

JOURNAL OF THE HOUSE

Fiftieth Legislative Assembly

FIFTY-SEVENTH DAY

Bismarck, March 27, 1987

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

The prayer was offered by Joanne Spears, Society of Friends, Bismarck, North Dakota.

ROLL CALL

The roll was called and all Representatives were present, except Representatives G. Berg, Gerntholz, Graba, Gunsch, R. Hausauer, Kingsbury, Laughlin, Smette, Solberg, Stofferahn, and Tomac.

A quorum was declared by the Speaker.

ANNOUNCEMENT BY SPEAKER

SPEAKER KLOUBEC ANNOUNCED that the members of the Government Operations Subcommittee 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-sixth Day and finds the same to be correct.

REP. THOMPSON, Chairman

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

DOCTOR OF THE DAY SCHEDULE

March 30 and 31: John Hawronsky, M.D. - Minot
April 1: Clayton Jensen, M.D. - Fargo

REQUEST

REP. GORMAN REQUESTED that the record show that he meant to vote "nay" on SB 2392, which request was granted.

MOTION

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.

MESSAGES TO THE SENATE
HOUSE CHAMBER

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

SB 2173, SB 2191, SB 2244, SB 2328

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

SB 2028, SB 2035, SB 2039, SB 2277, SB 2294, SB 2303,
SB 2307, SB 2365, SB 2536, SB 2546, SB 2549

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

SB 2050, SB 2172, SB 2220, SB 2224, SB 2317

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 2308

ROY GILBREATH, Chief Clerk

MESSAGES FROM THE SENATE

SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith HB 1208, HB 1272, HB 1289, and HB 1359 which the Senate has amended and subsequently passed:

SENATE AMENDMENTS TO ENGROSSED HB 1208

On page 1 of the engrossed bill, line 15, after the word "license" insert the words "or a temporary permit"

On page 4 of the engrossed bill, line 15, delete the word "fine" and insert in lieu thereof the words "penalty fee"

On page 4 of the engrossed bill, line 17, delete the word "fine" and insert in lieu thereof the word "fee"

On page 4 of the engrossed bill, line 20, delete the word "fine" and insert in lieu thereof the words "penalty fee"

And renumber the lines, sections, and pages accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1272

On page 2 of the engrossed bill, line 16, delete the words "in health care facilities"

On page 4 of the engrossed bill, line 14, after the word "be" insert the words "and section 3 of this Act"

And renumber the lines, sections, and pages accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1289

- On page 1 of the engrossed bill, line 9, delete the word "local" and insert in lieu thereof the word "nonprofit"
- On page 1 of the engrossed bill, line 11, delete the word "indicating" and insert in lieu thereof the words ". The record must indicate"
- On page 1 of the engrossed bill, line 12, after the first word "the" insert the word "loaned"
- On page 1 of the engrossed bill, line 17, delete the word "donated"
- On page 1 of the engrossed bill, line 18, delete the word "or" and delete the word "must" and insert in lieu thereof the word "may"
- On page 1 of the engrossed bill, line 19, delete the words "public auction, with proceeds to go to the county" and insert in lieu thereof the words "the discretion of the board of directors or person in charge of the museum"
- On page 1 of the engrossed bill, line 20, delete the words "general fund"

And renumber the lines, sections, and pages accordingly

SENATE AMENDMENTS TO HB 1359

(as printed on page 1393 of the Senate Journal)

- On page 1, line 27, delete the words "the lesser of" and overstrike the colon
- On page 2, line 1, overstrike the numeral "(1)" and delete the word "Sixty" and insert in lieu thereof the word "sixty"
- On page 2, line 6, delete the word "; or"
- On page 2, line 7, overstrike the numeral "(2)"
- On page 2, line 12, delete the words "One hundred seventy-five"
- On page 2, line 13, delete the word "dollars" and overstrike the period
- On page 2, line 19, remove the overstrike over the period
- And renumber the lines, sections, and pages accordingly

SENATE AMENDMENTS TO HB 1359

In lieu of the amendments to House Bill No. 1359 adopted by the Senate as found on page 1393 of the Senate Journal, House Bill No. 1359 is amended as follows:

- On page 1, line 11, delete the word "seventy-eighth" and insert in lieu thereof the word "fifty-sixth"
- On page 1, line 14, remove the overstrike over the word "~~two~~" and delete the word "three"
- On page 1, line 20, delete the word "fifteen" and insert in lieu thereof the word "thirteen"
- On page 1, line 26, delete the words "is, for periods beginning"
- On page 1, line 27, delete the words "after June 30, 1987, the lesser of" and overstrike the colon
- On page 2, line 1, overstrike the numeral "(1)" and delete the word "Sixty" and insert in lieu thereof the words "is, for periods beginning after June 30, 1987, sixty-two"
- On page 2, line 6, delete the word "; or"
- On page 2, line 7, overstrike the numeral "(2)"
- On page 2, line 12, delete the words "One hundred seventy-five"
- On page 2, line 13, delete the word "dollars" and overstrike the period
- On page 2, line 19, after the numerals "1985" insert the words ", except that if on October first of any calendar year beginning with the calendar year 1989, the trust fund reserve is equal to or greater than the required amount, as of July first of the next year the maximum weekly benefit amount is sixty-five percent of the 'average weekly wage', rounded to the next lower multiple of one dollar if not a multiple of one dollar" and remove the overstrike over the period

And renumber the lines, sections, and pages accordingly

SENATE AMENDMENTS TO HB 1359

- On page 1, line 1, after the word "reenact" insert the word and numerals "sections 52-04-05, 52-04-06, 52-04-09"
- On page 1, line 2, after the numerals "52-06-04" insert a comma
- On page 1, line 3, after the word "to" insert the words "standard rates of contributions for unemployment compensation, variations in standard rates of contributions,

classification of employers to determine contributions," and after the word "amount" insert a comma

On page 3, after line 10, insert the following new sections:

"SECTION 3. AMENDMENT. Section 52-04-05 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

52-04-05. Standard rate of contributions - Reduction Determination of rates.

1. For the calendar year 1979 and each calendar year thereafter, the standard rate of contributions payable by each employer shall be the rate fixed for employers who have a minus balance reserve ratio which is applicable for the given year in the schedule of rates under section 52-04-06 or five and four-tenths percent, whichever is greater. No employer's rate shall be reduced below the standard rate for any calendar year unless and until his account has been chargeable with benefits throughout the thirty-six-consecutive-calendar-month period ending on September thirtieth of the preceding calendar year, except that an employer who has not been subject to the law for a period of time sufficient to meet this requirement may qualify for a reduced rate if his account has been chargeable with benefits throughout a lesser period of time but in no event less than the twelve-consecutive-calendar-month period, the twenty-four-consecutive-calendar-month period for 1985 and each year thereafter, ending on September thirtieth of the preceding calendar year. Employers who have not been subject to the law for a sufficient period of time to meet the requirements of this subsection shall have their rate determined under subsection 2.
2. For the calendar year 1981 and each year thereafter, an employer who is not eligible for an experience rate computation, as provided in subsection 1 and section 52-04-06, shall pay contribution at a rate equal to the average industry tax rate as determined by the bureau on computation date, provided that the rate shall not be less than one percent. This subsection shall not apply to newly liable employers in industries with an average tax rate exceeding three percent. Newly liable employers in these industries shall pay the standard rate. The computation of the average industry rate shall exclude those employer accounts which are not

eligible for the computation of an experience rate solely by reason of insufficient experience. For the calendar year 1985 and each year thereafter, an employer who is not eligible for an experience rate as provided in subsection 1 and section 52-04-06, shall be assigned the average tax rate of all employers as determined by the bureau on the computation date, but in no event shall this rate be less than one percent. This provision shall not apply to employers classified in an industry which the bureau determines had a negative reserve on the computation date. Newly liable employers in these industries shall be assigned the standard rate. An employer with an industry classification code that is without experience in this state for twelve consecutive chargeable months or who has failed to provide correct industrial classification information shall pay at the standard rate. Assignment by the bureau of employer's industrial classification, for the purpose of this subsection, shall be the two digit major group provided in the standard industrial classification manual, in accordance with established classification practices found in the standard industrial classification manual, issued by the executive office of the president, office of management and budget. The standard rate shall be assigned an employer account which on computation date has a minus balance reserve, or has failed to file a contribution report or a corrected or sufficient report as provided in section 52-04-09.

For each calendar year, the bureau shall estimate the amount of income needed to pay benefits and maintain a balance in the unemployment compensation fund, that as of October 1, 1989, and each succeeding October first, is equal to twenty-five percent of the total benefits paid during the previous twelve months.

2. Rates must be determined as follows:

- a. The income required for the calendar year must be divided by the estimated taxable wages for the calendar year. The result rounded to the next higher one-tenth of one percent is the average required rate.
- b. The minimum rate for each calendar year is the average required rate, multiplied by one-fourth, rounded to the nearest one-tenth of one percent.

- c. The maximum rate for each calendar year is the average required rate, multiplied by three, rounded to the nearest one-tenth of one percent. However, the maximum rate must be at least five and four-tenths percent.
3. a. Except as otherwise provided in this subsection, an employer's rate may not be reduced below the maximum rate for a calendar year unless the employer's account has been chargeable with benefits throughout the thirty-six-consecutive-calendar-month period ending on September thirtieth of the preceding calendar year.
- b. If an employer has not been subject to the law as required under subdivision a, that employer qualifies for a reduced rate if the account has been chargeable with benefits throughout the twenty-four-consecutive-calendar-month period ending on September thirtieth of the preceding calendar year.
- c. An employer that does not qualify under either subdivision a or b is subject to a rate determined as follows:
- (1) For each calendar year new employers must be assigned a rate of three percent unless the employer is classified in an industry that the bureau determines has a negative reserve on the computation date.
 - (2) New employers in industries that have a negative reserve on the computation date and employers that have failed to provide correct industrial classification information must be assigned the maximum rate.
 - (3) Assignment by the bureau of an employer's industrial classification for the purposes of this paragraph must be the two digit major group provided in the standard industrial classification manual, in accordance with established classification practices found in the standard industrial classification manual issued by the executive office of the president, office of management and budget.

d. Regardless of any other provision in this subsection, an employer must be assigned the maximum rate for any year if, as of the computation date, the cumulative benefits charged to the employer's account equal or exceed the cumulative contributions paid on or before October thirty-first with respect to wages paid by that employer before October first of that year.

SECTION 4. AMENDMENT. Section 52-04-06 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

52-04-06. Variations in standard rate of contributions - How determined. Variations from the standard rate of contributions shall be determined in accordance with the following requirements:

1. The percent of the average annual payroll by which the cumulative contributions paid by an employer on or before October thirty-first of any year, with respect to wages paid by that employer prior to the first day of October of that calendar year, exceeds the cumulative benefits which were charged to that employer's account and paid on or before September thirtieth of that year, is that employer's reserve ratio. The contribution rate for the next calendar year of an employer eligible under section 52-04-05 will be the basic rate of contributions on the line in the schedule of basic rates opposite that employer's reserve ratio as established for that year.

EMPLOYER'S RESERVE RATIO	BASIC RATE
0% or less	5.0%
More than 0% but less than 1%	4.3%
1% but less than 2%	4.1%
2% but less than 3%	3.9%
3% but less than 4%	3.7%
4% but less than 5%	3.5%
5% but less than 6%	3.3%
6% but less than 7%	3.1%
7% but less than 8%	2.9%
8% but less than 9%	2.7%
9% but less than 10%	2.5%
10% but less than 11%	2.3%
11% but less than 12%	2.1%
12% but less than 13%	1.9%
13% but less than 14%	1.7%
14% but less than 15%	1.5%
15% but less than 16%	1.3%
16% but less than 17%	1.1%

17% but less than 18%	0-9%
18% but less than 19%	0-7%
19% and over	0-5%

- 2- For the calendar year 1983 and each year thereafter, the bureau shall adjust the basic rates in the schedule of basic rates by an adjustment ratio so as to provide a return of contributions needed to pay the projected amount of benefits payable for the following year and to provide for an adequate trust fund reserve. An adequate trust fund reserve as of October 1, 1986, must be at least fifteen percent of the average annual amount of benefits paid. An adequate trust fund reserve as of October 1, 1987, and each October first thereafter, must be at least twenty-five percent of the average annual amount of benefits paid. The eventual goal for the amount of the trust fund reserve is fifty percent of the average annual amount of benefits paid. The average annual amount of benefits paid shall be computed by dividing the total amount of benefits paid and projected to be paid during the previous thirty-six months by three. Benefits financed by direct reimbursement must be omitted from this computation. After the bureau has determined the necessary adjustment ratio, each basic rate in the schedule of basic rates will be reduced or increased by that adjustment ratio with the result rounded to the nearest lower one-tenth of one percent in the case of a reduction or to the nearest higher one-tenth of one percent in the case of an increase.
- 3- Any employer may voluntarily pay into the unemployment compensation fund an amount in excess of the contributions required to be paid under the provisions of this section and such amount shall be credited to his separate account. His rate of contribution shall be computed or recomputed with such amount included in the calculation. Such contributions voluntarily paid shall not be refunded or used as a credit in the payment of contributions in whole or in part. In no event shall any such amount be included in the computation or recomputation for any year unless it is paid within four months after the beginning of such year.
- 4- If the total benefits chargeable against an employer's account for all periods prior to October first of such year, including benefits paid on or before October first, with respect to

weeks of unemployment compensated prior to October first; exceed the total contributions paid by such employer for the same period; including contributions paid on or before October thirty-first with respect to wages paid prior to October first of the same year; his contribution rate for the ensuing calendar year shall be the standard rate.

- 5- In the bureau's determination of the trust fund reserve ratio; neither the amount paid by; nor the cost of benefits charged to; those employers who have elected to pay on a basis other than that which is computed under the provisions of sections 52-04-03 and 52-04-06; shall be taken into account in the computation of contribution rates and taxable wage base.

6- When

1. All employers eligible for an experience rate computation must be ranked in descending order by their reserve ratios. An employer's reserve ratio is the percentage of the average annual payroll by which the cumulative contributions paid by that employer on or before October thirty-first of any year, with respect to wages paid by that employer before October first of that same year, exceeds the cumulative benefits charged to that employer's account before October first of that year.
2. For each calendar year the bureau shall establish a schedule of rates, with the minimum rate determined under section 52-04-05 assigned to the first rate group. Each successive rate group must be assigned a rate equal to the previous group's rate plus two-tenths of one percent. The number of rate groups in the schedule must be the number required to provide for a rate group at each two-tenths of one percent interval between the minimum rate and two and one-fourth times the average required rate determined under section 52-04-05.
3. Employers must be assigned to the groups in the rate schedule in the rank order of their reserve ratios, as determined in subsection 1, with the highest reserve ratio employers assigned to the first rate group. Each successively ranked employer must be assigned to the groups in the rate schedule so that those employers reporting seventy-eight percent of the eligible employer's prior year's taxable wages are equally

distributed in those rate groups at or below the average rate required of employers eligible for experience rating and twenty-two percent of those wages are equally distributed in those rate groups above the average rate.

4. The average rate of employers eligible for experience rating is determined as follows:

a. The estimated amount of taxes to be paid each year by employers not eligible for experience rating must be subtracted from the total required income for the year determined under section 52-04-05.

b. The remainder must be divided by the estimated taxable wages of those employers eligible for experience rating, with the result rounded to the nearest one-tenth of one percent.

5. After each year's rate schedule has been established, an employer may pay into the fund an amount in excess of the contributions required to be paid under this section. That amount must be credited to the employer's separate account. The employer's rate must be recomputed with the amount included in the calculation only if that amount was paid by April thirtieth of that year. Payments may not be refunded or used as credit in the payment of contributions.

6. In the bureau's determination of the projected income requirements for computing contribution rates and taxable wage base, only the wages paid by, and the cost of benefits attributable to, tax rated employers may be taken into account.

7. If an employer has a quarterly taxable payroll in excess of fifty thousand dollars and at least three times its established average annual payroll, the tax rate for ~~such that~~ employer ~~shall~~ be ~~is~~ the ~~standard~~ maximum rate of contribution in effect that year, beginning the first day of the calendar quarter in which it occurred and for the remainder of the calendar year.

SECTION 5. AMENDMENT. Section 52-04-09 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

52-04-09. Classification of employers to determine contributions - Regulations governing. An employer's rate for a calendar

year shall be determined on the basis of the employer's experience with contribution payments and benefit charges as of October first of the preceding year. If when such determination is to be made an employer has failed to file a required report or filed an insufficient report, the bureau shall notify the employer thereof by certified mail addressed to the employer's last known address. Unless the employer files the report or a sufficient report within fifteen days after mailing of the notice, the employer's rate for the following calendar year may not be less than the standard maximum rate. If, at any time, an employer has failed to file a required report or filed an insufficient report, the bureau may, at any time, estimate the wage information required by the report on the basis of reasonably available evidence. The bureau shall notify the employer of the estimate by certified mail addressed to the employer's last known address. Unless the employer files the report or a sufficient report within fifteen days after the mailing of the notice, the estimate shall become final for all purposes, except that if the amount of estimated wages is less than the actual wages, the bureau may reconsider the estimate."

And renumber the lines, sections, and pages accordingly
PERRY GROTEBERG, Secretary

SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith HB 1009, HB 1052, HB 1247, HB 1278, HB 1424, HB 1504, HB 1548, HB 1597, HB 1630, HB 1633, HB 1634, and HB 1666 which the Senate has amended and subsequently passed:

SENATE AMENDMENTS TO ENGROSSED HB 1009

On page 1 of the engrossed bill, line 3, delete the words "to provide for a transfer of principal and"

On page 1 of the engrossed bill, line 4, delete the words "earnings from the veterans' postwar trust fund;"

On page 2 of the engrossed bill, delete lines 28 through 35

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The section providing for the transfer of the July 1, 1987, unobligated balance in the veterans' postwar trust fund to the general fund on July 1, 1987, is deleted, and the legislative intent section providing that the Veterans' Home and Veterans Affairs be funded from the general fund is deleted. It is intended that the veterans' postwar trust fund remain as a dedicated fund for veterans' purposes.

SENATE AMENDMENTS TO ENGROSSED HB 1052

On page 2 of the engrossed bill, delete line 11

On page 6 of the engrossed bill, line 26, delete the words "peace officer" and insert in lieu thereof the words "Peace Officer Standards and Training Board"

And renumber the lines, sections, and pages accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1247

On page 1 of the engrossed bill, line 1, delete the words "subsection 1 of section"

On page 1 of the engrossed bill, delete line 2

On page 1 of the engrossed bill, line 3, delete the words "and 4 of section 47-30.1-18, sections" and insert in lieu thereof the word "section", after the second comma insert the words and numerals "subsection 3 of section 47-30.1-24, sections", and delete the third comma

On page 1 of the engrossed bill, delete lines 8 through 28

On page 2 of the engrossed bill, delete lines 1 through 35

On page 3 of the engrossed bill, delete lines 1 through 34

On page 4 of the engrossed bill, delete lines 1 through 13

On page 6 of the engrossed bill, after line 4, insert the following section:

SECTION 2. AMENDMENT. Subsection 3 of section 47-30.1-24 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. If a claim is allowed, the administrator shall pay over or deliver to the claimant the property or the amount the administrator actually received or the net proceeds if it has been sold by the administrator, together with any additional amount required by section 47-30.1-25 47-30.1-21. If the claim is for property presumed abandoned under section 47-30.1-10 which was sold by the administrator within three years after the date of delivery, the amount payable for that claim is the value of the property at the time the claim was made or the net proceeds of sale, whichever is greater."

And renumber the lines, sections, and pages accordingly

SENATE AMENDMENT TO HB 1278

On page 2, line 13, overstrike the word "fourteen" and insert immediately thereafter the word "thirty-five"

And renumber the lines, sections, and pages accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1424

On page 4 of the engrossed bill, line 31, delete the word "eighty" and insert in lieu thereof the word "sixty"

On page 4 of the engrossed bill, line 32, delete the word "twenty" and insert in lieu thereof the word "forty"

On page 5 of the engrossed bill, line 1, delete the word "sixty" and insert in lieu thereof the word "forty"

On page 5 of the engrossed bill, line 2, delete the word "forty" and insert in lieu thereof the word "sixty"

On page 5 of the engrossed bill, line 5, delete the word "forty" and insert in lieu thereof the word "twenty"

On page 5 of the engrossed bill, line 6, delete the word "sixty" and insert in lieu thereof the word "eighty"

On page 5 of the engrossed bill, delete lines 7 through 10

On page 5 of the engrossed bill, line 11, delete the letter "e" and insert in lieu thereof the letter "d" and delete the numeral "1997" and insert in lieu thereof the numeral "1995"

And renumber the lines, sections, and pages accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1504

On page 1 of the engrossed bill, line 15, after the word "statement" insert the words "containing a list of appropriate state assistance programs compiled by the commissioner of agriculture"

On page 1 of the engrossed bill, line 22, delete the numeral "1989" and insert in lieu thereof the numeral "1991"

And renumber the lines, sections, and pages accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1548

In addition to the amendments to engrossed House Bill No. 1548 adopted by the Senate as printed on pages 1576 and 1577 of the Senate Journal, engrossed House Bill No. 1548 is further amended as follows:

On page 5 of the engrossed bill, line 29, delete the word "This" and insert in lieu thereof the words "Sections 1, 2, 3, and

5 of this" and delete the word "becomes" and insert in lieu thereof the word "become"

On page 5 of the engrossed bill, line 30, after the numerals "1987" insert the words "and section 4 of this Act becomes effective on July 1, 1987"

And renumber the lines, sections, and pages accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1548

On page 1 of the engrossed bill, line 2, delete the word "and" and after the numeral "57-40.5-03" insert the word and numeral ", and 57-40.5-09"

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

On page 1 of the engrossed bill, line 5, after the word "paid" insert the words ", and the allocation of revenue" and after the semicolon insert the words "to provide an appropriation;"

On page 5 of the engrossed bill, after line 28, insert the following new sections:

"SECTION 4. AMENDMENT. Section 57-40.5-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-40.5-09. Allocation of revenue. All moneys collected and received under this chapter shall, up to a maximum of four hundred thousand dollars during any biennium, must be transmitted monthly by the director to the state tax commissioner who shall pay the moneys to the state treasurer to be credited by the state treasurer to a special fund known as the state aeronautics commission aircraft excise tax trust fund; however, all moneys collected and received under this chapter in excess of four hundred thousand dollars during any biennium, must be transmitted monthly by the director to the state tax commissioner who shall pay them the moneys to the state treasurer to be credited to the state general fund. The moneys in the state aeronautics commission aircraft excise tax fund in the state treasury are hereby appropriated to the state aeronautics commission and must be disbursed by warrant-check prepared by the office of management and budget upon vouchers submitted by the commission and approved by the office of management and budget for the purpose of allowing the commission to match any funds made available by political subdivisions or airport authorities with airports with scheduled airline service enplaning twenty thousand or more passengers during the calendar year immediately preceding a request for matching funds for airport improvements. The state aeronautics commission may approve applications for matching funds from eligible

airports with scheduled airline service in amounts not more than ten percent and not less than five percent of the airport improvement and engineering costs depending on the percentage level of participating federal airport improvement funds. State matching funds are limited to eligible airports which have been allocated and granted federal airport improvement funds by the federal government and are further limited by legislative appropriations. Any political subdivision or airport authority with an airport with scheduled airline service which qualifies or receives state funds under this chapter may not receive any state funds under section 57-43.3-06.

SECTION 5. APPROPRIATION. There is hereby appropriated out of any moneys in the state aeronautics commission aircraft excise tax trust fund, not otherwise appropriated, the sum of \$400,000, or so much thereof as may be necessary, to the state aeronautics commission for the purpose of providing matching funds for airport improvements at political subdivisions or airport authorities with airports with scheduled airline service pursuant to this Act for the biennium beginning July 1, 1987, and ending June 30, 1989."

And renumber the lines, sections, and pages accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1597

On page 1 of the engrossed bill, line 4, delete the words "; to amend and reenact subsection 4 of section 39-04-19 of"

On page 1 of the engrossed bill, delete line 5

On page 1 of the engrossed bill, line 6, delete the words "registration fees", after the first semicolon insert the word "and", and delete the words "; and to provide for"

On page 1 of the engrossed bill, line 7, delete the words "application of this Act"

On page 1 of the engrossed bill, remove the underscore on lines 13 through 19

On page 1 of the engrossed bill, delete lines 20 through 28

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

And renumber the lines, sections, and pages accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1630

On page 1 of the engrossed bill, line 11, delete the word and numeral "December 31" and insert in lieu thereof the word and numeral "July 1"

On page 1 of the engrossed bill, line 12, delete the numeral "1985" and insert in lieu thereof the numeral "1987"

And renumber the lines, sections, and pages accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1633

On page 1 of the engrossed bill, line 1, delete the words "relating to North Dakota venture capital," and insert in lieu thereof the words "to provide for the establishment of a North Dakota venture capital corporation"

On page 1 of the engrossed bill, line 2, delete the word "Incorporated"

On page 1 of the engrossed bill, line 9, delete the first word "and" and after the numeral "6-03-38" insert the words and numerals "and 6-09.2-01, subsection 1 of section 6-09.2-03, sections 6-09.2-04, 6-09.2-05, 6-09.2-07, 6-09.2-08, 6-09.2-09, 6-09.2-10, 6-09.2-11, and", delete the first comma, and after the second comma insert the words and numerals "subsection 14 of section 15-03-04 as amended by section 1 of House Bill No. 1031, as approved by the fiftieth legislative assembly,"

On page 1 of the engrossed bill, line 11, after the word "to" insert the words "the industrial development revenue bond guarantee program,"

On page 1 of the engrossed bill, line 12, after the word "corporations" insert a comma and after the comma insert the words "the board of university and school lands,"

On page 1 of the engrossed bill, line 13, after the word "companies" insert the words "; and to repeal section 6-09.2-06 of the North Dakota Century Code, relating to the industrial development revenue bond fund"

On page 1 of the engrossed bill, delete lines 16 through 28 and insert in lieu thereof the following new sections:

"SECTION 1. Definitions. As used in this Act, unless the context otherwise requires, the term:

1. "Board of directors" means the board of directors of the corporation.
2. "Corporation" means the corporation established by section 2 of this Act.
3. "North Dakota business" means a business owned by a North Dakota resident, a partnership, association, or corporation domiciled in North Dakota, or a corporation, including a wholly owned subsidiary of a foreign corporation, that

does business primarily in North Dakota or does substantially all of its production in North Dakota.

4. "Professional investor" means any bank, bank holding company, savings institution, trust company, credit union, insurance company, or any person, partnership, or other entity whose principal business is making venture capital investments.
5. "Shareholder" means a registered owner of shares in the corporation.

SECTION 2. Public corporation established - Corporate purpose. A committee comprised of three representatives of the business sector appointed by the industrial commission and three representatives of the economic development commission shall establish under the Business Corporation Act a public corporation known as the "Myron G. Nelson Fund, Incorporated" and file articles of incorporation for the corporation with the secretary of state. The committee shall also adopt the initial bylaws of the corporation. The purpose of the corporation is to organize and manage an investment fund capitalized through the sale of shares of the corporation to the Bank of North Dakota and other public and private investors to provide a source of investment capital for the establishment, expansion, and rehabilitation of North Dakota businesses.

SECTION 3. Powers of corporation. The corporation shall have the powers and privileges conferred upon domestic corporations under the Business Corporation Act, to the extent not limited by this Act, including the power to:

1. Make contracts and execute all instruments necessary for the exercise of its powers and functions.
2. Coordinate and cooperate with state agencies and the state's political subdivisions, colleges, universities, and other academic and research sources, both private and public, agencies and organizations of the federal government, and all public or private entities.
3. Receive appropriations from the legislative assembly and other public moneys, as well as contributions from other public agencies, private individuals, companies, and other contributors.

4. Review cooperative funding agreements with federal and state loan and grant programs and commercially funded projects.
5. Administer an industrial development revenue bond guarantee program as provided in chapter 6-09.2.

SECTION 4. Capitalization - Payment of dividends.

The funds deposited in the industrial development revenue bond fund pursuant to former section 6-09.2-06 and all accumulated earnings from the investment of the fund shall be used by the Bank of North Dakota to purchase shares of the corporation upon the issuance of the certificate of incorporation. Beginning on July 1, 1987, the Bank of North Dakota may purchase annually shares of the corporation in an amount to be determined by the industrial commission. In determining the annual investment to be made in the corporation by the Bank of North Dakota, the industrial commission shall consider the level of private investment in the corporation and attempt to match the private investment on a dollar-for-dollar basis. The corporation may issue shares to other public and private entities or persons when authorized by the board of directors.

SECTION 5. Board of directors. A board of directors, elected by the shareholders pursuant to initial bylaws adopted by the incorporators pursuant to section 2 of this Act, shall manage the business and affairs of the corporation. There must be representation on the board of directors from the economic development commission, investors, and the business sectors of the North Dakota economy. The business sector and investors must constitute a majority of the board.

SECTION 6. Professional investor to manage corporate funds - Investment policy. The board of directors shall contract with a professional investor, determined by the board of directors to be experienced in making successful venture capital investments, for the purpose of managing the corporation's investment fund. The management contract may provide that the professional investor take an active role in the management of any entity in which an equity interest is purchased. The board of directors shall annually review the investment performance of the professional investor. It shall be the policy of the corporation to invest primarily in North Dakota businesses. The corporation's investment in any one entity may not exceed a maximum of forty percent of the entity's capital. This percentage limitation does not apply to co-venture investments made on behalf of the corporation in conjunction with one or more additional professional investors. The board of directors may prescribe in the management contract that a percentage of the corporation's

investment fund be made available for investment outside the state.

SECTION 7. Confidentiality of corporation records. The following records of the corporation are confidential:

1. Commercial or financial information, whether obtained by the corporation, directly or indirectly, of any entity in which an equity interest is purchased or considered for purchase pursuant to this Act.
2. Internal or interagency memorandums or letters which would not be available by law to a party other than in litigation with the corporation.

SECTION 8. Guarantee of industrial revenue bonds. The board of directors may authorize that a portion of the corporation's investment fund be made available to guarantee industrial revenue bonds pursuant to chapter 6-09.2.

SECTION 9. Annual audit. The board of directors shall contract with a certified public accounting firm to audit annually the financial statements of the corporation in accordance with generally accepted auditing standards. The cost of the audit must be borne by the corporation."

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

On page 3 of the engrossed bill, delete lines 1 through 35

On page 4 of the engrossed bill, line 1, delete the words "North Dakota Venture Capital," and insert in lieu thereof the words "The corporation"

On page 4 of the engrossed bill, line 2, delete the word "Incorporated,"

On page 4 of the engrossed bill, line 4, after the word "which" insert the words "must include audited financial statements of the corporation for the fiscal year covered by the report and"

On page 4 of the engrossed bill, line 5, delete the words "North Dakota Venture" and insert in lieu thereof the words "the corporation"

On page 4 of the engrossed bill, line 6, delete the words "Capital, Incorporated," and delete the word and numeral "sections 1" and insert in lieu thereof the word and numeral "section 2"

- On page 4 of the engrossed bill, line 7, delete the word and numeral "through 8"
- On page 4 of the engrossed bill, line 8, delete the words "North Dakota" and insert in lieu thereof the words "the corporation"
- On page 4 of the engrossed bill, line 9, delete the words "Venture Capital, Incorporated,"
- On page 4 of the engrossed bill, line 11, delete the words "North Dakota Venture Capital, Incorporated," and insert in lieu thereof the words "the corporation"
- On page 4 of the engrossed bill, line 14, delete the words "North Dakota Venture Capital," and insert in lieu thereof the words "the corporation"
- On page 4 of the engrossed bill, line 15, delete the word "Incorporated,"
- On page 4 of the engrossed bill, line 16, delete the word "North" and insert in lieu thereof the words "the corporation"
- On page 4 of the engrossed bill, line 17, delete the words "Dakota Venture Capital, Incorporated,"
- On page 4 of the engrossed bill, line 20, delete the word "North" and insert in lieu thereof the word "corporation"
- On page 4 of the engrossed bill, line 21, delete the words "Dakota Venture Capital, Incorporated,"
- On page 4 of the engrossed bill, line 24, delete the words "North Dakota Venture Capital, Incorporated," and insert in lieu thereof the words "the corporation"
- On page 5 of the engrossed bill, line 6, delete the words "North Dakota Venture Capital, Incorporated" and insert in lieu thereof the word "corporation"
- On page 5 of the engrossed bill, line 7, delete the words "North Dakota Venture Capital, Incorporated," and insert in lieu thereof the words "the corporation"
- On page 5 of the engrossed bill, line 27, delete the words "North Dakota Venture Capital," and insert in lieu thereof the words "the corporation"
- On page 5 of the engrossed bill, line 28, delete the word "Incorporated"
- On page 5 of the engrossed bill, line 30, delete the word "North" and insert in lieu thereof the words "the corporation"

On page 5 of the engrossed bill, line 31, delete the words "Dakota Venture Capital, Incorporated"

On page 5 of the engrossed bill, delete lines 32 through 35

On page 6 of the engrossed bill, delete lines 1 through 3

On page 6 of the engrossed bill, line 14, delete the words "North Dakota" and insert in lieu thereof the words "Myron G. Nelson Fund"

On page 6 of the engrossed bill, line 15, delete the words "Venture Capital" and after the second underscored comma insert the words "pursuant to section 4 of this Act,"

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

"SECTION 16. AMENDMENT. Section 6-09.2-01 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

6-09.2-01. Industrial development revenue bond guarantee program - Administration. The ~~economic development commission~~ corporation shall administer an industrial development revenue bond guarantee program as provided in this chapter.

SECTION 17. AMENDMENT. Subsection 1 of section 6-09.2-03 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. "~~Commission~~" "Corporation" means the ~~economic development commission~~ corporation established by section 2 of this Act.

SECTION 18. AMENDMENT. Section 6-09.2-04 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

6-09.2-04. Powers. In carrying out the provisions of this chapter, the ~~commission~~ corporation is authorized and empowered:

1. To guarantee the payment of debt service on evidence of indebtedness secured by security interests in an industrial development project consistent with the terms and limitations expressed in this chapter.
2. To accept from a federal agency or North Dakota, its agencies and instrumentalities, loans or grants for use in carrying out its purposes, and to enter into agreements with such agency or

North Dakota, its agencies and instrumentalities, respecting any such loans or grants.

3. To enter into agreements with prospective bondholders and issuers for the purpose of financing industrial development projects and require as a condition of guarantee that the Bank of North Dakota be the designated trustee, paying agency, and depository of all funds and accounts of all guaranteed evidence of indebtedness of the program.
4. To acquire, purchase, manage and operate, and hold and dispose of, real and personal property, to take assignments of rentals and leases, and make and enter into all contracts, leases, agreements, and arrangements necessary or incidental to the performance of its duties.
5. When in the opinion of the commission corporation it is necessary or advisable, in order to further the purposes of this chapter or to safeguard the bond guarantee fund, to purchase, acquire, attach, seize, accept, or take title to any industrial development project, by conveyance or, when any guaranteed evidence of indebtedness has been redeemed in whole or in part exercise with the consent of the bondholder any of the bondholder's rights under any of the covenants of issuance including but not limited to foreclosure, sale, lease, or rent an industrial development project for a use specified in subsection 4 of section 6-09.2-03, or for any other use.

SECTION 19. AMENDMENT. Section 6-09.2-05 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

6-09.2-05. Default by issuer. When an issuer's project lessee does not make debt service payments guaranteed by the commission's bond guarantee fund corporation, the commission corporation for the purpose of maintaining income from industrial development projects on which bonds have been guaranteed by the commission and for the purpose of safeguarding the bond guarantee fund corporation, may grant the issuer permission to lease or rent the property to a tenant for a use other than that specified in subsection 4 of section 6-09.2-03, such lease or rental to be temporary in nature and subject to such conditions as the commission corporation may prescribe; provided, however, no lease shall in any manner conflict with the provisions of chapter 40-57 or in the opinion of bond counsel issuing the opinion on the evidence of indebtedness

in any way jeopardize the income tax exempt status of the interest on the bonds.

SECTION 20. AMENDMENT. Section 6-09.2-07 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

6-09.2-07. Guarantee of bonds. The ~~commission~~, as the administrator of the fund created in this chapter, corporation is authorized, upon application of the proposed issuer, to guarantee debt service payments required by evidence of indebtedness on any industrial development project, or part thereof, upon such terms and conditions as the ~~commission~~ corporation may prescribe, and subject to the limitations of this chapter, provided the aggregate amount of the unpaid principal balance of all obligations of all evidence of indebtedness so guaranteed outstanding at any one time shall not exceed twenty times the unencumbered balance in the fund debt service guarantee account of the fund made available by the corporation. To be eligible for guarantee under the provisions of this chapter bonds shall:

1. Be issued by a municipality as defined in chapter 40-57.
2. Involve a principal obligation, including initial service charges and appraisal, inspection, and other fees approved by the ~~commission~~ corporation.
3. Have a maturity date satisfactory to the ~~commission~~ corporation, but in no case later than forty years from the date of issuance for any project.
4. Contain complete amortization provisions satisfactory to the ~~commission~~ corporation requiring periodic payments, costs of local property taxes and assessments, land lease rentals, if any, and hazard insurance on the property and such bond guarantee fees as are required under section 6-09.2-08, all as the ~~commission~~ corporation shall from time to time prescribe or approve.
5. Be in such form and contain such terms and provisions, with respect to property, insurance, repairs, alterations, payment of taxes and assessments, restrictions as to location of machinery and equipment, default reserves, delinquency charges, default remedies, anticipation of maturity, additional and

secondary liens, and other matters as the commission corporation may prescribe.

SECTION 21. AMENDMENT. Section 6-09.2-08 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

6-09.2-08. Bond guarantee fees. The commission corporation shall charge ~~three~~ two percent of the principal obligation of the evidence of indebtedness as a fee for guarantee of debt service payments on evidence of indebtedness guaranteed by the fund debt service guarantee account corporation. The commission shall deposit the fee in the fund debt service guarantee account. The commission corporation shall charge an annual administrative fee of three-eighths of one percent of the outstanding principal obligation of all evidence of indebtedness guaranteed by the fund debt service guarantee account corporation. The issuer's project lessee shall pay the fee in the manner the commission corporation prescribes. Earnings on bond-funded reserve accounts and debt service accounts must be deposited in that bond's debt service account for the payment of principal and interest on the bonds. Other earnings on the investment of any accounts held by the fund must be first deposited in the fund administration account. Any moneys declared by the commission to be surplus and not essential to the administration of this chapter may be transferred on order of the commission to the fund debt service guarantee account.

SECTION 22. AMENDMENT. Section 6-09.2-09 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

6-09.2-09. Expenses. The commission corporation may expend out of the fund administration account such moneys as may be necessary for any expenses of the commission corporation in carrying out the provisions of this chapter.

SECTION 23. AMENDMENT. Section 6-09.2-10 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

6-09.2-10. Bonds eligible for investment. Evidence of indebtedness bonds guaranteed by the commission corporation under this chapter are legal investments for all trust companies, banks, investment companies, savings banks, credit unions, savings and loan associations, executors, administrators, guardians, conservators, trustees and other fiduciaries, pension, profit-sharing, and retirement funds to the extent limited by law.

SECTION 24. AMENDMENT. Section 6-09.2-11 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

6-09.2-11. Limitation - Credit of commission and state not pledged. Nothing in this chapter shall be construed to authorize or permit the ~~commission corporation~~ or any officer thereof to create any indebtedness of the ~~commission corporation~~ or of North Dakota, or to incur any obligation of any kind or nature, except such as shall be payable solely from the fund ~~created in~~ made available by the corporation pursuant to this chapter and the revenues appropriated and accumulated therein."

On page 7 of the engrossed bill, line 11, delete the words "North Dakota Venture Capital" and insert in lieu thereof the words "Myron G. Nelson Fund"

On page 7 of the engrossed bill, line 12, after the word "Incorporated" insert the words and numeral ", purchased pursuant to section 4 of this Act"

On page 7 of the engrossed bill, line 16, delete the words "North Dakota Venture Capital" and insert in lieu thereof the words "Myron G. Nelson Fund"

On page 7 of the engrossed bill, line 17, after the underscored comma, insert the word "pursuant", delete the words "meet the provisions of" and delete the numeral "2" and insert in lieu thereof the numeral "4"

On page 7 of the engrossed bill, line 22, delete the words "North Dakota" and insert in lieu thereof the words "Myron G. Nelson Fund"

On page 7 of the engrossed bill, line 23, delete the words "Venture Capital", after the second underscored comma insert the word "pursuant", and delete the words "meet the provisions of"

On page 7 of the engrossed bill, line 24, delete the numeral "2" and insert in lieu thereof the numeral "4"

On page 7 of the engrossed bill, line 34, delete the word "North" and insert in lieu thereof the words "Myron G. Nelson Fund"

On page 7 of the engrossed bill, line 35, delete the words "Dakota Venture Capital"

On page 8 of the engrossed bill, after line 9, insert the following new section:

"SECTION 29. AMENDMENT. If House Bill No. 1031 of the fiftieth legislative assembly becomes effective,

subsection 14 of section 15-03-04 of the North Dakota Century Code, as amended by House Bill No. 1031, is hereby amended and reenacted to read as follows:

14. Common or preferred stocks of any corporation organized under the laws of any state, including nonvoting preferred stock of Myron G. Nelson Fund, Incorporated, issued pursuant to section 4 of this Act but not more than twenty percent of the assets of each fund may be invested in common and preferred stocks."

On page 8 of the engrossed bill, line 10, delete the word "Subsection" and insert in lieu thereof the words "If House Bill No. 1031 of the fiftieth legislative assembly does not become effective, subsection"

On page 8 of the engrossed bill, line 15, delete the words "North Dakota Venture Capital" and insert in lieu thereof the words "Myron G. Nelson Fund" and after the second underscored comma insert the words "issued pursuant to section 4 of this Act"

On page 8 of the engrossed bill, line 23, delete the words "North Dakota Venture Capital" and insert in lieu thereof the words "Myron G. Nelson Fund" and after the second underscored comma insert the words "issued pursuant to section 4 of this Act"

On page 9 of the engrossed bill, line 2, delete the words "North Dakota Venture Capital" and insert in lieu thereof the words "Myron G. Nelson Fund" and after the second underscored comma insert the words "pursuant to section 4 of this Act"

On page 9 of the engrossed bill, line 8, delete the words "North Dakota Venture Capital" and insert in lieu thereof the words "Myron G. Nelson Fund" and after the second underscored comma insert the words "pursuant to section 4 of this Act"

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

"SECTION 34. REPEAL. Section 6-09.2-06 of the 1985 Supplement to the North Dakota Century Code is hereby repealed."

And renumber the lines, sections, and pages accordingly

SENATE AMENDMENTS TO REENGROSSED HB 1634

On page 1 of the reengrossed bill, line 1, after the word "amend" insert the words "and reenact"

- On page 3 of the reengrossed bill, line 6, remove the overstrike over the words "~~the governor as chairman and~~" and delete the word "seven" and insert in lieu thereof the word "nine"
- On page 3 of the reengrossed bill, line 7, remove the overstrike over the comma and insert immediately thereafter the word "with", remove the overstrike over the words "~~one member~~", and remove the overstrike over the words "~~appointed from each of~~"
- On page 3 of the reengrossed bill, line 8, remove the overstrike over the word "~~the~~" and after the word "~~judicial~~" insert the words "eight planning", and remove the overstrike over the words "~~districts and one member to be appointed~~"
- On page 3 of the reengrossed bill, line 9, remove the overstrike over the words "~~at large~~" and insert immediately thereafter the words "to represent minorities", and delete the words "The governor shall take into account reasonable"
- On page 3 of the reengrossed bill, line 10, delete the words "geographic considerations in making the appointments."
- On page 3 of the reengrossed bill, line 26, delete the second word "of" and insert in lieu thereof the word "or"
- On page 4 of the reengrossed bill, line 9, after the word "~~residence~~" insert the words "and shall represent the planning district in which they live"
- On page 4 of the reengrossed bill, line 17, delete the words "chairman and"
- On page 4 of the reengrossed bill, line 18, remove the overstrike over the word "~~The~~" and delete the words ", and the"
- And renumber the lines, sections, and pages accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1666

- On page 1 of the engrossed bill, line 26, after the first word "of" insert the words "the issuer or"
- On page 2 of the engrossed bill, delete lines 1 through 3
- On page 2 of the engrossed bill, line 4, delete the letter "c" and insert in lieu thereof the letter "b"
- On page 2 of the engrossed bill, line 6, delete the letter "d" and insert in lieu thereof the letter "c"
- On page 2 of the engrossed bill, line 8, delete the words ", and is"
- On page 2 of the engrossed bill, delete line 9

On page 2 of the engrossed bill, line 10, delete the words "the grantee"

And renumber the lines, sections, and pages accordingly
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:

SB 2548, SCR 4067

PERRY GROTEBERG, Secretary

SENATE CHAMBER

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

HB 1011, HB 1012, HB 1013, HB 1024, HB 1204, HB 1222,
HB 1288, HB 1340, HB 1342, HB 1356, HB 1390, HB 1408,
HB 1411, HB 1525, HB 1534, HB 1551, HB 1577, HB 1584,
HB 1665

PERRY GROTEBERG, Secretary

SENATE CHAMBER

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

HB 1268, HB 1454, HB 1484, HB 1530, HB 1567, HB 1576

PERRY GROTEBERG, Secretary

SENATE CHAMBER

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

HCR 3081

PERRY GROTEBERG, Secretary

SENATE CHAMBER

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

HB 1207, HB 1241, HB 1481

PERRY GROTEBERG, Secretary

SENATE CHAMBER

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

SB 2020, SB 2090, SB 2137, SB 2143, SB 2218, SB 2219,
 SB 2225, SB 2235, SB 2281, SB 2354, SB 2376, SB 2381,
 SB 2403, SCR 4062, SCR 4063, SCR 4068

PERRY GROTEBERG, Secretary

SIGNING OF BILLS AND RESOLUTIONS

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following:

HB 1041, HB 1042, HB 1151, HB 1171, HB 1598

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 1041, HB 1042, HB 1151, HB 1171, HB 1598

ROY GILBREATH, Chief Clerk

SIXTH ORDER OF BUSINESS

REP. MARTIN MOVED that the amendments to HCR 3011 as recommended by the Committee on Joint Constitutional Revision as printed on page 2189 of the House Journal be adopted, and when so adopted, recommends the same DO NOT PASS, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3011: A concurrent resolution for the amendment of subdivision e of subsection 6 of section 6 of article VIII of the Constitution of the State of North Dakota, relating to the authority of the state board of higher education to control the expenditure of funds appropriated for institutions of higher education.

Which has been read.

ROLL CALL

The question being on the adoption of the resolution, the roll was called and there were 47 YEAS, 55 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Berg, G.; Brokaw; DeMers, P.; Enget; Flaagan; Frey; Graba; Halmrast; Hanson, L.; Haugen; Hausauer, A.; Hill; Hoffner; Hokana; Kelly; Klundt; Knudson; Kolbo; Lautenschlager; Linderman; Marks; Martin; Melby; Mertens; Meyer; Murphy; Nelson, J.; Nowatzki; Oban; Opedahl; O'Shea; Riehl; Scherber; Schneider; Shockman; Skjerven; Solberg; Starke; Tokach; Ulmer; Vander Vorst; Watne; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman

NAYS: Aas; Almlie; Anderson; Belter; Berg, R.; Christman; Cleveland; Dalrymple; DeMers, J.; Dorso; Dotzenrod;

Gates; Gerntholz; Goetz; Gorman; Gunsch; Hamerlik; Hanson, O.; Haugland; Hausauer, R.; Kent; Kingsbury; Knell; Koland; Kretschmar; Kuchera; Lang; Larson; Lindgren; Martinson; Moore; Myrdal; Nelson, C.; Nicholas; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Payne; Peterson; Rice; Rydell; Schindler; Shaft; Shaw; Shide; Smette; Sorensen; Strinden; Thompson; Tollefson; Trautman; Wald; Wentz; Speaker Kloubec

ABSENT AND NOT VOTING: Laughlin; Stofferahn; Tomac; Whalen

HCR 3011 was declared lost.

SIXTH ORDER OF BUSINESS

REP. MARTIN MOVED that the amendments to HCR 3014 as recommended by the Committee on Joint Constitutional Revision as printed on page 2189 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

MOTION

REP. STRINDEN MOVED that HCR 3014, as amended, be placed at the top of the Eleventh order on the calendar, which motion prevailed.

SIXTH ORDER OF BUSINESS

REP. MARTIN MOVED that the amendments to HCR 3029 as recommended by the Committee on Joint Constitutional Revision as printed on pages 2189-2190 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3029: A concurrent resolution to create a new article V of the Constitution of the State of North Dakota, relating to the executive branch of government, to the election, qualification, and compensation of executive officials, to the powers and duties of the governor, and to gubernatorial succession; to repeal the present article V of the Constitution of the State of North Dakota, relating to the executive branch of government, to the election, qualification, and compensation of executive officials, to the powers and duties of the governor, and to gubernatorial succession; and to provide an effective date.

Which has been read.

ROLL CALL

The question being on the final passage of the resolution, as amended, the roll was called and there were 49 YEAS, 53 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Berg, R.; Brokaw; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerntholz; Graba; Halmrast; Hamerlik; Hanson, L.; Hausauer, R.; Hoffner; Hokana; Kelly; Knudson; Koland; Kolbo; Kretschmar; Larson; Linderman; Lindgren; Martin; Mertens; Meyer; Moore; Nelson, C.; Nowatzki; Oban; O'Connell; Olson, V.; O'Shea; Scherber; Schneider; Skjerven; Solberg; Sorensen; Starke; Strinden; Ulmer; Watne; Wentz; Wilkie; Williams, A.; Winkelman

NAYS: Aas; Almlie; Anderson; Belter; Berg, G.; Christman; Cleveland; Dotzenrod; Goetz; Gorman; Gunsch; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hill; Kent; Kingsbury; Klundt; Knell; Kuchera; Lang; Lautenschlager; Marks; Martinson; Melby; Murphy; Myrdal; Nelson, J.; Olsen, D.; Olson, A.; Opedahl; Payne; Rice; Riehl; Rydell; Schindler; Shaft; Shaw; Shide; Shockman; Smette; Thompson; Tokach; Tollefson; Tomac; Trautman; Vander Vorst; Wald; Whalen; Williams, C.; Williams, W.; Speaker Kloubec

ABSENT AND NOT VOTING: Laughlin; Nicholas; Peterson; Stofferahn

HCR 3029 was declared lost.

SIXTH ORDER OF BUSINESS

REP. MARTIN MOVED that the amendments to HCR 3034 as recommended by the Committee on Joint Constitutional Revision as printed on pages 2190-2191 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3034: A concurrent resolution for the amendment of section 5 of article III of the Constitution of the State of North Dakota, relating to the placement on an election ballot and suspension of operations of a referred tax measure.

Which has been read.

ROLL CALL

The question being on the final adoption of the resolution, as amended, the roll was called and there were 85 YEAS, 18 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; Hamerlik; Hanson, L.; Haugen; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Klundt; Knudson; Koland; Kolbo; Kretschmar; Kuchera; Larson; Lautenschlager;

Linderman; Lindgren; Marks; Martin; Mertens; Meyer;
Moore; Nelson, C.; Nelson, J.; Nicholas; Nowatzki;
Oban; O'Connell; Olson, V.; Opedahl; O'Shea; Payne;
Rice; Riehl; Rydell; Scherber; Schindler; Schneider;
Shaft; Shaw; Shockman; Skjerven; Smette; Solberg;
Sorensen; Starke; Strinden; Thompson; Tokach;
Tollefson; Trautman; Vander Vorst; Watne; Wentz;
Whalen; Williams, A.; Williams, C.; Williams, W.;
Winkelman; Speaker Kloubec

NAYS: Gunsch; Halmrast; Hanson, O.; Haugland; Kingsbury;
Knell; Lang; Martinson; Melby; Murphy; Myrdal;
Olsen, D.; Olson, A.; Shide; Tomac; Ulmer; Wald; Wilkie

ABSENT AND NOT VOTING: Laughlin; Peterson; Stofferahn

HCR 3034 was declared adopted.

SIXTH ORDER OF BUSINESS

REP. MARTIN MOVED that the amendments to HCR 3036 as recommended by the Committee on Joint Constitutional Revision as printed on page 2191 of the House Journal be adopted, and when so adopted, recommends the same DO NOT PASS, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3036: A concurrent resolution to create two new sections to article X of the Constitution of the State of North Dakota, relating to establishment and use of the budget stabilization fund.

Which has been read.

ROLL CALL

The question being on the final adoption of the resolution, as amended, the roll was called and there were 20 YEAS, 82 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Anderson; Brokaw; DeMers, J.; Graba; Hanson, O.;
Haugen; Hoffner; Kent; Larson; Lautenschlager;
Lindgren; Martin; Moore; Murphy; Olson, A.; Payne;
Riehl; Skjerven; Stofferahn; Speaker Kloubec

NAYS: Aas; Almlie; Belter; Berg, G.; Berg, R.; Christman;
Cleveland; Dalrymple; DeMers, P.; Dorso; Dotzenrod;
Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman;
Gunsch; Halmrast; Hamerlik; Hanson, L.; Haugland;
Hausauer, A.; Hausauer, R.; Hill; Hokana; Kelly;
Kingsbury; Klundt; Knell; Knudson; Koland; Kolbo;
Kretschmar; Kuchera; Lang; Linderman; Marks; Martinson;
Melby; Meyer; Myrdal; Nelson, C.; Nelson, J.; Nicholas;
Nowatzki; Oban; O'Connell; Olsen, D.; Olson, V.;
Opedahl; O'Shea; Rice; Rydell; Scherber; Schindler;

Schneider; Shaft; Shaw; Shide; Shockman; Smette; Solberg; Sorensen; Starke; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman

ABSENT AND NOT VOTING: Laughlin; Mertens; Peterson; Wald

HCR 3036 was declared lost.

SIXTH ORDER OF BUSINESS

REP. MARTIN MOVED that the amendments to HCR 3037 as recommended by the Committee on Joint Constitutional Revision as printed on page 2191 of the House Journal be adopted, and when so adopted, recommends the same DO NOT PASS, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3037: A concurrent resolution for the amendment of section 13 of article IV of the Constitution of the State of North Dakota, relating to the legislative assembly enacting laws conditioned upon the people's approval.

Which has been read.

ROLL CALL

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

YEAS: Anderson; Berg, G.; Berg, R.; Brokaw; Dalrymple; DeMers, J.; DeMers, P.; Dotzenrod; Enget; Flaagan; Frey; Graba; Hanson, L.; Hoffner; Hokana; Kelly; Kolbo; Marks; Mertens; Murphy; Nelson, C.; Nelson, J.; Nowatzki; O'Connell; Opedahl; O'Shea; Riehl; Schneider; Shockman; Skjerven; Solberg; Sorensen; Starke; Stofferahn; Ulmer; Watne; Williams, A.; Williams, W.

NAYS: Aas; Almlie; Belter; Christman; Dorso; Gates; Gerntholz; Goetz; Gorman; Gunsch; Halmrast; Hamerlik; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Kent; Kingsbury; Klundt; Knell; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Lautenschlager; Linderman; Lindgren; Martin; Martinson; Melby; Meyer; Moore; Myrdal; Nicholas; Oban; Olsen, D.; Olson, A.; Olson, V.; Payne; Rice; Rydell; Scherber; Schindler; Shaft; Shaw; Shide; Smette; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Vander Vorst; Wald; Wentz; Whalen; Wilkie; Winkelman; Speaker Kloubec

ABSENT AND NOT VOTING: Cleveland; Laughlin; Peterson; Williams, C.

HCR 3037 was declared lost.

SIXTH ORDER OF BUSINESS

REP. MARTIN MOVED that the amendments to HCR 3044 as recommended by the Committee on Joint Constitutional Revision as printed on pages 2192-2197 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3044: A concurrent resolution for the amendment of subsections 2 through 8 of section 6 of article VIII of the Constitution of the State of North Dakota, relating to the appointment of members to and the powers and duties of the state board of higher education.

Which has been read.

ROLL CALL

The question being on the adoption of the resolution, as amended, the roll was called and there were 71 YEAS, 31 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Almlie; Belter; Berg, R.; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Hamerlik; Hanson, L.; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Kingsbury; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Linderman; Lindgren; Martin; Martinson; Melby; Meyer; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; Olson, V.; Opedahl; O'Shea; Riehl; Rydell; Scherber; Schneider; Shaft; Shockman; Skjerven; Solberg; Sorensen; Starke; Stofferahn; Strinden; Tokach; Tomac; Vander Vorst; Wald; Watne; Wentz; Wilkie; Williams, A.; Speaker Kloubec

NAYS: Aas; Anderson; Berg, G.; Brokaw; Dorso; Gunsch; Halmrast; Hanson, O.; Haugen; Haugland; Knell; Kolbo; Lautenschlager; Marks; Mertens; O'Connell; Olsen, D.; Olson, A.; Payne; Rice; Schindler; Shaw; Shide; Smette; Thompson; Tollefson; Trautman; Ulmer; Whalen; Williams, W.; Winkelman

ABSENT AND NOT VOTING: Klundt; Laughlin; Peterson; Williams, C.

HCR 3044 was declared adopted.

SIXTH ORDER OF BUSINESS

REP. MARTIN MOVED that the amendments to HCR 3064 as recommended by the Committee on Joint Constitutional Revision as printed on page 2197 of the House Journal be adopted, and when so adopted, recommends the same DO NOT PASS, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3064: A concurrent resolution requesting the Congress of the United States to propose for ratification by the states an amendment to the United States Constitution to terminate all fractional reserve banking practices in the United States and to establish the United States Monetary Commission.

Which has been read.

ROLL CALL

The question being on the adoption of the resolution, as amended, the roll was called and there were 50 YEAS, 51 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Almlie; Brokaw; DeMers, P.; Enget; Flaagan; Frey; Gorman; Graba; Hanson, L.; Hanson, O.; Haugen; Hoffner; Kent; Klundt; Lang; Lautenschlager; Marks; Melby; Meyer; Murphy; Myrdal; Nelson, C.; Nelson, J.; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Riehl; Schneider; Shide; Shockman; Skjerven; Solberg; Sorensen; Starke; Stofferahn; Thompson; Tomac; Ulmer; Vander Vorst; Wald; Watne; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.

NAYS: Aas; Anderson; Belter; Berg, R.; Christman; Cleveland; Dalrymple; Dotzenrod; Gates; Gerntholz; Goetz; Gunsch; Halmrast; Hamerlik; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hokana; Kelly; Kingsbury; Knell; Knudson; Koland; Kolbo; Kretschmar; Kuchera; Larson; Linderman; Lindgren; Martin; Martinson; Mertens; Moore; Nicholas; Nowatzki; Payne; Rice; Rydell; Scherber; Schindler; Shaft; Shaw; Smette; Strinden; Tokach; Tollefson; Trautman; Wentz; Winkelman; Speaker Kloubec

ABSENT AND NOT VOTING: Berg, G.; DeMers, J.; Dorso; Laughlin; Peterson

HCR 3064 was declared lost.

FRIDAY, MARCH 27, 1987

2333

SIGNING OF BILLS AND RESOLUTIONS

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following:

SB 2020, SB 2090, SB 2137, SB 2143, SB 2218, SB 2219, SB 2225, SB 2235, SB 2281, SB 2354, SB 2376, SB 2381, SB 2403, SCR 4062, SCR 4063, SCR 4068

ROY GILBREATH, Chief Clerk

**MESSAGE TO THE SENATE
HOUSE CHAMBER**

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

SB 2020, SB 2090, SB 2137, SB 2143, SB 2218, SB 2219, SB 2225, SB 2235, SB 2281, SB 2354, SB 2376, SB 2381, SB 2403, SCR 4062, SCR 4063, SCR 4068

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 11:28 a.m., March 27, 1987:

HB 1034, HB 1207, HB 1241, HB 1330, HB 1481, HB 1533

REQUEST

SPEAKER KLOUBEC REQUESTED that the following letter be printed in the Journal, which request was granted.

**House of Representatives
STATE OF NORTH DAKOTA
Bismarck 58505**

March 26, 1987

Ruth Meiers Memorial Children's Fund
Route 1, Box 61
Ross, ND 58776

In memory of our departed Lieutenant Governor, former colleague and friend, the House of Representatives is making this contribution to the Ruth Meiers Memorial Children's Fund. Ruth was a member of the House for ten years and a personal friend to many current members. She was a very gracious lady and a credit to the North Dakota House of Representatives. We will always be proud that she was one of us.

Sincerely,

RICHARD W. KLOUBEC, Speaker of the House
EARL STRINDEN, House Majority Leader
CHARLES MERTENS, House Minority Leader

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3014: A concurrent resolution for the amendment of subsection 1 and subdivision d of subsection 6 of section 6 of article VIII and sections 12 and 13 of article IX of the Constitution of the State of North Dakota, relating to a college and university system and removing references to the types and locations of institutions of higher education; and to provide an effective date.

Which has been read.

MOTION

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

ROLL CALL

The question being on the adoption of the resolution, as amended, the roll was called and there were 64 YEAS, 41 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Belter; Berg, G.; Berg, R.; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Frey; Gates; Gorman; Gunsch; Hamerlik; Hausauer, A.; Hoffner; Hokana; Kelly; Kingsbury; Klundt; Knell; Knudson; Koland; Kretschmar; Lang; Larson; Linderman; Lindgren; Martinson; Melby; Meyer; Moore; Murphy; Nelson, C.; Nelson, J.; Nicholas; Oban; Opedahl; O'Shea; Payne; Riehl; Rydell; Scherber; Schneider; Shaft; Shockman; Skjerven; Solberg; Sorensen; Starke; Stofferahn; Tokach; Tomac; Ulmer; Vander Vorst; Watne; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Aas; Almlie; Brokaw; Enget; Flaagan; Gerntholz; Goetz; Graba; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, R.; Hill; Kent; Kolbo; Kuchera; Lautenschlager; Marks; Martin; Mertens; Myrdal; Nowatzki; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Peterson; Rice; Schindler; Shaw; Shide; Smette; Strinden; Thompson; Tollefson; Trautman; Wald; Wentz; Whalen

ABSENT AND NOT VOTING: Laughlin

HCR 3014 was declared adopted.

HCR 3033: A concurrent resolution for the amendment of subsection 1 and subdivision d of subsection 6 of section 6 of article VIII and section 12 of article IX of the Constitution of the State of North Dakota, relating to a college and university system and removing references to

the types and locations of institutions of higher education; to direct the state board of higher education to submit a plan to the Fifty-first Legislative Assembly for a reduction in the number of institutions of higher education; and to repeal section 13 of article IX of the Constitution of the State of North Dakota, relating to the institutions receiving grant lands.

Which has been read.

ROLL CALL

The question being on the adoption of the resolution, the roll was called and there were 15 YEAS, 84 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Dorso; Frey; Hoffner; Nelson, J.; Opedahl; O'Shea; Riehl; Scherber; Shaw; Shockman; Skjerven; Starke; Tomac; Ulmer; Watne

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

ABSENT AND NOT VOTING: Cleveland; Gunsch; Hanson, O.; Kingsbury; Laughlin; Meyer; Wald

HCR 3033 was declared lost.

MOTION

REP. STRINDEN MOVED that the House stand in recess until 1:15 p.m., which motion prevailed.

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

REPORTS OF STANDING COMMITTEES

MR. SPEAKER: Your Committee on Finance and Taxation to which was referred HB 1679 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING

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

On page 1, line 12, after the word "property" insert the words "within North Dakota"

On page 1, overstrike line 16

On page 1, line 17, overstrike the words "of North Dakota"

On page 1, line 18, after the word "property" insert the words "within North Dakota"

On page 1, line 20, overstrike the words "the original cost and replacement cost of the"

On page 1, overstrike lines 21 through 23

On page 1, line 24, overstrike the words "and other liabilities, and such other"

On page 1, line 25, overstrike the words "as shall" and insert immediately thereafter the word "that"

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

HB 1679 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 2078 has had the same under consideration and recommends by a vote of 11 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

REP. A. HAUSAUER, Chairman

Engrossed SB 2078 was placed on the Fourteenth 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 2079 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 DO PASS:

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

On page 1 of the engrossed bill, delete lines 2 and 3

On page 1 of the engrossed bill, line 4, delete the words "grants or loans through the Bank of North Dakota;"

On page 1 of the engrossed bill, line 8, delete the words "until the costs of drilling are recovered"

On page 2 of the engrossed bill, line 2, delete the words ", for the period June first"

On page 2 of the engrossed bill, line 3, delete the words "through October thirty-first of any year"

On page 3 of the engrossed bill, line 11, delete the words "However, if the average price of"

On page 3 of the engrossed bill, delete lines 12 through 15

On page 3 of the engrossed bill, line 31, delete the words "and completed"

On page 3 of the engrossed bill, line 34, delete the words "or until the gross value at the well of" and insert in lieu thereof the words ". This subsection becomes permanently ineffective at the end of any ninety-day period during which the average price of a barrel of crude oil exceeds twenty-eight dollars."

On page 3 of the engrossed bill, delete line 35

On page 4 of the engrossed bill, delete lines 1 through 28

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

Engrossed SB 2079 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary to which was referred SB 2344 has had the same under consideration and recommends by a vote of 8 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 21, after the word "position" insert the words ", but for not more than one write-in candidate for each position to be elected"

On page 1, line 23, after the word "names" insert the words ", except you may vote for only one write-in candidate for each position to be elected"

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

SB 2344 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER: Your Conference Committee to which was referred HB 1257 has had the same under consideration and recommends that the HOUSE ACCEDE to the amendments as found on page 1844 of the House Journal:

For the Senate: Sens. Maixner, Krauter, Moore

For the House: Reps. Tollefson, Murphy, Halmrast (refused to sign)

HB 1257 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

FIRST READING OF SENATE BILL

SB 2548: A BILL for an Act to amend and reenact subsection 1 of section 25-04-13.1 of the North Dakota Century Code, relating to the superintendent of the Grafton state school acting as guardian of any resident.

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

FIRST READING OF SENATE CONCURRENT RESOLUTION

SCR 4067: A concurrent resolution directing the Legislative Council to study the relationship between railroads and their tenants along railroad rights of way.

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

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. A. HAUSAUER MOVED that the House do not concur in the Senate amendments to HB 1062 as printed on page 2234 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 1062:

Reps. Moore, Haugen, W. Williams

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. ANDERSON MOVED that the House do not concur in the Senate amendments to HB 1131 as printed on pages 2234-2236 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 1131:

Reps. Haugen, Aas, O'Connell

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. GATES MOVED that the House do not concur in the Senate amendments to HB 1161 as printed on page 2237 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 1161:

Reps. Schindler, Almlie, L. Hanson

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KRETSCHMAR MOVED that the House do not concur in the Senate amendments to HB 1038 as printed on page 2234 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 1038:

Reps. Aas, Murphy, J. Nelson

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KRETSCHMAR MOVED that the House do concur in the Senate amendments to HB 1080 as printed on page 2278 of the House Journal, which motion prevailed.

MOTION

REP. STRINDEN MOVED that the rules be suspended, that HB 1080 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 1080: A BILL for an Act to provide immunity from civil liability to volunteers providing services for nonprofit organizations and sports teams; and to declare an emergency.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 98 YEAS, 3 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.; Hill; Hoffner; Hokana; Kent; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Lang; Larson; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.;

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

NAYS: Kelly; Kuchera; Schneider

ABSENT AND NOT VOTING: Hausauer, R.; Kingsbury;
 Laughlin; O'Shea; Peterson

HB 1080 passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KRETSCHMAR MOVED that the House do concur in the Senate amendments to HB 1150 as printed on page 2236 of the House Journal, which motion prevailed.

MOTION

REP. STRINDEN MOVED that the rules be suspended, that HB 1150 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 1150: A BILL for an Act to provide for the appointment of guardians ad litem in prosecution of sex offenses.

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, 2 NAYS, 7 ABSENT AND NOT VOTING.

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

Starke; Stofferahn; Strinden; Thompson; Tokach;
Tollefson; Tomac; Trautman; Vander Vorst; Watne; Wentz;
Whalen; Wilkie; Williams, A.; Williams, W.; Winkelman;
Speaker Kloubec

NAYS: Gunsch; Ulmer

ABSENT AND NOT VOTING: Hausauer, R.; Kingsbury;
Laughlin; Peterson; Riehl; Wald; Williams, C.

HB 1150 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KRETSCHMAR MOVED that the House do concur in the Senate amendments to HB 1051 as printed on page 2234 of the House Journal, which motion prevailed.

MOTION

REP. STRINDEN MOVED that the rules be suspended, that HB 1051 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 1051: A BILL for an Act to provide for the reporting, collecting, maintaining, and disseminating of criminal history record information; to amend and reenact section 12-60-07 of the North Dakota Century Code, relating to the powers and duties of the bureau of criminal investigation; to repeal sections 12-60-10, 12-60-11, 12-60-12, 12-60-15, and 12-60-16 of the North Dakota Century Code, relating to the bureau of criminal investigation, fingerprinting arrestees, furnishing information, and reporting transfer, release or other disposition of arrestees; 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 100 YEAS, 0 NAYS, 6 ABSENT AND NOT VOTING.

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

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

NAYS: None

ABSENT AND NOT VOTING: Hausauer, R.; Kingsbury;
 Laughlin; Peterson; Riehl; Williams, C.

HB 1051 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. A. HAUSAUER MOVED that the House do not concur in the Senate amendments to HB 1192 as printed on page 2237 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 1192:

Reps. A. Hausauer, Goetz, Tomac

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KRETSCHMAR MOVED that the House do concur in the Senate amendments to HB 1227 as printed on page 2238 of the House Journal, which motion prevailed.

MOTION

REP. STRINDEN MOVED that the rules be suspended, that HB 1227 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 1227: A BILL for an Act to provide for child victim and witness fair treatment standards.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 93 YEAS, 6 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.;
 Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.;

DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hill; Hoffner; Hokana; Kelly; Kent; Klundt; Knudson; Koland; Kolbo; Kretschmar; Lang; Larson; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Rice; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shide; Shockman; Smette; Solberg; Sorensen; Starke; Stofferahn; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Gunsch; Knell; Kuchera; Skjerven; Wald; Whalen

ABSENT AND NOT VOTING: Dotzenrod; Hausauer, R.; Kingsbury; Laughlin; Peterson; Riehl; Williams, C.

HB 1227 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KRETSCHMAR MOVED that the House do not concur in the Senate amendments to HB 1242 as printed on page 2238 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 1242:

Reps. Sorensen, Cleveland, Kolbo

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KRETSCHMAR MOVED that the House do not concur in the Senate amendments to HB 1266 as printed on pages 2278-2279 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 1266:

Reps. Shaft, Lindgren, J. Nelson

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. A. HAUSAUER MOVED that the House do concur in the Senate amendments to HB 1325 as printed on page 2238 of the House Journal, which motion prevailed.

MOTION

REP. STRINDEN MOVED that the rules be suspended, that HB 1325 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 1325: A BILL for an Act to amend and reenact section 57-37.1-07 and subsection 3 of section 57-37.1-08 of the North Dakota Century Code, relating to interest on estate tax payments or refunds.

Which has been read.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Hausauer, R.; Kingsbury;
Laughlin; Peterson

HB 1325 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. GATES MOVED that the House do not concur in the Senate amendments to HB 1416 as printed on page 2239 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 1416:

Reps. D. Olsen, Shaw, Meyer

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WHALEN MOVED that the House do concur in the Senate amendments to HB 1463 as printed on pages 2239-2240 of the House Journal, which motion prevailed.

MOTION

REP. STRINDEN MOVED that the rules be suspended, that HB 1463 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 1463: A BILL for an Act to authorize the conversion of nonprofit health service corporations into mutual insurance companies.

Which has been read.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Hausauer, R.;
Laughlin; Peterson

Kingsbury;

HB 1463 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. GATES MOVED that the House do concur in the Senate amendments to HB 1529 as printed on page 2240 of the House Journal, which motion prevailed.

MOTION

REP. STRINDEN MOVED that the rules be suspended, that HB 1529 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 1529: A BILL for an Act to create and enact a new subsection to section 57-15-17 of the North Dakota Century Code, relating to transfers by school districts of unobligated funds from the building fund to the general fund; 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, 2 NAYS, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Hausauer, R.; Kingsbury;
Laughlin; Peterson

HB 1529 passed, the title was agreed to, and the emergency clause carried.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. GATES MOVED that the House do concur in the Senate amendments to HB 1604 as printed on page 2240 of the House Journal, which motion prevailed.

MOTION

REP. STRINDEN MOVED that the rules be suspended, that HB 1604 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 1604: A BILL for an Act to amend and reenact section 15-40.2-03 of the North Dakota Century Code, relating to school district tuition payments.

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 82 YEAS, 20 NAYS, 4 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; Gerntholz; Goetz; Gorman; Graba; Gunsch; Hanson, O.; Haugland; Hill; Kent; Knell; Knudson; Kolbo; Kretschmar; Lang; Lautenschlager; Linderman; Marks; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nelson, J.; Nicholas; Nowatzki; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Rice; Riehl; Rydell; Schindler; Schneider; Shaft; Shaw; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Starke; Stofferahn; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Speaker Kloubec

NAYS: DeMers, J.; Halmrast; Hamerlik; Hanson, L.; Haugen; Hausauer, A.; Hoffner; Hokana; Kelly; Klundt; Koland; Kuchera; Larson; Lindgren; Nelson, C.; Oban; Scherber; Ulmer; Wilkie; Winkelman

ABSENT AND NOT VOTING: Hausauer, R.; Kingsbury; Laughlin; Peterson

HB 1604 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KRETSCHMAR MOVED that the House do concur in the Senate amendments to HB 1631 as printed on page 2240 of the House Journal, which motion prevailed.

MOTION

REP. STRINDEN MOVED that the rules be suspended, that HB 1631 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 1631: A BILL for an Act to create and enact chapter 32-03.1 of the North Dakota Century Code, relating to exemption for liability to encourage the public to render assistance to victims of accident and illness.

Which has been read.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Hausauer, R.; Kingsbury;
Laughlin; Peterson

HB 1631 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KRETSCHMAR MOVED that the House do concur in the Senate amendments to HCR 3003 as printed on page 2240 of the House Journal, which motion prevailed.

MOTION

REP. STRINDEN MOVED that the rules be suspended, that HCR 3003 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3003: A concurrent resolution urging the Congress of the United States to make full payments in lieu of real property taxes on all land withdrawn, held in trust, or purchased for federal purposes.

Which has been read.

The question being on the adoption of the resolution, as amended.

HCR 3003 was declared adopted on a voice vote.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. NICHOLAS MOVED that the House do concur in the Senate amendments to HCR 3062 as printed on pages 2241-2242 of the House Journal, which motion prevailed.

MOTION

REP. STRINDEN MOVED that the rules be suspended, that HCR 3062 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3062: A concurrent resolution urging the Farm Credit Administration to adopt debt restructuring initiatives and develop lending programs and policies to aid farmers who are established in agriculture.

Which has been read.

The question being on the adoption of the resolution, as amended.

HCR 3062 was declared adopted on a voice vote.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KRETSCHMAR MOVED that the House do concur in the Senate amendments to HCR 3076 as printed on page 2280 of the House Journal, which motion prevailed.

MOTION

REP. STRINDEN MOVED that the rules be suspended, that HCR 3076 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3076: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of adopting administrative alternatives to the application of the exclusionary rule as it relates to search and seizure provisions of the North Dakota and United States Constitutions.

Which has been read.

The question being on the adoption of the resolution, as amended.

HCR 3076 was declared adopted on a voice vote.

MOTION

REP. SHOCKMAN MOVED that the House reconsider its action whereby SB 2392 failed to pass.

REQUEST

REP. SHOCKMAN REQUESTED a recorded roll call vote on the motion to reconsider the action whereby SB 2392 failed to pass, which request was granted.

ROLL CALL

The question being on the motion to reconsider the action whereby SB 2392 failed to pass, the roll was called and there were 48 YEAS, 53 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Berg, G.; Brokaw; Cleveland; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Graba; Halmrast; Hanson, L.; Haugland; Hill; Hoffner; Hokana; Kelly; Klundt; Kolbo; Lautenschlager; Linderman; Marks; Mertens; Meyer; Murphy; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Opedahl; O'Shea; Riehl; Scherber; Schneider; Shaw; Shockman; Skjerven; Solberg; Starke; Stofferahn; Tomac; Ulmer; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.

NAYS: Aas; Almlie; Anderson; Belter; Berg, R.; Christman; Dalrymple; Dorso; Dotzenrod; Gates; Gerntholz; Goetz; Gorman; Gunsch; Hamerlik; Hanson, O.; Haugen; Hausauer, A.; Kent; Knell; Knudson; Koland; Kretschmar; Kuchera; Larson; Lindgren; Martin; Martinson; Melby; Moore; Myrdal; Olsen, D.; Olson, A.; Olson, V.; Payne; Rice; Rydell; Schindler; Shaft; Shide; Smette; Sorensen; Strinden; Thompson; Tokach; Tollefson;

Trautman; Vander Vorst; Wald; Whalen; Wilkie;
Winkelman; Speaker Kloubec

ABSENT AND NOT VOTING: Hausauer, R.; Kingsbury; Lang;
Laughlin; Peterson

So the motion to reconsider the action whereby SB 2392 failed to pass failed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. MOORE MOVED that the House do concur in the Senate amendments to HB 1332 as printed on page 2238 of the House Journal, which motion prevailed.

MOTION

REP. STRINDEN MOVED that the rules be suspended, that HB 1332 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 1332: A BILL for an Act to amend and reenact subsection 2 of section 32-12.1-03, subsection 3 of section 32-12.1-04 and section 32-12.1-05 of the North Dakota Century Code, relating to the award of damages against political subdivisions, the liability of political subdivision employees, and the statute of limitations for actions brought against political subdivisions.

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, 3 NAYS, 6 ABSENT AND NOT VOTING.

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

NAYS: Hamerlik; Schneider; Shaft

ABSENT AND NOT VOTING: Hausauer, R.; Kingsbury; Kuchera;
Lang; Laughlin; Peterson

HB 1332 passed and the title was agreed to.

MOTIONS

REP. STOFFERAHN MOVED that the House reconsider its action whereby HCR 3029 failed to pass, which motion prevailed.

REP. KRETSCHMAR MOVED that HCR 3029 be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2503: A BILL for an Act to create and enact a new section to chapter 15-39.1 of the North Dakota Century Code, relating to postretirement benefit adjustments under the teachers' fund for retirement; to amend and reenact subsection 1 of section 15-39.1-09, subsections 1 and 2 of section 15-39.1-10, and section 15-39.1-11 of the North Dakota Century Code, relating to assessment and contribution rates, payments of benefits, and vesting under the teachers' fund for retirement; and to provide for application of this Act.

Which has been read.

CONFLICT OF INTEREST

REP. KNUDSON AND **REP. RICE** STATED that they had a conflict of interest on SB 2503 and requested permission to vote.

The question being on whether or not Reps. Knudson and Rice could vote on SB 2503, which request was granted pursuant to House Rules 318 and 319.

ROLL CALL

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

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

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

NAYS: None

ABSENT AND NOT VOTING: Gunsch; Hausauer, R.; Kingsbury; Kuchera; Laughlin; Peterson

SB 2503 passed and the title was agreed to.

SECOND READING OF SENATE BILL

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

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 86 YEAS, 15 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Frey; Gates; Gertholz; Goetz; Gorman; Graba; Halmrast; Hamerlik; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hoffner; Hokana; Kelly; Kent; Knell; Knudson; Koland; Kolbo; Kretschmar; Lang; Larson; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Mertens; Meyer; Moore; Myrdal; Nelson, C.; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Rice; Riehl; Rydell; Scherber; Schindler; Schneider; Shaft; Shide; Shockman; Smette; Solberg; Sorensen; Stofferahn; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Vander Vorst; Wald; Watne;

Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Almlie; Flaagan; Gunsch; Hanson, O.; Hill; Klundt; Melby; Murphy; Nelson, J.; O'Connell; Opedahl; Shaw; Skjerven; Starke; Ulmer

ABSENT AND NOT VOTING: Hausauer, R.; Kingsbury; Kuchera; Laughlin; Williams, C.

SB 2040 passed and the title was agreed to.

MOTIONS

REP. MARTIN MOVED that the House reconsider its action whereby the committee report was accepted and SCR 4047 was placed on the Fourteenth order of business on the calendar, which motion prevailed.

REP. MARTIN MOVED that the rules be suspended and that SCR 4047 be rereferred to the Committee on Joint Constitutional Revision, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. PETERSON MOVED that the House do not concur in the Senate amendments to HB 1009 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 1009:

Reps. Wald, Rice, Stofferahn

MESSAGE FROM THE SENATE SENATE

MR. SPEAKER: I have the honor to inform you that the President Pro Tem has appointed as a conference committee to act with a like committee from the House on:

HB 1129: Sens. D. Meyer, Maixner, Moore
HB 1167: Sens. J. Meyer, Stenehjelm, Holmberg
HB 1274: Sens. Maixner, Richard, Wright
HB 1337: Sens. Satrom, Dotzenrod, Moore
HB 1369: Sens. Satrom, Dotzenrod, Moore
HB 1535: Sens. J. Meyer, Stenehjelm, Nalewaja
HB 1601: Sens. Richard, D. Meyer, David

PERRY GROTEBERG, Secretary

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER: Your Conference Committee to which was referred Engrossed HB 1176 has had the same under consideration and recommends that the HOUSE ACCEDE to the amendments as found on

page 1843 of the House Journal and that Engrossed HB 1176 be further amended as follows:

On page 1 of the engrossed bill, line 1, delete the words "create and enact a new subsection to section"

On page 1 of the engrossed bill, delete lines 2 and 3

On page 1 of the engrossed bill, line 6, delete the words "and section" and insert in lieu thereof the word "sections" and after the numerals "57-36-02" insert the words "and 62.1-04-03"

On page 1 of the engrossed bill, line 9, after the word "organizations" insert the words ", concealed weapon licenses"

On page 4 of the engrossed bill, delete lines 30 through 34 and insert in lieu thereof the following section:

"SECTION 6. AMENDMENT. Section 62.1-04-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

62.1-04-03. License to carry a firearm or dangerous weapon concealed.

1. The chief of the bureau of criminal investigation shall issue a license to carry a firearm or dangerous weapon concealed upon review of an application submitted to the chief if the following criteria are met:
 - a. The applicant has a valid reason for carrying the firearm or dangerous weapon concealed, including self-protection, protection of others, or work-related needs.
 - b. The applicant is not a person specified in section 62.1-02-01.
 - c. The applicant has the written approval for the issuance of such a license from the sheriff of the applicant's county of residence, and, if the city has one, the chief of police or a designee of the city in which the applicant resides. The approval by the sheriff may not be given until the applicant has successfully completed a background investigation in that county and has attended a testing procedure conducted pursuant to rules adopted by the attorney general. The testing procedure for approval of a concealed weapons license must include

an open book test to be given from a manual that sets forth weapon safety rules and the deadly force law of North Dakota, including judicial decisions and attorney general opinions, and a proficiency test consisting of a course of fire to be designated by the criminal justice training and statistics division of the attorney general's office. The purpose of the proficiency test is only to ensure a minimal level of competency in the loading and unloading of the firearm or dangerous weapon, use of safety devices and basic firearm or dangerous weapon functioning, and minimal accuracy. A weapons instructor certified by the attorney general shall conduct the testing procedure. The attorney general shall develop rules that ensure that this testing will be conducted periodically. The local agency conducting the testing may assess a charge of up to fifty dollars for conducting this testing. The testing procedure is not required for a renewal of a concealed weapons license.

- d. The applicant satisfactorily completes the bureau of criminal investigation application form and has successfully passed a background investigation or criminal records check conducted by that agency.
2. The sheriff is required to process the application within thirty days after the completion of the testing portion unless the application is for renewal of a license and in such case the application must be processed within thirty days after its receipt by the sheriff, the chief of police is required to process the application within ten working days of its receipt by the agency, and the bureau of criminal investigation is required to process the application and make a determination within thirty days of receipt from the forwarding agency.
3. The license fee for a concealed weapons license is ten dollars. The license fee must be paid before the license is issued by the chief of the bureau of criminal investigation.
4. The chief of the bureau of criminal investigation shall prescribe the form of the application and license, which must include the name, address, description, a photograph, and the signature of the individual. The application form must

require sufficient information to properly conduct a background investigation and be accompanied by two sets of classifiable fingerprints. The two sets of classifiable fingerprints are not required for a renewal of a concealed weapons license. The license is valid for three years. The license must be prepared in triplicate, and the original must be delivered to the licensee, the duplicate must be sent by mail, within seven days after issuance, to the sheriff of the county in which the applicant resides, and the triplicate must be preserved for six years by the chief. In those cases in which the licensee resides in a city, an additional copy of the license must be made and sent by mail, within seven days after issuance, to the chief of police of the city in which the applicant resides. The individual shall notify the chief of the bureau of criminal investigation of any change of address or any other material fact which would affect the restrictions on or the need for the license.

- 4- 5. The chief of the bureau of criminal investigation may deny an application or revoke or cancel such a license after it has been granted for any material misstatement by an applicant in an application for the license or any violation of this title.
- 5- 6. The applicant may appeal a denial or revocation of this license to the district court of the applicant's county of residence.
- 6- 7. The attorney general may adopt rules to carry out this title."

On page 5 of the engrossed bill, delete lines 1 and 2

And renumber the lines, sections, and pages accordingly

For the Senate: Sens. Krauter, Keller, Todd

For the House: Reps. Dorso, Dalrymple, Oban

Engrossed HB 1176 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MOTIONS

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

REP. GOETZ MOVED that the House stand adjourned until 9:00 a.m., Monday, March 30, 1987, which motion prevailed.

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

ROY GILBREATH, Chief Clerk