eye do not respond to treatment. The

consultation must be documented in the patient's record.

SECTION 3. REPEAL. Section 43-13-13.1 of the 1985 Supplement to the North Dakota Century Code is hereby repealed."

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

Engrossed SB 2294 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 Engrossed SB 2303 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 of the engrossed bill, line 3, delete the words "to create and enact a new subsection to section" and insert in lieu thereof the words "and to provide a penalty"

On page 1 of the engrossed bill, delete lines 4 and 5

On page 1 of the engrossed bill, line 6, delete the words "expiration date"

On page 1 of the engrossed bill, delete lines 9 through 25

On page 1 of the engrossed bill, line 26, after the word "liability" insert the words "- Penalty for false reports"

On page 2 of the engrossed bill, line 2, delete the words "pursuant to section 1 of this Act" and insert in lieu thereof the words "who are unable to protect their own interests"

On page 2 of the engrossed bill, line 4, after the period insert the words "Any person who willfully makes a false report, or provides false information that causes a report to be made, pursuant to this section is guilty of a class A misdemeanor."

On page 2 of the engrossed bill, delete lines 5 and 6

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

Engrossed SB 2303 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary to which was referred Engrossed SB 2307 has had the same under consideration and

recommends by a vote of 14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 26, after the word "In" insert the words "order to comply with the reasonable accessibility requirement of subsection 2 of section 16.1-04-02, in"

On page 2 of the engrossed bill, line 2, delete the words "or to the elector's automobile"

On page 2 of the engrossed bill, line 9, after the underscored period insert the following: "In order to comply with the reasonable accessibility requirement of subsection 2 of section 16.1-04-02, if a polling place cannot be made accessible, an alternate accessible site within reasonable proximity may also be provided for voting. The board of county commissioners shall publicize the location of alternate polling places if provided. Parking facilities at polling places must be accessible to the elderly and the handicapped and must be clearly marked."

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

Engrossed SB 2307 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 Engrossed SB 2308 has had the same under consideration and recommends by a vote of 9 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION:

On page 1 of the engrossed bill, line 8, overstrike the word "shall" and insert immediately thereafter the word "may"

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

Engrossed SB 2308 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 Engrossed SB 2336 has had the same under consideration and recommends by a vote of 13 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 of the engrossed bill, line 3, after the semicolon insert the words "to provide an appropriation,"

On page 2 of the engrossed bill, line 5, after the period insert the words "No state funds may be expended for the development, design, or management of the adult protective service demonstration program. However, the department may apply for and accept any funds, gifts, or grants made available for the program by any agency or department of the federal government or any private agency or individual."

On page 2 of the engrossed bill, after line 30, insert the following new section:

"SECTION 5. APPROPRIATION. There is hereby appropriated to the department of human services any moneys that may become available pursuant to section 2 of this Act for the purpose of developing, designing, and managing the adult protective service demonstration program for the biennium beginning July 1, 1987, and ending June 30, 1989."

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

Engrossed SB 2336 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary to which was referred Engrossed SB 2365 has had the same under consideration and recommends by a vote of 11 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 4, after the word "violence" insert the words "; and to provide a penalty"

On page 1 of the engrossed bill, line 25, delete the word "shall" and insert in lieu thereof the word "may"

On page 4 of the engrossed bill, line 5, delete the words "Limitation of liability. No peace officer may be held" and insert in lieu thereof the words "Penalty. A person who willfully violates a court order issued pursuant to section 4 of this Act is guilty of a class B misdemeanor."

On page 4 of the engrossed bill, delete lines 6 through 10

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

Engrossed SB 2365 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 rereferred SB 2392 has had the same under consideration and recommends by a vote of 8 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING

that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS and be rereferred to the Committee on Appropriations:

On page 1 of the engrossed bill, line 2, delete the words "repeal chapters 15-38.1" and insert in lieu thereof the word "amend"

On page 1 of the engrossed bill, line 3, delete the numerals "34-11" and insert in lieu thereof the words "reenact sections 34-11-01, 34-11-02, and 34-11-03"

On page 1 of the engrossed bill, line 4, delete the words "and to"

On page 1 of the engrossed bill, line 5, delete the words "teachers' representation and negotiation"

On page 1 of the engrossed bill, after line 7, insert the following new sections:

"SECTION 1. AMENDMENT. Section 34-11-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

34-11-01. Recommendations of mediation board - Effect - Good faith and cooperation required. No provisions of this chapter, shall be construed to mean that ~~the state or any~~ subordinate jurisdiction ~~thereof of the state or~~ any board, commission, or department within such public jurisdiction shall be compelled to accept the recommendations of a mediation board as binding nor shall any group of employees affiliated with a union or otherwise be compelled to abide by the recommendations of such mediation board; provided, however, that both parties to any dispute or grievance in the public employee field covered by this chapter shall be required to proceed in good faith according to the terms hereof to create a mediation board and to cooperate fully with such board in attending hearings and supplying data concerning all matters in dispute, to answer questions, and in all other particulars to respond in good faith and to cooperate fully with such board in its attempt to settle the matter in dispute. Nor shall anything in this chapter be construed to affect, limit, or impair the right of any public employee to express ~~his~~ views, to make complaint, or to give testimony concerning any grievance pertaining to public employment or to the betterment of ~~his or her~~ that ~~employee's~~ working conditions. Nor shall the provisions herein be construed to authorize any public employer covered by this chapter to attempt to or deter any public employee working subject to ~~his~~ that ~~employer's~~ jurisdiction from affiliating with any union, association, or other group of public employees nor shall a public employer refuse to consider grievances concerning

employment problems with the representatives duly chosen by such union, association, or affiliation of public employees.

SECTION 2. AMENDMENT. Section 34-11-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

34-11-02. Mediation board - Designation - Selection of chairman. Whenever a public employer or the employing head of a board, commission, or department in ~~the state service~~ or in the services of any subordinate jurisdiction of the state or whenever any union, association, or group of public employees of such a public unit of government decides by vote of such group that a grievance or matter in dispute which has been considered between the employer and the employee cannot be settled amicably and without disruption of the public service, it shall be the duty of the employer or the employees or both to request in writing of the chief executive officer of the unit of government, namely the ~~governor in the state service, the chairman of the county board or commission of county commissioners~~ in county services, and the mayor or city manager of the city in city services, that it is the wish of one or both parties concerned in such dispute or grievance that the provisions of this chapter be made use of by the designation by such officer of two members of a mediation board, one to be recognized as a representative of the employer in the public service and one to be a bona fide employee who is a member of the union, association, or group of employees, and who is interested in the point of view of such group of employees. The two persons so designated shall upon their appointment forthwith meet and agree upon a third person who shall be chairman of the mediation board.

SECTION 3. AMENDMENT. Section 34-11-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

34-11-03. Duty of mediation board - Public hearings - Determination of issues - Recommendations. It shall be the duty of such mediation board to hold public hearings to consider the matter in dispute or the grievance at any place ~~in the state for state employee-employer disputes or grievances, at any place~~ within the jurisdiction of the county in county disputes, and within the limits of the city in a city dispute. Such board shall have the authority to subpoena witnesses, to compel their attendance, to administer oaths, to take testimony and to receive evidence, and it shall possess the authority to discuss informally the matter of dispute or the grievance in the presence of both the employer or the employee or their representatives. Following the conclusion of such public

hearings or such public considerations of the problem involved, such board shall within thirty days make determination of the issues involved in such dispute or grievance, prepare recommendations thereon in writing, and submit a signed copy to the governor in the case of a dispute in the state employee field; to the chairman of the county board or commission of county commissioners in the case of a county dispute, and to the mayor or city manager in the case of a dispute in city service, and a signed copy to the employer and to the representative of the employees."

On page 1 of the engrossed bill, line 8, underscore the words "Purpose. It is the purpose of" and insert immediately thereafter the words "sections 4 through 20 of" and underscore the words "this Act and the"

On page 1 of the engrossed bill, underscore lines 9 through 21

On page 1 of the engrossed bill, line 22, underscore the words "Definitions. As used in", delete the word "the" and insert in lieu thereof the words "sections 4 through 20 of this", and underscore the words "Act, unless the context"

On page 1 of the engrossed bill, underscore lines 23 through 25

On page 1 of the engrossed bill, line 26, underscore the words "pursuant to" and insert immediately thereafter the words "sections 4 through 20 of" and underscore the words "this Act, a common employer, a tradition of"

On page 1 of the engrossed bill, underscore line 27

On page 2 of the engrossed bill, underscore lines 1 through 34

On page 2 of the engrossed bill, line 35, underscore the words "arising from arbitration under" and insert immediately thereafter the words "sections 4 through 20 of" and underscore the words "this Act."

On page 3 of the engrossed bill, underscore lines 1 through 13

On page 3 of the engrossed bill, line 14, underscore the words "dealing with its employees." and after the period insert the sentence: "The term does not include the state board of higher education."

On page 4 of the engrossed bill, line 1, underscore the words "Strikes by public employees prohibited.", delete the word "This" and insert in lieu thereof the words "Sections 4 through 20 of this", underscore the word "Act", and delete the word "does" and insert in lieu thereof the word "do"

On page 4 of the engrossed bill, underscore lines 2 and 3

- On page 4 of the engrossed bill, line 4, underscore the words "Employee organization - Requirements. Every employee"
- On page 4 of the engrossed bill, underscore line 5
- On page 4 of the engrossed bill, line 6, underscore the words "Rights and obligations of public employees."
- On page 4 of the engrossed bill, underscore lines 7 through 12
- On page 4 of the engrossed bill, line 13, underscore the words "when dues increase in an employee organization.", delete the word "This" and insert in lieu thereof the words "Sections 4 through 20 of this", and underscore the word "Act"
- On page 4 of the engrossed bill, line 14, delete the word "does" and insert in lieu thereof the word "do" and underscore the words "not limit or impair the right of any public employee"
- On page 4 of the engrossed bill, underscore lines 15 through 28
- On page 4 of the engrossed bill, line 29, underscore the words "Rights and obligations of public employers. A public"
- On page 4 of the engrossed bill, underscore lines 30 through 35
- On page 5 of the engrossed bill, underscore line 1
- On page 5 of the engrossed bill, line 2, underscore the word "of" and insert immediately thereafter the words "sections 4 through 20 of" and underscore the words "this Act."
- On page 5 of the engrossed bill, line 3, underscore the words "Authority of the commissioner. The commissioner or"
- On page 5 of the engrossed bill, underscore lines 4 through 14
- On page 5 of the engrossed bill, line 15, underscore the words "commissioner's functions and powers under" and insert immediately thereafter the words "sections 4 through 20 of" and underscore the words "this Act."
- On page 5 of the engrossed bill, underscore lines 16 through 21
- On page 5 of the engrossed bill, line 22, underscore the words "Appropriate units - Exclusive representation."
- On page 5 of the engrossed bill, underscore lines 23 through 25
- On page 5 of the engrossed bill, line 26, underscore the words "guaranteed by" and insert immediately thereafter the words

"sections 4 through 20 of" and underscore the words "this Act, the unit appropriate for the"

On page 5 of the engrossed bill, underscore lines 27 through 35

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

On page 6 of the engrossed bill, line 5, underscore the word "of" and insert immediately thereafter the words "sections 4 through 20 of" and underscore the words "this Act by an exclusive representative, the"

On page 6 of the engrossed bill, underscore lines 6 through 35

On page 7 of the engrossed bill, underscore lines 1 through 5

On page 7 of the engrossed bill, line 6, underscore the words "appropriate unit upon receiving a majority of the votes", after the word "votes" insert the word "cast", and underscore the word "in"

On page 7 of the engrossed bill, underscore line 7

On page 7 of the engrossed bill, line 8, underscore the words "majority of votes", after the word "votes" insert the word "cast", and underscore the words ", the commissioner shall conduct a runoff"

On page 7 of the engrossed bill, underscore lines 9 through 11

On page 7 of the engrossed bill, line 12, underscore the word "votes", after the word "votes" insert the word "cast", and underscore the period

On page 7 of the engrossed bill, underscore lines 13 through 31

On page 7 of the engrossed bill, line 32, underscore the words "Negotiation procedures."

On page 7 of the engrossed bill, underscore lines 33 through 35

On page 8 of the engrossed bill, underscore lines 1 through 22

On page 8 of the engrossed bill, line 23, underscore the words "Resolution of disputes arising in the course of"

On page 8 of the engrossed bill, underscore lines 24 through 35

On page 9 of the engrossed bill, underscore lines 1 through 35

On page 10 of the engrossed bill, underscore lines 1 through 14

On page 10 of the engrossed bill, line 15, underscore the words "contract pursuant to section", delete the numerals "13"

and insert in lieu thereof the numerals "16", and underscore the words "of this Act."

On page 10 of the engrossed bill, underscore lines 16 through 21

On page 10 of the engrossed bill, line 22, underscore the words "Written agreements."

On page 10 of the engrossed bill, underscore lines 23 through 35

On page 11 of the engrossed bill, underscore lines 1 through 5

On page 11 of the engrossed bill, line 6, underscore the words "provisions of" and insert immediately thereafter the words "sections 4 through 20 of" and underscore the words "this Act, relating to binding arbitration,"

On page 11 of the engrossed bill, underscore lines 7 through 12

On page 11 of the engrossed bill, line 13, underscore the words "validity of an arbitration order under" and insert immediately thereafter the words "sections 4 through 20 of" and underscore the words "this Act."

On page 11 of the engrossed bill, underscore lines 14 through 16

On page 11 of the engrossed bill, line 17, underscore the words "with any arbitration order entered under" and insert immediately thereafter the words "sections 4 through 20 of" and underscore the words "this Act."

On page 11 of the engrossed bill, underscore lines 18 through 22

On page 11 of the engrossed bill, line 23, underscore the words "district courts when entered into in accordance with" and insert immediately thereafter the words "sections 4 through 20 of" and underscore the word "this"

On page 11 of the engrossed bill, underscore line 24

On page 11 of the engrossed bill, line 25, underscore the words "Unfair practices."

On page 11 of the engrossed bill, underscore lines 26 through 28

On page 11 of the engrossed bill, line 29, underscore the words "employee in the exercise of any right guaranteed in" and insert immediately thereafter the words "sections 4 through 20 of"

On page 11 of the engrossed bill, underscore lines 30 through 34

On page 12 of the engrossed bill, underscore lines 1 through 5

On page 12 of the engrossed bill, line 6, underscore the words "information or testimony under" and insert immediately thereafter the words "sections 4 through 20 of" and underscore the words "this Act."

On page 12 of the engrossed bill, underscore lines 7 through 12

On page 12 of the engrossed bill, line 13, underscore the words "effectuate the purposes of" and insert immediately thereafter the words "sections 4 through 20 of" and underscore the words "this Act."

On page 12 of the engrossed bill, underscore lines 14 and 15

On page 12 of the engrossed bill, line 16, underscore the word "sections", delete the numerals "10" and insert in lieu thereof the numerals "13", underscore the word "and", delete the numerals "11" and insert in lieu thereof the numerals "14", and underscore the words "of this Act."

On page 12 of the engrossed bill, underscore lines 17 through 21

On page 12 of the engrossed bill, line 22, underscore the words "j. Fail or refuse to comply with" and insert immediately thereafter the words "sections 4 through 20 of" and underscore the words "this Act."

On page 12 of the engrossed bill, underscore lines 23 through 26

On page 12 of the engrossed bill, line 27, underscore the words "guaranteed in" and insert immediately thereafter the words "sections 4 through 20 of", underscore the words "this Act.", delete the word "This" and insert in lieu thereof the words "Sections 4 through 20 of this", underscore the word "Act", delete the word "does" and insert in lieu thereof the word "do", and underscore the words "not impair"

On page 12 of the engrossed bill, underscore lines 28 through 33

On page 13 of the engrossed bill, underscore lines 1 through 8

On page 13 of the engrossed bill, line 9, underscore the words "effectuate the purposes of" and insert immediately thereafter the words "sections 4 through 20 of" and underscore the words "this Act."

On page 13 of the engrossed bill, underscore lines 10 and 11

On page 13 of the engrossed bill, line 12, underscore the word "sections", delete the numerals "10" and insert in lieu thereof the numerals "13", underscore the word "and", delete the numerals "11" and insert in lieu thereof the numerals "14", and underscore the words "of this Act."

- On page 13 of the engrossed bill, underscore line 13
- On page 13 of the engrossed bill, line 14, underscore the words "Unfair practice resolution procedure. Whenever it is"
- On page 13 of the engrossed bill, underscore lines 15 through 17
- On page 13 of the engrossed bill, line 18, underscore the words "engaged in any unfair practice under" and insert immediately thereafter the words "sections 4 through 20 of" and underscore the words "this Act, the commissioner"
- On page 13 of the engrossed bill, underscore lines 19 through 35
- On page 14 of the engrossed bill, underscore lines 1 and 2
- On page 14 of the engrossed bill, line 3, underscore the words "or without backpay, as will effectuate the policies of" and insert immediately thereafter the words "sections 4 through 20 of" and underscore the words "this Act."
- On page 14 of the engrossed bill, underscore lines 4 through 19
- On page 14 of the engrossed bill, line 20, underscore the words "Public records and proceedings. All complaints,"
- On page 14 of the engrossed bill, underscore lines 21 and 22
- On page 14 of the engrossed bill, line 23, underscore the words "copying, and all meetings and negotiations held pursuant to" and insert immediately thereafter the words "sections 4 through 20 of" and underscore the words "this Act"
- On page 14 of the engrossed bill, underscore line 24
- On page 14 of the engrossed bill, line 25, underscore the words "Limitations of" and insert immediately thereafter the words "sections 4 through 20 of this" and underscore the words "Act and agreements. Any provision of" and insert immediately thereafter the words "sections 4 through 20 of"
- On page 14 of the engrossed bill, underscore lines 26 through 30
- On page 14 of the engrossed bill, line 31, underscore the words "Action by commissioner to obtain funding. The"
- On page 14 of the engrossed bill, underscore lines 32 and 33
- On page 14 of the engrossed bill, line 34, underscore the words "of duties under" and insert immediately thereafter the words "sections 4 through 20 of" and underscore the words "this Act can be properly implemented."

On page 15 of the engrossed bill, line 1, underscore the words "Penalty. Any person who willfully resists,"

On page 15 of the engrossed bill, underscore lines 2 through 4

On page 15 of the engrossed bill, line 5, underscore the word "under" and insert immediately thereafter the words "sections 4 through 20 of" and underscore the words "this Act, or who interferes with the exercise by public"

On page 15 of the engrossed bill, line 6, underscore the words "employees of the right to select exclusive representatives under" and insert immediately thereafter the words "sections 4 through 20 of"

On page 15 of the engrossed bill, underscore line 7

On page 15 of the engrossed bill, delete lines 8 and 9

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

SB 2392 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary to which was referred Engrossed SB 2449 has had the same under consideration and recommends by a vote of 9 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. KRETSCHMAR, Chairman

Engrossed SB 2449 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation to which was referred Engrossed SB 2468 has had the same under consideration and recommends by a vote of 8 YEAS, 6 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

On page 1 of the engrossed bill, line 6, after the numerals "39-07-11" insert the words "or in the alternative to amend and reenact section 39-07-11 as amended by section 2 of House Bill No. 1323, as approved by the fiftieth legislative assembly"

On page 1 of the engrossed bill, line 8, delete the numerals "39-20-07,"

On page 4 of the engrossed bill, line 12, after the period insert the words "The time limitations for a hearing as provided by this section do not preclude a recharging of the alleged violation if the person being charged receives a new summons or notice subject to the provisions of this section."

On page 4 of the engrossed bill, line 13, delete the word "Section" and insert in lieu thereof the words "If House Bill No. 1323 does not become effective, section"

On page 5 of the engrossed bill, after line 9, insert the following section:

"SECTION 6. AMENDMENT. If House Bill No. 1323 becomes effective, section 39-07-11 of the North Dakota Century Code, as amended by section 2 of House Bill No. 1323 is hereby amended and reenacted to read as follows:

39-07-11. Magistrate to keep record of convictions of traffic violations - Records of conviction to be forwarded to licensing authority. Every magistrate in this state, as defined in section 29-01-14, shall keep a full record of every case brought before the magistrate in which a person is charged with a violation of ~~section 12.1-16-02 or 12.1-16-03~~ chapter 12.1-16, or of any provision of chapters 39-05 through 39-13, 39-21, and 39-24, or with a violation of a municipal ordinance which is equivalent to any of the provisions of the foregoing statutes. Within ten days after a final order or judgment of conviction, for a violation not subject to disposition and reporting under chapter 39-06.1, by the North Dakota supreme court or any lower court having jurisdiction, provided that no appeal is pending and the time for filing a notice of appeal has elapsed, the magistrate then having jurisdiction shall forward a report of that fact to the licensing authority. The licensing authority may receive reports of traffic offense convictions submitted by a court in this state for any conviction of a licensed operator for violation of an ordinance equivalent to section 12.1-16-02 or 12.1-16-03. Any conviction for which a report is received by the licensing authority may be deemed by the licensing authority to be final, and the licensing authority may take any action authorized by law to be taken based on the report. Subject to the filing of an appeal, a conviction includes those instances when:

1. A sentence is imposed and suspended;
2. Imposition of a sentence is suspended under chapter 12-53; or
3. There is a forfeiture of bail or collateral deposited to secure a defendant's appearance in court and the forfeiture has not been vacated."

On page 6 of the engrossed bill, line 6, after the word "section" insert the words "unless a drug which predominately caused impairment was used only as directed or cautioned by a practitioner who legally prescribed or dispensed the drug to that person"

On page 11 of the engrossed bill, line 15, after the word "section" insert the numerals and word "39-20-01 or" and delete the word and numerals "or 39-20-14"

On page 11 of the engrossed bill, line 32, overstrike the word "sworn"

On page 12 of the engrossed bill, line 29, remove the overstrike over the word "show" and delete the word "state"

On page 13 of the engrossed bill, line 14, overstrike the word "twenty" and insert immediately thereafter the word "twenty-five"

On page 15 of the engrossed bill, delete lines 28 through 35

On page 16 of the engrossed bill, delete lines 1 through 35

On page 17 of the engrossed bill, delete lines 1 through 34

On page 18 of the engrossed bill, delete lines 1 through 17

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

Engrossed SB 2468 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 SB 2470 has had the same under consideration and recommends by a vote of 9 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. NICHOLAS, Chairman

SB 2470 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor to which was referred Engrossed SB 2480 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 of the engrossed bill, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to provide for the sale of banks and bank holding companies owned by charitable trusts; to provide an expiration date; and to declare an emergency.

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

SECTION 1. LEGISLATIVE INTENT. It is the intent of the legislative assembly to act pursuant to the Bank Holding Company Act of 1956, as amended [ch. 240; 70 Stat. 134; 12 U.S.C. 1842(d)], to limit the authority granted by this Act to charitable trusts that owned one hundred percent of a bank holding company on May 26, 1969, to sell, assign, merge, or transfer the stock or assets of any bank or bank holding company owned directly or indirectly by such charitable trust to any state or national bank or bank holding company without regard to whether the entity acquiring the stock or assets is located outside this state to enable the divestiture of such ownership by a charitable trust as required by the provisions of section 4943 of the Internal Revenue Code.

SECTION 2. Sale of banking institutions owned by charitable trusts. Except as prohibited by section 6-02-02.1, a charitable trust that owned one hundred percent of a bank holding company on May 26, 1969, may sell, assign, merge, or transfer the stock or assets of any bank or bank holding company owned directly or indirectly by the charitable trust, pursuant to the procedures set forth in section 6-08-08.1, to a bank holding company, bank, or any other entity located in any state pursuant to applicable banking laws.

SECTION 3. Presentment of plan of acquiring entity to the state department of banking and financial institutions. Prior to any acquisition under this Act, the acquiring entity must present a plan to the state department of banking and financial institutions. The plan must provide that the acquiring entity commits itself to the condition that it capitalize each bank to be acquired in this state according to the applicable banking laws of this state and the requirements of the federal deposit insurance corporation or any applicable federal banking laws.

SECTION 4. Offer to purchase minority stock required. Any bank holding company owned by a charitable trust that sells, assigns, merges, or transfers the stock or assets of any bank or bank holding company pursuant to this Act and which has made an offer to purchase the stock of any minority stockholder at any time within one year prior to July 1, 1987, must communicate to and offer to purchase the stock of any minority stockholder to whom such prior offer to purchase the stock was made. The offer must be made to the minority stockholders prior to or within thirty days after the sale of the bank or bank holding company. The offer to purchase must be on the same or better terms as the previous offer and must remain open for at least ninety days.

SECTION 5. Grants requirement - Commitment - Reports to attorney general. Any charitable trust that divests itself

of any interest pursuant to this Act shall file a commitment with the attorney general prior to any divestiture that the charitable trust will, subject to the provisions of the trust instrument pursuant to which the trust was created, continue to make grants under the provisions of the trust to recipients within this state. The charitable trust must report annually to the attorney general describing the grants made by the charitable trust to all recipients in the previous year. Upon the basis of such information, or other information that may be brought to the attorney general's attention, the attorney general may initiate further investigation and ensure compliance with the requirements of this section.

SECTION 6. Designation of agent for service of process. Any charitable trust that divests itself of any interest pursuant to this Act shall designate the secretary of state as its agent for service of process in this state.

SECTION 7. Limitations.

1. The authority granted by this Act does not authorize the acquiring entity to resell, reassign, merge, or transfer stock or assets of any state or national bank or bank holding company acquired under this Act except as permitted under the laws of this state.
2. This Act does not limit or restrict the rights of a charitable trust to sell, assign, merge, or transfer the stock or assets of any state or national bank or bank holding company owned directly or indirectly by the charitable trust under the provisions of any existing or hereafter adopted state or federal law or regulation.
3. This Act does not permit the sale, assignment, merger, or transfer by a charitable trust that directly or indirectly owns banks in Minnesota as well as in North Dakota of the stock or assets of any state or national bank or bank holding company located in this state if the sale, assignment, merger, or transfer by the charitable trust would be prohibited under the laws of Minnesota.

SECTION 8. Provisions not severable. Notwithstanding North Dakota Century Code section 1-02-20, if any provision of this Act is determined by any court of competent or final jurisdiction to be invalid or unconstitutional, this entire Act is void.

SECTION 9. EXPIRATION DATE. Section 2 of this Act is effective through June 30, 2004, and after that date is ineffective.

SECTION 10. EMERGENCY. This Act is declared to be an emergency measure."

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

Engrossed SB 2480 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 Engrossed SB 2507 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 of the engrossed bill, line 2, delete the word "and"
- On page 1 of the engrossed bill, line 6, after the word "drains" insert the words "; and to provide an effective date"
- On page 2 of the engrossed bill, line 24, after the word "until" insert the words "the state water resources policy has been considered and"
- On page 3 of the engrossed bill, line 2, after the word "wetlands" insert the words "or through debits to the wetland bank as provided in section 5 of this Act"
- On page 3 of the engrossed bill, line 16, delete the word "may" and insert in lieu thereof the word "shall"
- On page 3 of the engrossed bill, line 19, after the word "and" insert the words ", where specified," and delete the words ", where specified,"
- On page 3 of the engrossed bill, line 31, delete the words "responsible for the removal" and insert in lieu thereof the words "which purchases the land"
- On page 3 of the engrossed bill, line 35, delete the words "wetlands are" and insert in lieu thereof the words "wetland acres"
- On page 4 of the engrossed bill, line 1, delete the words "suitable to"
- On page 4 of the engrossed bill, line 15, after the period insert the words "Federal, state, and private wildlife and water entities shall cooperate and work together to locate, make contacts with landowners, do appraisals, and perform other

tasks necessary for lease, purchase, or other acquisition to meet the replacement requirements of this Act."

On page 4 of the engrossed bill, line 28, after the period insert the words "If the state engineer and the commissioner jointly find that replacement wetland acres are not available in the county or contiguous counties where the proposed drainage is located, replacement wetlands may be obtained anywhere in the same biotic area."

On page 4 of the engrossed bill, after line 28, insert the following new subsection:

"7. Any purchase, easement, lease, or other acquisition under this Act may not obstruct the natural or existing flow of water of any natural watercourse or artificial channel to the detriment of any upstream or downstream landowner."

On page 5 of the engrossed bill, line 7, after the word "bank" insert the words ", except for drainage of wetlands for which a permit is not required. Wetlands drained during surface coal mining operations may not be charged as a debt against acreage credit balances"

On page 6 of the engrossed bill, line 9, delete the word "other", delete the word "this", and after the word "chapter" insert the numerals "61-16.1"

On page 6 of the engrossed bill, line 20, delete the word "its" and insert in lieu thereof the word "the" and delete the words "on a" and insert in lieu thereof the words "required by section 7 of this Act"

On page 6 of the engrossed bill, line 21, delete the word "complaint"

On page 7 of the engrossed bill, line 28, delete the words "or such portions as the state engineer"

On page 7 of the engrossed bill, line 29, delete the words "shall determine,"

On page 8 of the engrossed bill, line 2, after the period insert the words "Upon assessment of costs, the state engineer shall certify the assessment to the county auditor of the county where the noncomplying drain, lateral drain, or ditch is located. The county auditor shall extend the assessment against the property assessed. Each assessment must be collected and paid as other taxes are collected and paid. Assessments collected must be deposited with the state treasurer and are hereby appropriated out of the

state treasury and must be credited to the contract fund established by section 61-02-64.1."

On page 9 of the engrossed bill, delete lines 15 through 19 and insert in lieu thereof the following new sections:

"SECTION 10. Exemption. The wetland replacement requirements of this Act do not apply to surface coal mining operations until reclamation of the wetland area begins pursuant to the provisions of chapter 38-14.1.

SECTION 11. Application of prior law. This chapter does not apply to drainage applications submitted, or to drainage violations committed, prior to January 1, 1987. Procedures for and prosecutions of such activities are governed by prior law which is continued in effect for that purpose."

On page 9 of the engrossed bill, after line 23, insert the following new section:

"SECTION 13. EFFECTIVE DATE. The replacement of wetlands requirement in sections 3 and 4 of this Act does not take effect until July 1, 1989. Until July 1, 1989, the drainage of type IV and V wetlands, as defined in U.S. fish and wildlife service circular 39 (1971 edition) is not permitted, except for permit applications submitted prior to January 1, 1987, or unless replaced in accordance with the provisions of this Act."

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

Engrossed SB 2507 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary to which was referred SB 2536 has had the same under consideration and recommends by a vote of 14 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 18, delete the word "all"

On page 1, line 19, delete the word "uniform"

On page 1, line 20, after the word "action" insert the words "
subject to the approval of the budget section of the legislative council"

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

SB 2536 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Political Subdivisions to which was referred SB 2546 has had the same under consideration and recommends by a vote of 13 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 4, after the word "committees" insert the words
"; and to declare an emergency"

On page 2, after line 8, insert the following new section:

"SECTION 3. 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. MOORE, Chairman

SB 2546 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 SB 2549 has had the same under consideration and recommends by a vote of 13 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 15, after the word "from" insert the words "a federally bonded warehouse, or" and after the words "zone" insert an underscored comma

On page 2, line 30, after the word "through" insert the words "a federally bonded warehouse, or"

On page 2, line 31, after the word "zone" insert an underscored comma

On page 2, line 33, after the word "from" insert the words "the federally bonded warehouse,"

On page 2, line 34, after the word "zone" insert an underscored comma

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

SB 2549 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER: Your Conference Committee to which was referred HB 1388 has had the same under consideration and recommends that the HOUSE ACCEDE to the amendments as found on page 1846 of the House Journal and that HB 1388 be further amended as follows:

On page 1, line 25, overstrike the word "fifty" and insert immediately thereafter the word "twenty-five"

And renumber the lines, sections, and pages accordingly

For the Senate: Sens. Richard, D. Meyer, Todd

For the House: Reps. R. Berg, Schindler, L. Hanson

HB 1388 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

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

ROY GILBREATH, Chief Clerk