

JOURNAL OF THE HOUSE

Fiftieth Legislative Assembly

FIFTY-SIXTH DAY

Bismarck, March 26, 1987

The House convened at 10:00 a.m., with Speaker Kloubec presiding.

The prayer was offered by Duane Danielson, House of Prayer Lutheran Church, Bismarck, North Dakota.

ROLL CALL

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

A quorum was declared by the Speaker.

ANNOUNCEMENT BY SPEAKER

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

CORRECTION AND REVISION OF THE JOURNAL

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

On page 2222, delete line 17 and insert in lieu thereof the following: "SB 2392 was placed on the Sixth order of business on the calendar for the succeeding legislative day."

REP. THOMPSON, Chairman

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

MESSAGES FROM THE SENATE

SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith HB 1030, HB 1038, HB 1051, HB 1062, HB 1131, HB 1150, HB 1161, HB 1187, HB 1192, HB 1227, HB 1242, HB 1325, HB 1332, HB 1406, HB 1416, HB 1463, HB 1529, HB 1604, HB 1631, HCR 3003, and HCR 3062 which the Senate has amended, and subsequently passed:

SENATE AMENDMENTS TO ENGROSSED HB 1030

On page 1 of the engrossed bill, line 1, after the word "to" insert the words "create and enact a new section to chapter 4-19 of the North Dakota Century Code, relating to the qualifications of district foresters; and to"

On page 1 of the engrossed bill, line 14, after the period insert the words "The office of the state forester must be located in Bottineau."

On page 1 of the engrossed bill, after line 27, insert the following new section:

"SECTION 2. A new section to chapter 4-19 of the North Dakota Century Code is hereby created and enacted to read as follows:

District foresters - Qualifications. All district foresters under the supervision of the state forester must be graduates of an accredited school of forestry with a minimum education of a bachelor of science degree in forestry."

And renumber the lines, sections, and pages accordingly

SENATE AMENDMENTS TO REENGROSSED HB 1038

On page 3 of the reengrossed bill, line 11, after the letter "B" insert the letter "C"

On page 3 of the reengrossed bill, line 12, remove the overstrike over the word "~~felony~~" and delete the words "A misdemeanor"

And renumber the lines, sections, and pages accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1051

On page 5 of the engrossed bill, after line 12, insert the following new subsection:

"1. Class A and B misdemeanor offenses in sections 6-08-16 and 6-08-16.1."

And renumber the lines, sections, and pages accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1062

On page 2 of the engrossed bill, line 3, after the period insert the words "This section does not prohibit disclosure of the fact that a report or return required under this chapter has not been filed if the disclosure is made to further an investigation being conducted by the tax commissioner."

And renumber the lines, sections, and pages accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1131

On page 1 of the engrossed bill, line 1, delete the word "a" and insert in lieu thereof the word "two" and delete the word "subsection" and insert in lieu thereof the word "subsections"

On page 1 of the engrossed bill, line 4, after the numeral "39-29-01" insert the words and numerals ", subsection 1 of

section 39-29-03, subsection 1 of section 39-29-04, and section 39-29-10"

On page 1 of the engrossed bill, line 5, after the word "vehicle" insert the words "and all-terrain vehicle registration requirements, operation,"

On page 1 of the engrossed bill, line 6, delete the word "requirements" and insert in lieu thereof the word "education"

On page 1 of the engrossed bill, after line 21, insert the following sections:

"SECTION 2. AMENDMENT. Subsection 1 of section 39-29-03 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. Any all-terrain vehicle dealer as defined in section 39-29-01 shall make application for registration for each all-terrain vehicle sold on the premises of said dealer. Application for registration must be made to the motor vehicle department in the form the department prescribes and furnishes. The registration must state the name and address of every owner of the all-terrain vehicle and be signed by at least one owner. A copy of the application must be carried on the person when operating and is evidence of registration for the first thirty days after the date of application.

SECTION 3. AMENDMENT. Subsection 1 of section 39-29-04 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. Registration and payment of fees is not required of:
 - a. All-terrain vehicles owned and used by the United States or another state or its political subdivisions.
 - b. All-terrain vehicles registered in a foreign country and temporarily used in this state.
 - c. All-terrain vehicles validly licensed in another state and which have not been within this state for more than thirty consecutive days.
 - d. All-terrain vehicles used exclusively for work on private agricultural lands or on industrial jobsites on private land.

- e- All-terrain vehicles used exclusively in organized track racing events."

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

"SECTION 5. AMENDMENT. Section 39-29-10 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

And renumber the lines, sections, and pages accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1150

- On page 1 of the engrossed bill, line 2, delete the words "or child advocates"
- On page 1 of the engrossed bill, line 5, delete the words "or child advocate"
- On page 1 of the engrossed bill, line 10, delete the words "or child advocate"
- On page 1 of the engrossed bill, line 13, delete the words "or child"
- On page 1 of the engrossed bill, line 14, delete the word "advocate"
- On page 1 of the engrossed bill, line 18, delete the words "or child advocate"
- On page 1 of the engrossed bill, line 22, after the period insert the words "The expenses of the guardian ad litem, when

approved by the judge, must be paid by the county wherein the alleged offense took place if the action is prosecuted in county court, and by the state if the action is prosecuted in district court. The state shall also pay the expenses of the guardian ad litem in commitment proceedings held in county court pursuant to subsection 7 of section 27-07.1-17."

And renumber the lines, sections, and pages accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1161

On page 1 of the engrossed bill, line 24, delete the words "nominated by the"

On page 1 of the engrossed bill, line 25, delete the words "county superintendent of schools and"

On page 2 of the engrossed bill, line 3, after the word "concerned" insert the words ", hold a hearing,"

On page 2 of the engrossed bill, line 4, after the period insert the words "The hearing must be conducted fairly to ensure that the arguments and responses of all parties are presented. Any materials used by any party must be prepared and presented to all other interested parties not less than forty-eight hours prior to the hearing." and overstrike the word "such" and insert immediately thereafter the word "their"

On page 3 of the engrossed bill, line 19, delete the words "nominated by the county superintendent of schools and"

And renumber the lines, sections, and pages accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1187

On page 1 of the engrossed bill, line 24, delete the words ". For illustration purposes, catastrophic injuries"

On page 1 of the engrossed bill, delete lines 25 and 26

On page 1 of the engrossed bill, line 27, delete the word "burns"

And renumber the lines, sections, and pages accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1192

On page 1 of the engrossed bill, line 20, delete the words "three-fourths of" and after the word "one" insert the words "and one-fourth"

On page 1 of the engrossed bill, line 21, delete the words "and one-half" and insert in lieu thereof the words "and one-fourth"

And renumber the lines, sections, and pages accordingly

SENATE AMENDMENTS TO HB 1227

On page 1, line 18, delete the word "or"

On page 1, line 19, after the word "guardian" insert the words ", or custodian"

And renumber the lines, sections, and pages accordingly

SENATE AMENDMENTS TO HB 1242

On page 1, line 2, delete the words and numeral "and a new chapter to title 14"

On page 1, line 3, delete the words "relinquishment of children to identified adoptive"

On page 1, line 4, delete the words "parents and"

On page 1, delete lines 19 through 28

On page 2, delete lines 1 through 34

On page 3, delete lines 1 through 34

On page 4, delete lines 1 through 35

On page 5, delete lines 1 through 11

And renumber the lines, sections, and pages accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1325

On page 1 of the engrossed bill, line 27, after the underscored period insert the words "Any interest owed by the state must be paid by the state treasurer from the appropriation for miscellaneous refunds approved by the legislative assembly."

And renumber the lines, sections, and pages accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1332

On page 1 of the engrossed bill, line 2, delete the word "sections" and insert in lieu thereof the words "and section"

On page 1 of the engrossed bill, line 3, delete the word and numerals "and 32-12.1-10"

On page 3 of the engrossed bill, delete lines 4 through 9

And renumber the lines, sections, and pages accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1406

On page 1 of the engrossed bill, line 1, delete the words and numeral "create and enact subdivision d of subsection 1"

On page 1 of the engrossed bill, delete line 2

On page 1 of the engrossed bill, line 3, delete the words "cosmetology training; and to"

On page 1 of the engrossed bill, line 4, after the numerals "43-11-19" insert the words and numerals "and subdivision a of subsection 1 of section 43-11-27"

On page 1 of the engrossed bill, line 5, after the word "students" insert the words "and cosmetology training"

On page 1 of the engrossed bill, line 13, after the period insert the word "AMENDMENT." and delete the letter "d" and insert in lieu thereof the letter "a"

On page 1 of the engrossed bill, line 15, delete the word "created" and insert in lieu thereof the word "amended" and delete the word "enacted" and insert in lieu thereof the word "reenacted"

On page 1 of the engrossed bill, delete lines 16 through 23 and insert in lieu thereof the following subdivision:

"a. Shall have at least nine hundred sixty hours instructor's training in cosmetology in a school of cosmetology. In no event shall more than ~~one~~ two thousand ~~one~~ hundred sixty hours instructor's training be required for admission to examination. Under this subdivision the practical portion of the examination may be waived if the written examination is supplemented with video tapes of the applicant's teaching procedures; or"

And renumber the lines, sections, and pages accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1416

On page 1 of the engrossed bill, line 19, delete the word "five" and insert in lieu thereof the word "three"

On page 1 of the engrossed bill, line 20, delete the word "reduced" and insert in lieu thereof the word "adjusted"

On page 1 of the engrossed bill, line 21, delete the word "five" and insert in lieu thereof the word "two"

And renumber the lines, sections, and pages accordingly

SENATE AMENDMENTS TO HB 1463

On page 1, line 11, after the comma insert the words "petition the commissioner of insurance for an order to"

On page 1, line 12, after the period insert the words "For the purpose of obtaining approval from the commissioner of insurance, conversion to a mutual insurance company under this section is deemed a consolidation pursuant to chapter 26.1-07 and the procedure described therein must be followed."

And renumber the lines, sections, and pages accordingly

SENATE AMENDMENTS TO HB 1529

On page 1, line 4, after the word "fund" insert the words "; and to declare an emergency"

On page 1, line 18, after the period insert the words "No school district may transfer funds from the school building fund into the general fund for more than two years."

On page 1, after line 18, insert the following new section:

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

And renumber the lines, sections, and pages accordingly

SENATE AMENDMENTS TO HB 1604

On page 1, line 18, after the first word "be" insert the words "except special education students where a fair rental charge for each student for capital outlay must be determined by the department of public instruction"

And renumber the lines, sections, and pages accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1631

On page 3 of the engrossed bill, line 26, delete the numerals "42-12-33" and insert in lieu thereof the numerals "43-12-33" and delete the numerals "42-12-34" and insert in lieu thereof the numerals "43-12-34"

And renumber the lines, sections, and pages accordingly

SENATE AMENDMENTS TO ENGROSSED HCR 3003

On page 1 of the engrossed resolution, line 3, after the word "withdrawn" insert the words ", held in trust," and delete the words "or held in trust for"

On page 1 of the engrossed resolution, line 4, delete the words "Indians and Indian tribes"

On page 1 of the engrossed resolution, delete lines 5 through 19 and insert in lieu thereof the following new paragraphs:

"WHEREAS, local governments in North Dakota depend heavily on their tax base in real property as a means of maintaining adequate fiscal management; and

WHEREAS, lands held in trust or owned by the federal government are generally exempt from real property taxation; and

WHEREAS, in those cases where the federal government makes payments in lieu of real property taxes, the payments are generally far below the moneys that would be received from privately owned land; and"

- On page 1 of the engrossed resolution, line 21, delete the words "for Indians and Indian"
- On page 1 of the engrossed resolution, line 22, delete the word "tribes"
- On page 1 of the engrossed resolution, line 23, delete the words ", as well as on Indian and non-Indian landowners and residents"
- On page 1 of the engrossed resolution, delete line 24
- On page 1 of the engrossed resolution, line 25, delete the words "levels of local governmental services"
- On page 2 of the engrossed resolution, line 3, after the word "withdrawn" insert the words ", held in trust,"
- On page 2 of the engrossed resolution, line 4, delete the words "or held in trust for Indian people and Indian tribes"
- On page 2 of the engrossed resolution, line 8, delete the comma and insert in lieu thereof the words "and to"
- On page 2 of the engrossed resolution, line 9, delete the word ", the"
- On page 2 of the engrossed resolution, delete lines 10 and 11
- On page 2 of the engrossed resolution, line 12, delete the words "Mexico, Oregon, South Dakota, Washington, Wisconsin, and Wyoming"

And renumber the lines, sections, and pages accordingly

SENATE AMENDMENTS TO HCR 3062

- On page 1, line 3, delete the words "young and beginning" and after the word "farmers" insert the words "who are" and delete the words "in becoming"
- On page 1, line 27, delete the word "and"

On page 2, delete lines 1 through 6

On page 2, line 21, delete the words "in cases"

On page 2, line 22, delete the words "where beginning farmers are not available"

And renumber the lines, sections, and pages accordingly

PERRY GROTEBERG, Secretary

SENATE CHAMBER

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

HB 1041, HB 1042, HB 1151, HB 1171

PERRY GROTEBERG, Secretary

SENATE CHAMBER

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

HB 1034, HB 1330, HB 1533

PERRY GROTEBERG, Secretary

SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith the following which the Senate has failed to pass:

HB 1063, HB 1123, HB 1394, HB 1526, HB 1640

PERRY GROTEBERG, Secretary

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. ANDERSON MOVED that the House do not concur in the Senate amendments to HB 1228 as printed on page 2017 of the House Journal and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1228:

Reps. O. Hanson, Knell, Hokana

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. ANDERSON MOVED that the House do concur in the Senate amendments to HB 1598 as printed on pages 2018-2019 of the House Journal, which motion prevailed.

MOTION

REP. STRINDEN MOVED that the rules be suspended, that HB 1598 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 1598: A BILL for an Act to amend and reenact subsection 2 of section 39-12-05 of the North Dakota Century Code, or in the alternative to amend and reenact subsection 4 to the new section to chapter 39-12 of the North Dakota Century Code as created by section 4 of House Bill No. 1198, as approved by the fiftieth legislative assembly, relating to weight limitations on motor vehicles.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 89 YEAS, 4 NAYS, 13 ABSENT AND NOT VOTING.

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

NAYS: DeMers, J.; Hokana; Kolbo; O'Connell

ABSENT AND NOT VOTING: Gerntholz; Gunsch; Hausauer, R.; Kelly; Kent; Kingsbury; Kuchera; Lang; Laughlin; Nowatzki; Peterson; Shockman; Stofferahn

HB 1598 passed and the title was agreed to.

MOTIONS

REP. STRINDEN MOVED that the Senate bills on the Sixth order be placed at the top of the Sixth order, which motion prevailed.

REP. STRINDEN MOVED that the rules be suspended, and that after action taken on the Sixth order, that all bills and resolutions be placed on the Eleventh and Fourteenth orders respectively for second reading and final passage, which motion prevailed.

SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to SB 2028 as recommended by the Committee on Appropriations as printed on pages 2198-2199 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2028: A BILL for an Act making an appropriation for defraying the expenses of the parks and recreation department of the state of North Dakota and providing for a transfer from the snowmobile fund and the trail tax transfer fund.

Which has been read.

ROLL CALL

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

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hill; Hoffner; Hokana; Kelly; Kent; Kingsbury; Klundt; Knell; Koland; Kolbo; Kretschmar; Kuchera; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; 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; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Melby

ABSENT AND NOT VOTING: Hausauer, R.; Knudson; Lang; Shockman

SB 2028 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

REP. NICHOLAS MOVED that the amendments to SB 2035 as recommended by the Committee on Agriculture as printed on pages 2199-2201 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2035: A BILL 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.

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, 6 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hamerlik; Hanson, O.; Haugen; Haugland; Hill; Hoffner; Hokana; Kelly; Kent; Kingsbury; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Kuchera; 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; Peterson; Rice; Riehl; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shide; Skjerven; Smette; Solberg; Sorensen; Starke; Stofferahn; Strinden; Thompson; Tokach; Tollefson; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Flaagan; Hanson, L.; Hausauer, A.; O'Connell; Tomac; Wilkie

ABSENT AND NOT VOTING: Hausauer, R.; Lang; Shockman

SB 2035 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

REP. HAUGLAND MOVED that the amendments to SB 2036 as recommended by the Committee on Human Services and Veterans Affairs as printed on pages 2201-2202 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

REQUEST

REP. OBAN REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to SB 2036, which request was granted.

ROLL CALL

The question being on the motion to adopt the amendments to SB 2036, the roll was called and there were 60 YEAS, 40 NAYS, 6 ABSENT AND NOT VOTING.

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

NAYS: 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; Opedahl; O'Shea; Riehl; Scherber; Schneider; Solberg; Starke; Tollerahn; Ulmer; Watne; Wilkie; Williams, A.; Williams, W.

ABSENT AND NOT VOTING: Kretschmar; Lang; Shockman; Tomac; Wald; Williams, C.

The motion to adopt the amendments to SB 2036 passed.

MOTION

REP. STRINDEN MOVED that SB 2036 be rereferred to the Committee on Appropriations, which motion prevailed.

SIXTH ORDER OF BUSINESS

REP. HAUGLAND MOVED that the amendments to SB 2037 as recommended by the Committee on Human Services and Veterans Affairs as printed on page 2202 of the House Journal be adopted, and when so adopted, recommends the same be rereferred to the Committee on Appropriations without recommendation, which motion prevailed.

SB 2037 was rereferred to the Committee on Appropriations.

REP. HAUGLAND MOVED that the amendments to SB 2038 as recommended by the Committee on Human Services and Veterans Affairs as printed on page 2202 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, and be rereferred to the Committee on Appropriations.

MOTION

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

REQUEST

REP. O'CONNELL REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to SB 2038, which request was granted.

ROLL CALL

The question being on the motion to adopt the amendments to SB 2038, the roll was called and there were 63 YEAS, 40 NAYS, 3 ABSENT AND NOT VOTING.

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

NAYS: 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; Nelson, C.; Nelson, J.; Nowatzki; Oban; O'Connell; Opedahl; O'Shea; Scherber; Schneider; Skjerven; Solberg; Starke; Stofferahn; Tomac; Ulmer; Watne; Williams, A.; Williams, C.; Williams, W.

ABSENT AND NOT VOTING: Lang; Peterson; Shockman

The motion to adopt the amendments to SB 2038 passed.

SB 2038 was rereferred to the Committee on Appropriations.

SIXTH ORDER OF BUSINESS

REP. HAUGLAND MOVED that the amendments to SB 2039 as recommended by the Committee on Human Services and Veterans Affairs as printed on pages 2203-2206 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2039: A BILL 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.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 91 YEAS, 12 NAYS, 3 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.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Kingsbury; Klundt; Knudson; Koland; Kolbo; Kretschmar; Kuchera; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martinson; Mertens; Meyer; Moore; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olson, A.; Opedahl; O'Shea; Payne; Rice; Riehl; Rydell; Scherber; Schneider; Shaft; Shaw; Skjerven; Smette; Solberg; Sorensen; Starke; Stofferahn; Strinden; Tokach; Tollefson; Tomac; Trautman; Ulmer; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Gunsch; Hanson, O.; Knell; Martin; Melby; Murphy; Olsen, D.; Olson, V.; Schindler; Shide; Thompson; Vander Vorst

ABSENT AND NOT VOTING: Lang; Peterson; Shockman

SB 2039 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

REP. KRETSCHMAR MOVED that the amendments to SB 2063 as recommended by the Committee on Judiciary as printed on page 2205 of the House Journal be adopted, and when so adopted, recommends the same DO PASS and be rereferred to the Committee on Appropriations, which motion prevailed.

SB 2063 was rereferred to the Committee on Appropriations.

REP. A. HAUSAUER MOVED that the amendments to SB 2076 as recommended by the Committee on Finance and Taxation as printed on page 2207 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2076: A BILL for an Act providing limitations on property tax levy increase authority of political subdivisions; and to provide an effective date and an expiration date.

Which has been read.

ROLL CALL

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

YEAS: Aas; Almlie; Anderson; Belter; Berg, R.; Cleveland; Dalrymple; DeMers, J.; Dorso; Flaagan; Frey; Gates; Gerntholz; Goetz; Graba; Halmrast; Hamerlik; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Kelly; Klundt; Koland; Kolbo; Kuchera; Larson; Lautenschlager; Linderman; Lindgren; Martinson; Mertens; Moore; Nelson, C.; Nicholas; Nowatzki; Oban; Olson, A.; Olson, V.; O'Shea; Payne; Rice; Rydell; Scherber; Schneider; Shaft; Shaw; Sorensen; Starke; Stofferahn; Strinden; Thompson; Tollefson; Trautman; Ulmer; Wald; Wentz; Whalen; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Berg, G.; Brokaw; Christman; DeMers, P.; Dotzenrod; Enget; Gorman; Gunsch; Hanson, O.; Hokana; Kent; Kingsbury; Knell; Knudson; Kretschmar; Laughlin; Marks; Martin; Melby; Murphy; Myrdal; Nelson, J.; O'Connell; Olsen, D.; Opedahl; Riehl; Schindler; Shide; Skjerven; Smette; Solberg; Tokach; Tomac; Vander Vorst; Watne; Wilkie; Williams, A.

ABSENT AND NOT VOTING: Lang; Meyer; Peterson; Shockman

SB 2076 passed and the title was agreed to.

MOTION

REP. STRINDEN MOVED that the divided committee report on SB 2188, which is on the Sixth order, be laid over until this afternoon, which motion prevailed.

SIXTH ORDER OF BUSINESS

REP. HAUGLAND MOVED that the amendments to SB 2277 as recommended by the Committee on Human Services and Veterans Affairs as printed on page 2207 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2277: A BILL for an Act to create and enact a new chapter to title 43 of the North Dakota Century Code, relating to licensing of addiction counselors; to amend and reenact section 23-17.1-04, subsections 6, 7, and 9 of section 25-03.1-02, and subsection 3 of section 31-01-06.3 of the North Dakota Century Code, relating to the certification of addiction counselors, to the definitions of expert examiner, independent expert examiner, and mental health professional, and to the definition of counselor; 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 94 YEAS, 7 NAYS, 5 ABSENT AND NOT VOTING.

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

NAYS: Gunsch; Hausauer, A.; Melby; Murphy; Shide; Skjerven; Winkelman

ABSENT AND NOT VOTING: Dorso; Lang; Olson, A.; Peterson; Shockman

SB 2277 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

REP. HAUGLAND MOVED that the amendments to SB 2294 as recommended by the Committee on Human Services and Veterans Affairs as printed on pages 2207-2211 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2294: A BILL 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.

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

NAYS: None

ABSENT AND NOT VOTING: Lang; Payne; Peterson; Shockman; Wald

SB 2294 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

REP. HAUGLAND MOVED that the amendments to SB 2303 as recommended by the Committee on Human Services and Veterans Affairs as printed on page 2211 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2303: A BILL for an Act to provide immunity from liability for reporting, assisting, or providing services with respect to abused, neglected, or exploited adults; 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 95 YEAS, 9 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Belter; Berg, G.; 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; Koland; Kolbo; Kretschmar; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; 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; Schindler; Schneider; Shaw; Shide; Skjerven; Smette; Solberg; Sorensen; Starke; Stofferahn; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Anderson; Berg, R.; Gunsch; Knell; Knudson; Kuchera; Martin; Murphy; Shaft

ABSENT AND NOT VOTING: Lang; Shockman

SB 2303 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

REP. KRETSCHMAR MOVED that the amendments to SB 2307 as recommended by the Committee on Judiciary as printed on page 2212 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2307: A BILL for an Act to amend and reenact section 16.1-13-27 of the North Dakota Century Code, relating to the disability of an elector.

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, 3 NAYS, 2 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.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Kingsbury; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Kuchera; 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; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Gunsch; Hanson, O.; Vander Vorst

ABSENT AND NOT VOTING: Lang; Shockman

SB 2307 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

REP. HAUGLAND MOVED that the amendments to SB 2308 as recommended by the Committee on Human Services and Veterans Affairs as printed on page 2212 of the House Journal be adopted, and when so adopted, recommends the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2308: A BILL for an Act to amend and reenact section 25-02-03 of the North Dakota Century Code, relating to the object of the state hospital.

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 22 YEAS, 82 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Berg, R.; Brokaw; DeMers, J.; DeMers, P.; Gates; Graba; Halmrast; Hoffner; Hokana; Kelly; Kolbo; Kretschmar; Larson; Lindgren; Moore; Nelson, C.; Nelson, J.; Oban; Rydell; Stofferahn; Williams, A.; Speaker Kloubec

NAYS: Aas; Almlie; Anderson; Belter; Berg, G.; Christman; Cleveland; Dalrymple; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gertholz; Goetz; Gorman; Gunsch; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Kent; Kingsbury; Klundt; Knell; Knudson; Koland; Kuchera; Laughlin; Lautenschlager; Linderman; Marks; Martin; Martinson; Melby; Mertens; Meyer; Murphy; Myrdal; Nicholas; Nowatzki; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea;

Payne; Peterson; Rice; Riehl; Scherber; Schindler; Schneider; Shaft; Shaw; Shide; Skjerven; Smette; Solberg; Sorensen; Starke; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, C.; Williams, W.; Winkelman

ABSENT AND NOT VOTING: Lang; Shockman

SB 2308 was declared lost.

SIXTH ORDER OF BUSINESS

REP. HAUGLAND MOVED that the amendments to SB 2336 as recommended by the Committee on Human Services and Veterans Affairs as printed on pages 2212-2213 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

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

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 54 YEAS, 47 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Almlie; Belter; Berg, G.; Brokaw; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dotzenrod; Enget; Flaagan; Frey; Gates; Graba; Halmrast; Hamerlik; Hanson, L.; Hill; Hoffner; Hokana; Kelly; Klundt; Knudson; Kolbo; Kretschmar; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martinson; Mertens; Meyer; Nelson, C.; Nelson, J.; Oban; Opedahl; O'Shea; Riehl; Rydell; Scherber; Schneider; Solberg; Starke; Stofferahn; Tollefson; Ulmer; Vander Vorst; Watne; Wilkie; Williams, A.; Williams, C.; Williams, W.

NAYS: Aas; Anderson; Berg, R.; Christman; Dorso; Gerntholz; Goetz; Gunsch; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Kent; Kingsbury; Knell; Koland; Kuchera; Melby; Moore; Murphy; Myrdal; Nicholas; Nowatzki; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Payne; Rice; Schindler; Shaft; Shaw; Shide; Skjerven; Smette; Sorensen; Strinden; Thompson; Tokach; Tomac; Trautman; Wald; Wentz; Whalen; Winkelman; Speaker Kloubec

ABSENT AND NOT VOTING: Gorman; Lang; Martin; Peterson;
Shockman

SB 2336 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

REP. KRETSCHMAR MOVED that the amendments to Engrossed SB 2365 as recommended by the Committee on Judiciary as printed on page 2213 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2365: A BILL for an Act to provide arrest procedures, guidelines, and training for law enforcement officers in handling incidents of domestic violence, and protection by judicial intervention for victims of domestic violence; and to provide a penalty.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 80 YEAS, 20 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Almlie; Belter; Berg, G.; Berg, R.; Brokaw;
Christman; Cleveland; Dalrymple; DeMers, J.;
DeMers, P.; Dotzenrod; Enget; Flaagan; Frey; Gates;
Gerntholz; Goetz; Gorman; Graba; Halmrast; Hamerlik;
Hanson, L.; Haugland; Hausauer, R.; Hill; Hoffner;
Hokana; Kelly; Klundt; Knudson; Kolbo; Kretschmar;
Larson; Laughlin; Lautenschlager; Linderman; Lindgren;
Marks; Martinson; Melby; Mertens; Meyer; Moore; Murphy;
Myrdal; Nelson, C.; Nowatzki; Oban; O'Connell;
Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea;
Payne; Peterson; Rice; Riehl; Rydell; Scherber;
Schneider; Shaw; Shide; Smette; Solberg; Sorensen;
Starke; Strinden; Tokach; Tomac; Trautman; Ulmer;
Watne; Wentz; Wilkie; Williams, A.; Williams, C.;
Williams, W.; Winkelman; Speaker Kloubec

NAYS: Aas; Anderson; Dorso; Gunsch; Hanson, O.; Haugen;
Hausauer, A.; Kent; Kingsbury; Knell; Kuchera;
Nelson, J.; Schindler; Shaft; Skjerven; Thompson;
Tollefson; Vander Vorst; Wald; Whalen

ABSENT AND NOT VOTING: Koland; Lang; Martin; Nicholas;
Shockman; Stofferahn

SB 2365 passed and the title was agreed to.

MOTIONS

REP. STRINDEN MOVED that SB 2546 and SB 2549 be placed at the top of the Sixth order on the calendar, which motion prevailed.

REP. R. MEYER MOVED that the House reconsider its action whereby HCR 3089 failed to pass, which motion lost on a verification vote.

SIXTH ORDER OF BUSINESS

REP. MOORE MOVED that the amendments to SB 2546 as recommended by the Committee on Political Subdivisions as printed on page 2230 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2546: A BILL for an Act to create and enact a new section to chapter 11-11 and a new section to chapter 40-05 of the North Dakota Century Code, relating to the authority of counties and cities to establish centennial coordinating committees; 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 100 YEAS, 3 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Kingsbury; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Kuchera; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martinson; Melby; Mertens; Meyer; Moore; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olson, 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; Strinden; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Murphy; Thompson; Whalen

ABSENT AND NOT VOTING: Lang; Martin; Shockman

SB 2546 passed, the title was agreed to, and the emergency clause was declared carried.

SIXTH ORDER OF BUSINESS

REP. A. HAUSAUER MOVED that the amendments to SB 2549 as recommended by the Committee on Finance and Taxation as printed on page 2230 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2549: A BILL for an Act to amend and reenact sections 5-03-01 and 5-03-04 of the North Dakota Century Code, relating to sale and taxation of alcoholic beverages for export from foreign trade zones.

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 100 YEAS, 3 NAYS, 3 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.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Kingsbury; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Kuchera; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; 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; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Gunsch; Hanson, O.; Vander Vorst

ABSENT AND NOT VOTING: Lang; Martin; Shockman

SB 2549 passed and the title was agreed to.

MOTION

REP. STRINDEN MOVED that the rules be suspended, that SB 2344, which is on the Fourteenth order, be rereferred to the Committee on Judiciary, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER: Your Committee on Appropriations to which was referred SB 2004 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 23, delete the numerals "3,736,302" and insert in lieu thereof the numerals "3,556,302"

On page 1 of the engrossed bill, line 24, delete the numerals "2,245,573" and insert in lieu thereof the numerals "2,220,573"

On page 1 of the engrossed bill, line 28, delete the numerals "269,154" and insert in lieu thereof the numerals "173,154"

On page 2 of the engrossed bill, line 1, delete the numerals "35,670,383" and insert in lieu thereof the numerals "35,369,383"

On page 2 of the engrossed bill, line 3, delete the numerals "6,582,527" and insert in lieu thereof the numerals "6,281,527"

On page 2 of the engrossed bill, line 17, delete the numerals "6,582,527" and insert in lieu thereof the numerals "6,281,527"

On page 2 of the engrossed bill, line 19, delete the numerals "68,404,524" and insert in lieu thereof the numerals "68,103,524"

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Office of Management and Budget

An analysis of the \$301,000 general fund reduction is as follows:

	General Fund Increase <u>(Decrease)</u>
<u>Operating expenses</u>	
Reduce operating expenses	\$ (25,000)
Delete increase in state employee travel expense related to the statewide accounting and management information system (SAMIS)	(5,000)

Delete outside professional services funding (150,000)
related to SAMIS - work will now be handled
by OMB staff

Data processing

Reduce data processing (25,000)

State memberships

Delete funds for membership in the Midwest (96,000)
Technology Development Institute

Total increase(decrease) \$(301,000)

REP. PETERSON, Chairman

SB 2004 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 2013 has had the same under consideration and recommends by a vote of 22 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 2, delete the words "and providing" and insert in lieu thereof the words "to provide"

On page 1 of the engrossed bill, line 4, delete the words "to provide for a transfer of the proceeds from"

On page 1 of the engrossed bill, delete line 5

On page 1 of the engrossed bill, line 18, delete the numerals "1,029,455" and insert in lieu thereof the numerals "952,455"

On page 1 of the engrossed bill, line 19, delete the numerals "1,113,489" and insert in lieu thereof the numerals "1,082,049"

On page 1 of the engrossed bill, line 20, delete the numerals "43,300" and insert in lieu thereof the numerals "38,300"

On page 1 of the engrossed bill, line 21, delete the numerals "540,712" and insert in lieu thereof the numerals "500,712"

On page 1 of the engrossed bill, line 22, delete the numerals "3,400" and insert in lieu thereof the numerals "1,750"

On page 1 of the engrossed bill, line 23, delete the numerals "61,500" and insert in lieu thereof the numerals "30,000"

On page 1 of the engrossed bill, line 27, delete the numerals "9,566,956" and insert in lieu thereof the numerals "9,380,366"

On page 2 of the engrossed bill, line 1, delete the numerals "3,131,856" and insert in lieu thereof the numerals "2,945,266"

On page 2 of the engrossed bill, delete lines 24 through 29 and insert in lieu thereof the words "shall be transferred by the state treasurer when requested by the adjutant general to the adjutant general's operating fund from the national guard tuition trust fund during the biennium beginning July 1, 1987, and ending June 30, 1989."

On page 3 of the engrossed bill, delete lines 10 through 15

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Adjutant General

An analysis of \$186,590 general fund reduction is as follows:

	General Fund Increase (Decrease)
<u>Salaries and wages</u>	
The intent of this amendment is to decrease salaries and wages and not to decrease FTE positions permanently, but to allow the Adjutant General to employ the number of employees deemed necessary within the limits of legislative appropriations	\$ (77,000)
<u>Operating expenses</u>	
Reduces operating expenses	(31,440)
<u>Equipment</u>	
Reduces equipment purchases for the new armory or limits replacement of state equipment	(5,000)
<u>Grants</u>	
Reduces grants to local armories	(40,000)
<u>Inauguration</u>	
Reduces inauguration funding	(1,650)
<u>Recruiting and retention</u>	
Reduces recruiting and retention programs	(31,500)
Total increase(decrease)	\$(186,590)

Section 5 is amended to give the Adjutant General the authority to use the \$500,000 transfer from the National Guard tuition trust fund for all line items contained in his budget. The Senate version of the bill provided that the \$500,000 could only be used for the operating expenses line item.

Section 7 pertaining to the sale of the Bismarck National Guard Armory to Bismarck State Community College is deleted.

REP. PETERSON, Chairman

SB 2013 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 2023 has had the same under consideration and recommends by a vote of 22 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 2, after the word "Dakota" insert the words "; and to declare an emergency"

On page 1 of the engrossed bill, line 7, delete the numerals "300,000" and insert in lieu thereof the numerals "292,500"

On page 1 of the engrossed bill, line 8, delete the word "biennium" and insert in lieu thereof the words "period beginning with the effective date of this Act"

On page 1 of the engrossed bill, line 9, delete the words "beginning July 1, 1987,"

On page 1 of the engrossed bill, after line 16, 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

STATEMENT OF PURPOSE OF AMENDMENT:

The amendment reduces the general fund support provided the Centennial Commission by \$7,500, from \$300,000 to \$292,500 and adds an emergency clause. The Senate had provided \$300,000 in comparison to the executive recommendation of \$132,000.

REP. PETERSON, Chairman

SB 2023 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 2029 has had the same under consideration and recommends by a

vote of 23 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 19, delete the numerals "4,465,687" and insert in lieu thereof the numerals "4,449,187"

On page 1 of the engrossed bill, line 20, delete the numerals "1,130,799" and insert in lieu thereof the numerals "1,067,686"

On page 1 of the engrossed bill, line 23, delete the numerals "7,043,600" and insert in lieu thereof the numerals "6,989,993"

On page 1 of the engrossed bill, line 24, delete the numerals "12,867,666" and insert in lieu thereof the numerals "12,734,446"

On page 1 of the engrossed bill, line 26, delete the numerals "5,765,065" and insert in lieu thereof the numerals "5,631,845"

On page 2 of the engrossed bill, line 8, delete the numerals "5,765,065" and insert in lieu thereof the numerals "5,631,845"

On page 2 of the engrossed bill, line 10, delete the numerals "41,518,935" and insert in lieu thereof the numerals "41,385,715"

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

State Water Commission

These amendments reduce the general fund appropriation by \$133,220 as follows:

- | | |
|--|-----------|
| 1. Reduce funding for salaries and wages (includes a possible reduction in overtime and part-time help) | \$ 16,500 |
| 2. Reduce funding for operating expenses (includes a reduction of \$20,000 relating to Missouri Basin States Association) expenses | 63,113 |

3. Reduce funding for grants 53,607
(includes a reduction in
on-site meetings)

Total \$133,220

The specific areas where reductions will be made will be determined by the commission.

REP. PETERSON, Chairman

SB 2029 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 2550 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 2 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 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 section 57-38-58.1 of the North Dakota Century Code, relating to definitions for purposes of withholding from wages of nonresident employees; to amend and reenact sections 57-38-01.7 and subsection 2 of section 57-38-31 of the North Dakota Century Code, and section 57-38-29, subsection 2 of section 57-38-30.3, sections 57-38-59, 57-38-60, 57-38-60.1, 57-38-61, and 57-38-62 of the North Dakota Century Code, as contained in sections 1 through 7 of House Bill No. 1901, as approved by the fiftieth legislative assembly, relating to the rate of income tax for individuals, income withholding, income deductions, income tax returns, and payment of estimated tax for income tax purposes; to repeal sections 57-38-01.2, 57-38-01.8, 57-38-01.13, 57-38-01.14, 57-38-01.15, 57-38-06.1, 57-38-07, 57-38-29, 57-38-30.4, subsection 2 of section 57-38-31, sections 57-38-34.2, 57-38-67, 57-38-68, 57-38-69, 57-38-70, 57-38-71, 57-38-72, 57-38-73, and 57-38-74 of the North Dakota Century Code, relating to long form individual income tax filing; to provide an effective date; and to declare an emergency.

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

SECTION 1. AMENDMENT. Section 57-38-01.7 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-38-01.7. Income tax credit for charitable contributions -
Limitation.

1. At the election of the a corporate taxpayer, there shall be allowed, subject to the applicable limitations provided in this subsection, as a credit against the income tax imposed by this chapter for the taxable year, an amount equal to fifty percent of the aggregate amount of charitable contributions made by the taxpayer during the year to nonprofit private institutions of higher education located within the state or to the North Dakota independent college fund.
 - a- in the case of a taxpayer other than a corporation, the amount allowable as a credit under this subsection for any taxable year shall not exceed forty percent of the taxpayer's total income tax under this chapter for the year, or two hundred fifty dollars, whichever is less.
 - b- in the case of a corporation, the The amount allowable as a credit under this subsection for any taxable year shall not exceed twenty percent of the corporation's total income tax under this chapter for the year, or two thousand five hundred dollars, whichever is less.
2. At the election of the a corporate taxpayer, there shall be allowed, subject to the applicable limitations provided in this subsection, as a credit against the income tax imposed by this chapter for the taxable year, an amount equal to fifty percent of the aggregate amount of charitable contributions made by the taxpayer during the year directly to nonprofit private institutions of secondary education, located within the state.
 - a- in the case of a taxpayer other than a corporation, the amount allowable as a credit under this subsection for any taxable year shall not exceed forty percent of the taxpayer's total income tax under this chapter for the year, or two hundred fifty dollars, whichever is less.
 - b- in the case of a corporation, the The amount allowable as a credit under this subsection for any taxable year shall not exceed twenty percent of the corporation's total income tax under this chapter for the year, or two thousand five hundred dollars, whichever is less.

3. For the purpose of this section, the term "nonprofit private institution of higher education" shall mean only a nonprofit private educational institution located in the state of North Dakota which normally maintains a regular faculty and curriculum and which normally has a regularly organized body of students in attendance at the place where its educational activities are carried on, and which regularly offers education at a level above the twelfth grade. The term "nonprofit private institution of secondary education" shall mean only a nonprofit private educational institution located in North Dakota which normally maintains a regular faculty and curriculum approved by the state department of public instruction and which normally has a regularly organized body of students in attendance at the place where its educational activities are carried on, and which regularly offers education to students in the ninth through the twelfth grades.
4. For purposes of this section, a taxpayer may elect to treat a contribution as made in the preceding taxable year if the contribution and election are made not later than the time prescribed in section 57-38-34 for filing the return for that taxable year, including extensions granted by the commissioner.

SECTION 2. AMENDMENT. Section 57-38-29 of the North Dakota Century Code as contained in section 1 of House Bill No. 1901, as approved by the fiftieth legislative assembly, is hereby amended and reenacted to read as follows:

57-38-29. Rate of tax on individuals. A tax is hereby imposed upon every individual, to be levied, collected, and paid annually with respect to the taxable income of such individual as defined in this chapter, computed at the following rates:

1. On taxable income not in excess of three thousand dollars, a tax of two and ~~sixty-seven~~ eighty-six hundredths percent.
2. On taxable income in excess of three thousand dollars and not in excess of five thousand dollars, a tax of four and twenty-eight hundredths percent.
3. On taxable income in excess of five thousand dollars and not in excess of eight thousand

dollars, a tax of five and ~~thirty-three~~ seventy hundredths percent.

4. On taxable income in excess of eight thousand dollars and not in excess of fifteen thousand dollars, a tax of ~~six~~ seven and ~~sixty-seven~~ fourteen hundredths percent.
5. On taxable income in excess of fifteen thousand dollars and not in excess of twenty-five thousand dollars, a tax of eight and fifty-six hundredths percent.
6. On taxable income in excess of twenty-five thousand dollars and not in excess of thirty-five thousand dollars, a tax of nine and ~~thirty-three~~ ninety-eight hundredths percent.
7. On taxable income in excess of thirty-five thousand dollars and not in excess of fifty thousand dollars, a tax of ~~ten~~ eleven and ~~sixty-seven~~ forty-two hundredths percent.
8. On taxable income in excess of fifty thousand dollars, a tax of twelve and eighty-four hundredths percent.

SECTION 3. AMENDMENT. Subsection 2 of section 57-38-30.3 of the North Dakota Century Code as contained in section 2 of House Bill No. 1901, as approved by the fiftieth legislative assembly, is hereby amended and reenacted to read as follows:

2. A tax is hereby imposed for each taxable year upon income earned or received in that taxable year by every resident and nonresident individual, estate, and trust. This tax shall be fourteen fifteen percent of the individual's, estate's, or trust's adjusted federal income tax liability for the taxable year.

SECTION 4. AMENDMENT. Subsection 2 of section 57-38-31 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. A husband and wife each having separate income may include their income in a single joint return, or if they who have separate income from personal or professional services or from business or property in which the other has no ownership and if they who file a joint separate federal income tax return returns in which such income is reported, they may file separate returns in which the separate income of each is

reported in the same way that they would have been required to report it in separate federal returns if they had filed separate federal returns or a joint return. A husband and wife who file a joint federal income tax return must file a joint return.

A husband and wife who have income from property or business in which both have an ownership interest may must file a single joint return in which the income of both, along with any other income they may be required to report, is included, or they may file separate returns in the same way as provided in the preceding paragraph; provided, that if they file separate returns the income from the property or business in which both have an ownership interest shall be allocated between them according to the capital interest of each, the management and control exercised by each, and the services performed by each with respect to such property or business, pursuant to rules and regulations promulgated by the tax commissioner for the reasonable allocation thereof.

SECTION 5. Section 57-38-58.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

57-38-58.1. Definitions. As used in sections 57-38-59 through 57-38-64 unless the context or subject matter otherwise requires:

1. "Calendar quarter" means the period of three consecutive months ending March thirty-first, June thirtieth, September thirtieth, or December thirty-first.
2. "Employee" means and includes every individual, except persons employed as farm or domestic workers, performing services for an employer, the performance of which constitutes, establishes, and determines the relationship between the parties as that of employer and employee, and includes officers of corporations, individuals, including elected officials, performing services for the United States government or any agency or instrumentality thereof, or the state of North Dakota or any county, city, municipality, or political subdivision thereof.
3. "Employer" means a person or organization transacting business in or deriving any income from sources within the state of North Dakota for

whom an individual performs or performed any services, of whatever nature, and who has control of the payment of wages for such services, or an officer, agent, or employee of the person or organization having control of the payment of wages. It includes any officer or department of state or federal governments, or any political subdivision or agency thereof.

4. "Nonresident" means any person who did not file an individual income tax return with the state tax commissioner for or during the preceding year and who has not continuously maintained a domicile in North Dakota for a period of one full calendar year from January first to December thirty-first, and such person shall be deemed a nonresident of North Dakota until he has filed an individual income tax return with the state tax commissioner for the preceding year and until he has continuously maintained a domicile in North Dakota for a full calendar year.
5. "Payroll period" means a period for which a payment of wages is ordinarily made to the employee by his employer, and the term "miscellaneous payroll period" means a payroll period other than a daily, weekly, biweekly, semimonthly, monthly, quarterly, semiannually, or annual payroll period.
6. "Wages" means "wages" as defined in the Internal Revenue Code of 1954, as amended, for the purpose of collection of income tax at the source, on wages.

SECTION 6. AMENDMENT. Section 57-38-59 of the North Dakota Century Code as contained in section 3 of House Bill No. 1901, as approved by the fiftieth legislative assembly, is hereby amended and reenacted to read as follows:

57-38-59. Withholding from wages of nonresident employees - Penalty.

1. Every employer making payment of wages to nonresident employees shall deduct and withhold from their wages such percentage or percentages, as determined by the tax commissioner, multiplied times the total amount required to be deducted by an employer from wages of an employee under the provisions of the Internal Revenue Code of ~~1986~~, and 1954, as hereafter amended, as will approximate the income taxes due the state, provided, that no employer shall be required to

deduct and withhold any amount on the first six hundred dollars of annual wages paid to a nonresident employee unless such employee is employed for a period of sixty days or more within any one year. The amount of tax withheld shall be computed without regard to any other amount required to be withheld thereunder, but the tax withheld shall as closely as possible pay any tax liability imposed by this chapter.

2. In the event that the tax deducted and withheld under subsection 1 should prove to be disproportionate to the tax liability, the tax commissioner may adjust the percentage that, when withheld, will, as closely as may be possible, pay the income tax liability imposed by this chapter.
3. The tax commissioner may, in lieu of the requirement above for deducting and withholding tax based upon a percentage of federal income tax withheld, adopt by rule tax tables that, when the tax provided for in the tables is withheld, will, as closely as possible, pay the income tax liability imposed by this chapter. When adopted by the tax commissioner said tables shall be followed by every employer required to deduct and withhold any tax imposed by this chapter.
4. Every employer shall deduct and withhold from every nonresident employee's wages the amounts required to be deducted and withheld from a nonresident employee's wages until such time as the employee has filed with his employer a signed certificate, in such form as the tax commissioner shall provide, that such employee entitled to wages is a resident of the state of North Dakota as defined for withholding purposes. Such certificate shall contain a written declaration that it is made under the penalties provided in section 12.1-11-02. Once filed, a certificate shall remain in effect with the employer with whom it is filed, until the employee's status shall have changed to that of a nonresident as defined in subsection 4 of section 57-38-58. The employee shall give written notice to his employer within fifteen days after such change in status. The employer upon receiving such written notice shall deduct and withhold from the employee's wages as provided in this section until the employee files with the employer the signed certificate referred to herein. Any employee willfully failing to give written notice to his employer of his change in status as

required herein within the time prescribed shall be subject to the penalty provided for in subsection 3 of section 57-38-45. Employers shall be required to make the certificate of residence available to the tax commissioner upon request.

SECTION 7. AMENDMENT. Section 57-38-60 of the North Dakota Century Code as contained in section 4 of House Bill No. 1901, as approved by the fiftieth legislative assembly, is hereby amended and reenacted to read as follows:

57-38-60. Employer's returns and remittances.

1. Every employer shall, on or before the last day of April, July, October, and January, pay over to the tax commissioner the amount required to be deducted and withheld from wages paid to all nonresident employees during the preceding calendar quarter under section 57-38-59; provided, that the tax commissioner may alter the time or period for making reports and payment when in the tax commissioner's opinion, the tax is in jeopardy, or may prescribe the use of any other time or period as will facilitate the collection and payment of the tax by the employer.
2. Every employer shall file a return on forms prescribed by the tax commissioner with each payment made to the tax commissioner under this section which shall show the total amount of wages paid to the employer's nonresident employees, the amount of federal income tax deducted and withheld during the period covered by the return, the amount of tax imposed under this chapter which was deducted and withheld during the period covered by the return, and such other information as the tax commissioner may require.
3. Every employer shall make an annual return to the tax commissioner on forms provided and approved by the tax commissioner, summarizing the total compensation paid, the federal income tax deducted and withheld, and the state tax deducted and withheld, for each nonresident employee during the calendar year and shall file the same with the tax commissioner on or before the thirty-first day of January of the year following that for which the report is made. Every employer shall also, in accordance with such rules as may be prescribed by the tax

commissioner, provide each nonresident employee from whom state income tax has been withheld, with a statement of the amounts of total compensation paid and the amounts deducted and withheld for such employee during the preceding calendar year in accordance with section 57-38-59, and said statement shall be made available to the employee on or before the thirty-first day of January of the year following that for which the report is made.

4. The employer shall be liable to the tax commissioner for the payment of the tax required to be deducted and withheld under section 57-38-59, and the employee shall not thereafter be liable for the amount of any such payment, nor shall the employer be liable to any person or to any employee for the amount of any such payment. For the purpose of making penalty provisions of this chapter applicable, any amount deducted or required to be deducted and remitted to the tax commissioner under this section shall be considered to be the tax of the employer and with respect to such amounts the employer is considered the taxpayer.
5. Every employer who deducts and withholds any amounts under section 57-38-59 shall hold the same in trust for the state of North Dakota for payment thereof to the tax commissioner in the manner and at the time provided for in this section, and the state of North Dakota shall have a lien on the property of the employer to secure the payment of any amounts withheld and not remitted as provided herein, which lien shall attach at the time prescribed and to the property described in section 57-38-48 and shall be subject to the provisions of sections 57-38-49, 57-38-50, and 57-38-51.
6. As a condition precedent to the doing of business in the state of North Dakota, an employer who has not continuously maintained a domicile in this state for a period of one full year from January first to December thirty-first, shall be required, and any other employer, at the discretion of the tax commissioner may be required, to either make a cash deposit or post with the tax commissioner a bond or undertaking executed by a surety company authorized to do business in the state of North Dakota in such amount as is reasonably calculated to ensure the payment to the state of taxes deducted and

withheld from wages, but not to exceed five thousand dollars.

SECTION 8. AMENDMENT. Section 57-38-60.1 of the North Dakota Century Code as contained in section 5 of House Bill No. 1901, as approved by the fiftieth legislative assembly, is hereby amended and reenacted to read as follows:

57-38-60.1. Corporate officer liability. If a corporation is an employer, as defined in subsection 3 of section 57-38-58.1, and fails for any reason to file the required returns or to pay the tax due, the chairman, president, or chief operating officer, jointly or severally charged with the responsibility of supervising the preparation of such returns and payments shall be personally liable for such failure. The dissolution of a corporation shall not discharge an officer's liability for a prior failure of the corporation to file a return or remit the tax due. The taxes, penalty, and interest may be assessed and collected pursuant to the provisions of this chapter.

SECTION 9. AMENDMENT. Section 57-38-61 of the North Dakota Century Code as contained in section 6 of House Bill No. 1901, as approved by the fiftieth legislative assembly, is hereby amended and reenacted to read as follows:

57-38-61. Provisions of chapter applicable. The provisions of sections 57-38-34, 57-38-38, 57-38-39, 57-38-40, 57-38-44, 57-38-45, 57-38-46, 57-38-47, 57-38-53, 57-38-54, 57-38-55, 57-38-56, and 57-38-57 shall, insofar as consistent therewith, govern the administration of sections 57-38-58.1, 57-38-59, 57-38-60, and 57-38-60.1. The term "employer" as used in sections 57-38-58.1, 57-38-59, 57-38-60, and 57-38-60.1 also means "taxpayer" as used in this chapter. In addition, the authority of the tax commissioner to adopt rules includes the authority to make such agreements with the United States government or any of its agencies as are necessary to provide for the deducting and withholding of tax from the wages of federal employees in this state.

SECTION 10. AMENDMENT. Section 57-38-62 of the North Dakota Century Code as contained in section 7 of House Bill No. 1901, as approved by the fiftieth legislative assembly, is hereby amended and reenacted to read as follows:

57-38-62. Declaration of estimated income.

1. All individuals, estates, and trusts that are required to file a federal declaration of estimated tax shall nonresident individual

taxpayers shall, and resident individual taxpayers may, at the time prescribed in this chapter, make a declaration of their estimated tax for the taxable year, containing such information as the tax commissioner may prescribe by rules, if their estimated tax due the state from all sources, including wages, salaries, bonuses, or other emoluments, not subject to withholding, exceeds two can reasonably be expected to exceed one hundred dollars and, except for nonresidents who have not filed a return in this state for the previous year, their previous year's state income tax liability exceeded two hundred dollars.

2. All corporate taxpayers shall, at the time prescribed in this chapter, make a declaration of their estimated tax for the taxable year containing such information as the tax commissioner may prescribe by rules and regulations, if the taxpayer's estimated tax due the state from sources or business done in this state can reasonably be expected to exceed five thousand dollars and if their previous year's state income tax liability exceeded five thousand dollars.
3. The provisions of section 57-38-45 apply in case of failure to file or pay a declaration of estimated tax as required by this chapter, or if a declaration of estimated tax for any quarter is understated or underpaid by more than ten percent. No penalty is due if the total amount of all payments for estimated tax made on or before the due date for that installment equals or exceeds the total amount that would have been required to be paid on or before that date if the estimated tax equaled the tax shown on the taxpayer's return for the preceding taxable year.
4. For purposes of this section, "estimated tax" means the amount that a person estimates to be income tax under this chapter for the taxable year less the amount of any credits allowable, including tax withheld.

SECTION 11. REPEAL. Section 57-38-01.8 of the North Dakota Century Code and paragraphs 1 and 2 of subdivision d and subdivision e of subsection 1 of section 57-38-01.2 of the 1985 Supplement to the North Dakota Century Code are hereby repealed.

SECTION 12. REPEAL. Sections 57-38-01.13, 57-38-01.14, 57-38-06.1, 57-38-07, 57-38-30.4, 57-38-34.2,

57-38-68, 57-38-69, 57-38-70, 57-38-71, 57-38-72, 57-38-73, and 57-38-74 of the North Dakota Century Code and sections 57-38-01.2, 57-38-01.15, 57-38-29, subsection 2 of section 57-38-31, and section 57-38-67 of the 1985 Supplement to the North Dakota Century Code are hereby repealed.

SECTION 13. EFFECTIVE DATE. Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 of this Act are effective for taxable years beginning after December 31, 1986, except that any taxpayer who was entitled to a credit under section 57-38-01.8 before January 1, 1987, is entitled to the credit under the provisions of section 57-38-01.8 after December 31, 1986, in the same manner the credit would have been allowed if section 57-38-01.8 had not been repealed. Sections 1 and 12 of this Act are effective for taxable years beginning after December 31, 1991.

SECTION 14. EMERGENCY. This Act is declared to be an emergency measure and is in effect upon its filing with the secretary of state or on a date specified in this Act."

And renumber the lines, sections, and pages accordingly

REP. A. HAUSAUER, Chairman

Engrossed SB 2550 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

REPORTS OF CONFERENCE COMMITTEES

MR. SPEAKER: Your Conference Committee to which was referred Engrossed HB 1121 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 1802 of the House Journal and that Engrossed HB 1121 be further amended as follows:

On page 1 of the engrossed bill, line 13, delete the words "freight bills, bills of lading,"

And renumber the lines, sections, and pages accordingly

For the Senate: Sens. Schoenwald, Hilken, Mutch

For the House: Reps. Dorso, Haugen, Klundt

Engrossed HB 1121 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Conference Committee to which was referred Engrossed HCR 3007 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 1873-1875 of the House Journal.

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

For the House: Reps. Murphy, Schindler, G. Berg

Engrossed HCR 3007 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Conference Committee to which was referred HB 1561 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 1802 of the House Journal.

For the Senate: Sens. Ingstad, Maixner, Wright
For the House: Reps. O. Hanson, Tollefson, Watne

HB 1561 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MOTION

REP. STRINDEN MOVED that the House stand in recess until 2:00 p.m., which motion prevailed.

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

MESSAGES 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 2019, SB 2024, SB 2053, SB 2115, SB 2128, SB 2259,
SB 2435, SB 2542

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 2166, SB 2368, SB 2494, SB 2535

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 2120, SB 2333

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

SB 2055, SB 2442, SB 2469

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

SB 2130

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 1598 and subsequently passed the same but has refused to concur in the Senate amendments to HB 1228 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1228: Reps. O. Hanson, Knell, Hokana

ROY GILBREATH, Chief Clerk

SIGNING OF BILLS AND RESOLUTIONS

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following:

HB 1207, HB 1241, HB 1481

ROY GILBREATH, Chief Clerk

MESSAGE TO THE SENATE

HOUSE CHAMBER

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

HB 1207, HB 1241, HB 1481

ROY GILBREATH, Chief Clerk

DELIVERY OF ENROLLED BILLS

THE SPEAKER ANNOUNCED that the following bills were delivered to the Governor for his approval at the hour of 1:19 p.m., March 26, 1987:

HB 1032, HB 1154, HB 1197, HB 1209, HB 1279, HB 1293,
HB 1304, HB 1310, HB 1333, HB 1363, HB 1433, HB 1449,
HB 1452, HB 1468, HB 1538, HB 1545, HB 1549, HB 1552,
HB 1563, HB 1579, HB 1582, HB 1595, HB 1613, HB 1671,
HB 1079, HB 1099, HB 1117, HB 1254, HB 1405, HB 1420,
HB 1456, HB 1460, HB 1491, HB 1568, HB 1608

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 1:20 p.m., March 26, 1987:

HCR 3060, HCR 3063

SIXTH ORDER OF BUSINESS

REP. MARTINSON MOVED that the amendments to SB 2392 as recommended by the Committee on State and Federal Government as printed on pages 2214-2222 of the House Journal be adopted, and when so adopted, recommends the same DO NOT PASS and be rereferred to the Committee on Appropriations, which motion prevailed.

MOTION

REP. STRINDEN MOVED that SB 2392 be placed on the Fourteenth order for second reading and final passage.

REQUEST

REP. J. DEMERS REQUESTED a recorded roll call vote on the motion to place SB 2392 on the Fourteenth order, which request was granted.

ROLL CALL

The question being on the motion to place SB 2392 on the Fourteenth order for second reading and final passage, the roll call was called and there were 58 YEAS, 44 NAYS, 4 ABSENT AND NOT VOTING.

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

NAYS: Berg, G.; Brokaw; DeMers, J.; DeMers, P.; Dotzenrod; 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; Opedahl; O'Shea; Riehl; Scherber; Schneider; Shaw; Skjerven; Starke; Stofferahn; Tokach; Tomac; Ulmer; Watne; Williams, A.; Williams, C.; Williams, W.

ABSENT AND NOT VOTING: Hausauer, R.; Peterson; Shockman; Thompson

So the motion to place SB 2392 on the Fourteenth order for second reading and final passage prevailed.

MOTION

REP. STRINDEN MOVED that SB 2392 be placed at the top of the calendar on the Fourteenth order, which motion prevailed.

REQUEST

REP. STRINDEN REQUESTED that copies of the most current fiscal note be distributed, which request was granted.

SIXTH ORDER OF BUSINESS

REP. ANDERSON MOVED that the amendments to Engrossed SB 2468 as recommended by the Committee on Transportation as printed on pages 2222-2224 of the House Journal be adopted, and when so adopted, recommends the same DO NOT PASS, which motion prevailed.

MOTION

REP. GOETZ MOVED that SB 2468, as amended, be laid over one legislative day, which motion prevailed.

MESSAGE FROM THE SENATE

SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith HB 1080, HB 1240, HB 1266, HB 1426, and HCR 3076 which the Senate has amended, and subsequently passed:

SENATE AMENDMENTS TO HB 1080

In addition to the amendments to House Bill No. 1080 adopted by the Senate as found on page 1619 of the Senate Journal, House Bill No. 1080 is amended as follows:

On page 1, line 13, after the word "faith" insert the words ", in the exercise of reasonable and ordinary care,"

On page 2, line 2, after the word "faith" insert the words ", in the exercise of reasonable and ordinary care,"

And renumber the lines, sections, and pages accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1240

On page 1 of the engrossed bill, line 1, delete the words "to create and enact a new section to chapter 57-38"

On page 1 of the engrossed bill, delete line 2

On page 1 of the engrossed bill, line 3, delete the words "overpayments of income tax;"

On page 5 of the engrossed bill, delete lines 6 through 28

And renumber the lines, sections, and pages accordingly

SENATE AMENDMENTS TO HB 1266

On page 1, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to amend and reenact subsection 6 of section 35-24-01 and section 35-24-02 of the North Dakota Century Code, relating to definitions and well and pipeline construction liens.

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

SECTION 1. AMENDMENT. Subsection 6 of section 35-24-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

6. "Material" means material, machinery, equipment, appliances, buildings, structures, tools, bits, ~~or supplies but does not include rigs or hoists or their integral component parts except wire lines, and all other equipment used in the exploration for or the production of oil or gas.~~

SECTION 2. AMENDMENT. Section 35-24-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

35-24-02. Who entitled to lien - Amount of lien. Any person who ~~shall~~, under contract with the owner of any leasehold for oil or gas purposes or any pipeline, ~~perform~~ performs any labor or ~~furnish~~ furnishes any material or services used or employed, or furnished to be used or employed in the exploration for or the production of oil or gas, drilling or operating operation of any oil or gas well upon ~~such the~~ leasehold, or in the construction of any pipeline, or in the constructing, putting together, or repairing of any material ~~so~~ used or employed, or furnished to be used or employed, ~~shall be is~~ entitled to a lien under this chapter, whether or not a producing well is obtained ~~and, a~~ dry hole is obtained, or a producing oil or gas well ceases production, whether or not ~~such the~~ material is incorporated in or becomes a part of the completed oil or gas well, or pipeline, for the amount due ~~him~~ that person for the performance of ~~such the~~ labor or the furnishing of ~~such~~ material or services, including without limitation transportation and mileage charges connected therewith, and interest from the date the same was due."

And renumber the lines, sections, and pages accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1426

On page 2 of the engrossed bill, line 10, delete the words "and under any comprehensive health care insurance"

On page 2 of the engrossed bill, delete line 11

On page 2 of the engrossed bill, line 12, delete the words "subdivision and authorized by law"

On page 2 of the engrossed bill, line 13, after the period insert the words "Within the levy limitations set out in subsection 6 of section 57-15-28.1, the governing body of a county may levy a tax for comprehensive health care

insurance employee benefit programs duly established by the governing body."

On page 3 of the engrossed bill, line 9, delete the word "and"

On page 3 of the engrossed bill, line 10, delete the words "comprehensive health care insurance"

On page 3 of the engrossed bill, after line 11, insert the following new subsection:

"6. A county levying a tax for comprehensive health care insurance employee benefit programs in accordance with section 52-09-08 may levy a tax not exceeding four mills."

And renumber the lines, sections, and pages accordingly

SENATE AMENDMENTS TO HCR 3076

On page 1, line 21, delete the word "would" and insert in lieu thereof the word "may"

On page 1, line 23, after the word "thus" insert the word "may"

And renumber the lines, sections, and pages accordingly

PERRY GROTEBERG, Secretary

SIXTH ORDER OF BUSINESS

REP. WHALEN MOVED that the amendments to Engrossed SB 2480 as recommended by the Committee on Industry, Business and Labor as printed on pages 2224-2227 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

MOTION

REP. A. HAUSAUER MOVED the previous question, which motion prevailed.

The amendments to SB 2480 were adopted on a verification vote.

SECOND READING OF SENATE BILL

SB 2480: A BILL 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.

Which has been read.

MOTION

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

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 69 YEAS, 34 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Almlie; Berg, G.; Berg, R.; Christman; Cleveland; Dalrymple; DeMers, J.; Dorso; Dotzenrod; Gates; Gerntholz; Goetz; Gorman; Halmrast; Hamerlik; Haugen; Haugland; Hausauer, A.; Hoffner; Hokana; Kelly; Kent; Kingsbury; Klundt; Koland; Kolbo; Kuchera; Lang; Larson; Lautenschlager; Lindgren; Martin; Martinson; Mertens; Meyer; Moore; Murphy; Myrdal; Nelson, C.; Oban; Olsen, D.; Olson, A.; Olson, V.; Payne; Peterson; Rice; Riehl; Rydell; Scherber; Schneider; Shaft; Shaw; Shide; Skjerven; Smette; Sorensen; Stofferahn; Strinden; Tokach; Tollefson; Tomac; Ulmer; Wald; Wentz; Whalen; Williams, A.; Williams, C.; Winkelman; Speaker Kloubec

NAYS: Aas; Anderson; Belter; Brokaw; DeMers, P.; Enget; Flaagan; Frey; Graba; Gunsch; Hanson, L.; Hanson, O.; Hill; Knell; Knudson; Kretschmar; Laughlin; Linderman; Marks; Melby; Nelson, J.; Nicholas; Nowatzki; O'Connell; Opedahl; O'Shea; Schindler; Solberg; Starke; Trautman; Vander Vorst; Watne; Wilkie; Williams, W.

ABSENT AND NOT VOTING: Hausauer, R.; Shockman; Thompson

SB 2480 passed, the title was agreed to, and the emergency clause lost.

SIXTH ORDER OF BUSINESS

REP. NICHOLAS MOVED that the amendments to Engrossed SB 2507 as recommended by the **Committee on Agriculture** as printed on pages 2227-2229 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2507: A BILL for an Act to create and enact a new chapter to title 61 of the North Dakota Century Code, relating to wetlands; to repeal section 61-16.1-52 of the North Dakota Century Code and section 61-16.1-41 of the North Dakota Century Code, as amended by section 5 of chapter 665 of the 1985 Session Laws, relating to drainage permits and closing drains; and to provide an effective date.

Which has been read.

MOTION

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

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 87 YEAS, 18 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: Almlie; Belter; Berg, G.; Brokaw; Dalrymple; DeMers, P.; Flaagan; Kingsbury; Laughlin; Mertens; Nelson, C.; Nicholas; Nowatzki; Skjerven; Tokach; Tomac; Watne; Wilkie

ABSENT AND NOT VOTING: Shockman

SB 2507 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

REP. KRETSCHMAR MOVED that the amendments to SB 2536 as recommended by the Committee on Judiciary as printed on page 2229 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2536: A BILL for an Act to create and enact a new section to chapter 54-44.1 of the North Dakota Century Code, relating to the apportionment of reductions in spending authority resulting from an initiative or referendum.

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

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

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

NAYS: None

ABSENT AND NOT VOTING: Riehl; Shockman

SB 2536 passed and the title was agreed to.

MESSAGES FROM THE SENATE
SENATE CHAMBER

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

SCR 4005

PERRY GROTEBERG, Secretary

SENATE CHAMBER

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

SCR 4047

PERRY GROTEBERG, Secretary

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

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

Was read the first time and referred to the Committee on Joint Constitutional Revision.

SCR 4047: A concurrent resolution for the amendment of section 5 of article X of the Constitution of the State of North Dakota, relating to taxation of property owned by the United States when Congress has waived exemption of the property.

Was read the first time and referred to the Committee on Joint Constitutional Revision.

SECOND READING OF SENATE BILL

SB 2392: A BILL for an Act to provide for negotiation and arbitration rights and procedures for public employees; to amend and reenact sections 34-11-01, 34-11-02, and 34-11-03 of the North Dakota Century Code, relating to mediation of disputes between public employers and public employees; and to provide a penalty.

Which has been read.

MOTION

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

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 38 YEAS, 64 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Berg, G.; Berg, R.; Brokaw; DeMers, J.; DeMers, P.; Frey; Gates; Gorman; Graba; Halmrast; Hamerlik; Hanson, L.; Hill; Hoffner; Hokana; Kelly; Kolbo; Lautenschlager; Linderman; Marks; Mertens; Nelson, C.; Nelson, J.; Oban; O'Connell; Opedahl; O'Shea; Scherber; Schneider; Shaw; Skjerven; Starke; Stofferahn; Ulmer; Wentz; Williams, A.; Williams, C.; Williams, W.

NAYS: Aas; Almlie; Anderson; Belter; Christman; Dalrymple; Dorso; Dotzenrod; Enget; Flaagan; Gerntholz; Goetz; Gunsch; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Kent; Kingsbury; Klundt; Knell; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lindgren; Martin; Martinson; Melby; Meyer; Moore; Murphy; Myrdal; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Olson, V.; Payne; Rice; Riehl; Rydell; Schindler; Shaft; Shide; Smette; Solberg; Sorensen; Strinden; Thompson; Tokach; Tollefson; Trautman; Vander Vorst; Wald; Watne; Whalen; Wilkie; Winkelman; Speaker Kloubec

ABSENT AND NOT VOTING: Cleveland; Peterson; Shockman; Tomac

SB 2392 was declared lost.

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., Friday, March 27, 1987, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER: Your Committee on Joint Constitutional Revision to which was referred SCR 4005 has had the same under consideration and recommends by a vote of 10 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. MARTIN, Chairman

SCR 4005 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations to which was referred SB 2012 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 19, delete the numerals "1,702,925" and insert in lieu thereof the numerals "1,667,569"

On page 1 of the engrossed bill, line 20, delete the numerals "226,646" and insert in lieu thereof the numerals "212,006"

On page 1 of the engrossed bill, line 22, delete the numerals "1,935,378" and insert in lieu thereof the numerals "1,885,382"

On page 1 of the engrossed bill, line 23, delete the numerals "1,937,087" and insert in lieu thereof the numerals "1,887,091"

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Parole and Probation Office

The amendment deletes \$49,996 from the general fund as follows:

	<u>General Fund</u> <u>(Decrease)</u>
<u>Salaries and wages</u>	
Delete funds to downgrade parole agent positions	\$(11,219)
Delete funds for .5 FTE secretary	(13,717)
Delete funds for vacancy as a result of agent retiring	(10,420)

Operating expenses

Reduce funds for operating expenses	<u>(14,640)</u>
Total	<u>\$(49,996)</u>

REP. PETERSON, Chairman

SB 2012 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 2015 has had the same under consideration and recommends by a vote of 13 YEAS, 9 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 reengrossed bill, line 9, delete the words "to repeal section 50-24.1-02.3"

On page 1 of the reengrossed bill, delete line 10

On page 1 of the reengrossed bill, line 11, delete the word "allowances;"

On page 1 of the reengrossed bill, line 12, delete the words "pre-need burials" and insert in lieu thereof the words "inspection of care and survey functions, DUI evaluation program reductions,"

On page 1 of the reengrossed bill, line 26, delete the numerals "46,359,232" and insert in lieu thereof the numerals "45,442,896"

On page 1 of the reengrossed bill, line 27, delete the numerals "22,175,469" and insert in lieu thereof the numerals "23,219,787"

On page 2 of the reengrossed bill, line 1, delete the numerals "535,148" and insert in lieu thereof the numerals "508,095"

On page 2 of the reengrossed bill, line 2, delete the numerals "469,145,308" and insert in lieu thereof the numerals "455,250,807"

On page 2 of the reengrossed bill, line 3, delete the numerals "546,801,838" and insert in lieu thereof the numerals "533,008,266"

On page 2 of the reengrossed bill, line 4, delete the numerals "367,688,005" and insert in lieu thereof the numerals "361,988,537"

On page 2 of the reengrossed bill, line 5, delete the numerals "179,113,833" and insert in lieu thereof the numerals "171,019,729"

- On page 2 of the reengrossed bill, line 18, delete the numerals "6,359,375" and insert in lieu thereof the numerals "6,459,375"
- On page 2 of the reengrossed bill, line 22, delete the numerals "44,968,477" and insert in lieu thereof the numerals "45,068,477"
- On page 2 of the reengrossed bill, line 24, delete the numerals "31,535,860" and insert in lieu thereof the numerals "31,635,860"
- On page 3 of the reengrossed bill, line 1, delete the numerals "7,813,440" and insert in lieu thereof the numerals "6,813,440"
- On page 3 of the reengrossed bill, line 2, delete the numerals "5,070,515" and insert in lieu thereof the numerals "4,070,515"
- On page 3 of the reengrossed bill, line 9, delete the numerals "215,923,738" and insert in lieu thereof the numerals "206,929,634"
- On page 3 of the reengrossed bill, line 10, delete the numerals "386,512,033" and insert in lieu thereof the numerals "380,812,565"
- On page 3 of the reengrossed bill, line 11, delete the numerals "602,435,771" and insert in lieu thereof the numerals "587,742,199"
- On page 4, after line 22, insert the following new sections:

"SECTION 6. INTEGRATION OF INSPECTION OF CARE AND SURVEY FUNCTIONS. It is the intent of the legislative assembly that the department of human services and the state department of health continue in their cooperative efforts to integrate the medicaid inspection of care responsibilities and the health facility certification survey functions as they relate to long-term care facilities, including skilled nursing facilities, intermediate care facilities, and intermediate care facilities for the developmentally disabled. Upon approval of the budget section of the legislative council, the department of human services may make expenditures from the appropriations contained in subdivision 1 of section 1 of this Act to the state department of health for purposes of unifying the certification survey and inspection of care functions during the biennium beginning July 1, 1987, and ending June 30, 1989.

SECTION 7. LEGISLATIVE INTENT - DUI EVALUATION PROGRAM REDUCTIONS. It is the intent of the legislative

assembly that the department of human services eliminate by July 1, 1989, the provision of alcohol and drug evaluations for persons resulting from violations of the state's driving under the influence laws and other criminal violations."

On page 5 of the reengrossed bill, delete lines 7 through 19

On page 5 of the reengrossed bill, delete lines 31 and 32

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Department of Human Services

	Total All Funds Increase (Decrease)	General Fund Increase (Decrease)	Other Funds Increase (Decrease)
<u>Salaries and wages</u>			
Delete funding for two CMI long-term residential facilities (eight community home counselors and two activity therapist IIs)	\$ (141,384)	\$ (141,384)	
Delete funding for one CMI transitional living facility for adults (four community home counselors)	(87,916)	(87,916)	
Delete funding to delay staffing of two remaining new transitional living facilities by three months (one adolescent facility to begin on April 1, 1989, and one adult facility on October 1, 1988)	(68,393)	(68,393)	
Delete funding for four administrative secretaries for the CMI program	(119,128)	(119,128)	
Delete funding for three FTE in the children's diagnostic and treatment program (one psychologist III, one social worker II, and one secretary II)	(174,515)	(174,515)	
Reduce funding for additional vacancy savings	(400,000)	(400,000)	
Add funding for temporary salaries for the CMI program	75,000	75,000	

Subtotal salaries and wages	\$	(916,336)	\$	(916,336)	
<hr/>					
<u>Operating expenses</u>					
Delete funding relating to two CMI long-term residential facilities	\$	(56,090)	\$	(56,090)	
Delete funding relating to one CMI transitional living facility for adults		(80,644)		(80,644)	
Delete funding relating to delaying staffing of two remaining new transitional living facilities by three months		(70,016)		(70,016)	
Delete funding relating to children's diagnostic and treatment program staff		(18,932)		(18,932)	
Add funds for liability insurance for department employees including State Hospital physicians		550,000		314,298	\$ 235,702
Add funds for HB 1448 - consulting fees for establishment of case mix determination system for nursing homes		340,000		85,000	255,000
Add funds for the department's payment of hearing officers in the child support enforcement program		380,000		114,000	266,000
<hr/>					
Subtotal operating expenses	\$	1,044,318	\$	287,616	\$ 756,702
<hr/>					
<u>Equipment</u>					
Delete funding related to children's diagnostic and treatment program staff	\$	(7,471)	\$	(7,471)	
Delete funding related to four administrative secretaries for the CMI program		(19,582)		(19,582)	
<hr/>					
Subtotal equipment	\$	(27,053)	\$	(27,053)	
<hr/>					
<u>Grants, benefits, and claims</u>					
Delay funding of the four new psychosocial	\$	(200,000)	\$	(200,000)	

rehabilitation centers for the CMI to the second year of the biennium			
Delete funding for home and community-based service program enhancement in SB 2038	(2,589,536)	(2,589,536)	
Recognize developmental disabilities recipient liability for residential services in budget by reducing grants. These payments will be made to providers by recipient.	(1,800,000)	(641,360)	(1,158,640)
Delay funding for AFDC four percent inflationary increase from 10/1/87 to 7/1/88	(678,042)	(196,782)	(481,260)
Delete funding for other inflationary increases:			
Medical assistance (nonlong-term care)	(5,311,814)	(1,576,285)	(3,735,529)
DD services (nonsalary increase)	(1,318,757)	(639,696)	(679,061)
DD provider salary adjustment	(1,625,000)	(837,567)	(787,433)
Delete funding for the March 1987 reprojection in medical assistance costs	(1,426,143)	(430,223)	(995,920)
Delete funding for a portion of child abuse enhancements:			
Child abuse caseloads standards	(300,000)	(300,000)	
Multicounty child abuse investigations	(321,744)	(321,744)	
Regional foster care workers	(90,000)	(90,000)	
Parent aide projects	(250,000)	(250,000)	
Delete funding for	(893,950)	(310,394)	(583,556)
Title XIX reimbursement at Grafton relating to Senate amendments deleting salary increase package			
Add funds for wage order #7 - requires payment of overtime to staff at DD group homes including payment for night shifts	2,219,808	918,942	1,300,866
Add funds to retain pre-need burial limitations at \$3,000	690,677	226,314	464,363
Subtotal grants	<u>\$(13,894,501)</u>	<u>\$(7,238,331)</u>	<u>\$ (6,656,170)</u>

<u>Funding source change</u>			
Recognize Title XIX reimbursement for DD administration costs and reduce general fund	\$ 0	\$ (200,000)	\$ 200,000
Total subdivision 1	\$ (13,793,572)	\$ (8,094,104)	\$ (5,699,468)
<u>State Hospital</u>			
Operating expenses - add funds for professional development	\$ 100,000	\$ 100,000	
Total State Hospital	\$ 100,000	\$ 100,000	
<u>DD pool</u>			
Reduce funding	\$ (1,000,000)	\$ (1,000,000)	
Total DD pool	\$ (1,000,000)	\$ (1,000,000)	
Total changes to reengrossed SB 2015	\$ (14,693,572)	\$ (8,994,104)	\$ (5,699,468)

In addition these amendments delete the statutory changes relating to the pre-need burial changes and retain the \$3,000 limit in current law (adds \$690,677, \$226,314 from the general fund).

Legislative intent sections are added to encourage cooperative efforts by the Department of Human Services and Department of Health to integrate the inspection of care and survey functions of long-term care facilities and for the Department of Human Services to eliminate the provision of alcohol and drug evaluations for persons as a result of violations of the state's driving under the influence law and other criminal violations by July 1, 1989.

REP. PETERSON, Chairman

SB 2015 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 2099 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2 of the engrossed bill, line 30, after the word "first" insert the word "taxable"

On page 3 of the engrossed bill, line 3, after the word "first" insert the word "taxable"

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

Engrossed SB 2099 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 Reengrossed SB 2286 has had the same under consideration and recommends by a vote of 12 YEAS, 3 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 2 of the reengrossed bill, line 31, remove the overstrike over the words "~~On or before June 1~~", after the third overstruck comma insert the words "of 1988 and 1989", and remove the overstrike over the words "the state"

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

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

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

Reengrossed SB 2286 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 2351 has had the same under consideration and recommends by a vote of 12 YEAS, 3 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 2 of the engrossed bill, line 31, after the word "but" insert the words "the rate may" and after the word "not" insert the word "be"

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

Engrossed SB 2351 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 2393 has had the same under consideration and recommends by a vote of 10 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. A. HAUSAUER, Chairman

Engrossed SB 2393 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Joint Constitutional Revision to which was referred SCR 4047 has had the same under consideration and recommends by a vote of 10 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS as amended by the Senate.

REP. MARTIN, Chairman

SCR 4047 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: A majority of your Committee on Finance and Taxation to which was referred Engrossed SB 2496 has had the same under consideration and recommends that the same DO NOT PASS.

Rep. A. Hausauer
Rep. Goetz
Rep. Anderson
Rep. Belter
Rep. O. Hanson
Rep. Haugen
Rep. Martin
Rep. Moore
Rep. A. Olson
Rep. Tollefson

MR. SPEAKER: A minority of your Committee on Finance and Taxation to which was referred Engrossed SB 2496 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 4, after the word "reenact" insert the words and numerals "section 57-60-01, subsection 2 of section 57-60-02,"

On page 1 of the engrossed bill, line 5, after the words "relating to" insert the words "the definition of "installed capacity" for purposes of the privilege tax on coal conversion facilities, the rate of tax on coal conversion facilities, and"

On page 1 of the engrossed bill, after line 10, insert the following sections:

"SECTION 1. AMENDMENT. Section 57-60-01 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-60-01. Definitions. As used in this chapter:

1. "Coal conversion facility" means either:

- a. A plant, other than an electrical generating plant, together with all additions thereto, which processes or converts coal from its natural form into a form substantially different in chemical or physical properties, including but not limited to coal gasification, coal liquefaction, and the manufacture of fertilizer and other products, and which uses or is designed to use over five hundred thousand tons [453,592.37 metric tons] of coal per year; or
 - b. An electrical generating plant, together with all additions thereto, which processes or converts coal from its natural form into electrical power and which has at least one single electrical energy generation unit with a capacity of one hundred twenty thousand kilowatts or more.
2. "Coal gasification" means the production of methane or other commercial gas products from coal.
 3. "Commissioner" means the state tax commissioner.
 4. "Gross receipts" means all revenue valued in money, whether received in money or otherwise, derived by a coal conversion facility subject to the provisions of this chapter from the production of products of a coal conversion facility, but not including any revenue derived from transportation, transmission, distribution, or other items which occur after the process of production of the products of such facility is completed. For the purpose of computing the tax imposed by this chapter "gross receipts" does not include any financial assistance, whether in the form of price guarantee payments or otherwise, provided by the federal government or any agency of the federal government.
 5. "Installed capacity" means the number of kilowatts a power unit can produce according to the nameplate assigned to the power unit generator by the manufacturer.
 6. "Operator" means any person owning, holding, or leasing a coal conversion facility and conducting the conversion of coal into the products of such facilities.

- 6- 7. "Person" means any individual, estate, trust, corporation, cooperative corporation, or association.
- 7- 8. "Synthetic natural gas" means methane and any admixed gaseous products produced by coal gasification.

SECTION 2. AMENDMENT. Subsection 2 of section 57-60-02 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. For electrical generating plants, the tax shall be at a rate of ~~twenty-five~~ fifteen one-hundredths of one mill ~~on each kilowatt hour of electricity produced for the purpose of sale~~ times one hundred percent of the installed capacity of each unit times the number of hours in the taxable period. If a unit is incapable of generating electricity for eighteen consecutive months, the tax on that unit for taxable periods beginning after the eighteenth month must be reduced by the ratio that the cost of repair of the unit bears to the original cost of the unit. This reduced rate remains in effect until the unit is capable of generating electricity."

On page 1 of the engrossed bill, line 18, overstrike the word "Eighty-five" and insert immediately thereafter the word "Eighty"

On page 2 of the engrossed bill, line 18, after the period insert the sentence: "For purposes of the tax imposed by this section, the severed coal subject to taxation in any month is the lowest amount of the coal severed during the month or the coal severed during the same calendar month in either of the two previous years."

On page 8 of the engrossed bill, line 21, delete the numeral "2" and insert in lieu thereof the numeral "4"

On page 8 of the engrossed bill, line 23, delete the numeral "2" and insert in lieu thereof the numeral "4"

And renumber the lines, sections, and pages accordingly

Rep. J. DeMers
Rep. Linderman
Rep. Riehl
Rep. Schneider
Rep. Watne

REP. A. HAUSAUER, Chairman

The reports of the majority and the minority were 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