

JOURNAL OF THE HOUSE

Fifty-second Legislative Assembly

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Bismarck, February 15, 1991

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

The prayer was offered by the Rev. Arthur Houim, First Lutheran Church, Bottineau.

The roll was called and all members were present except Representatives G. Berg, Gorman, and Howard.

A quorum was declared by the Speaker.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2038, SB 2046, SB 2134, SB 2182, SB 2204, SB 2301, SB 2304, SB 2391, SB 2447, SB 2490, SB 2495, SB 2548, SB 2560.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1306, HB 1416, HB 1447, HB 1488, HB 1489, HB 1532, HCR 3029.

HOUSE ENROSSING REPORT

The following bills were engrossed: HB 1015, HB 1043, HB 1158, HB 1166, HB 1168, HB 1179, HB 1218, HB 1276, HB 1343, HB 1407, HB 1464, HB 1507, HB 1508, HB 1516, HB 1526, HB 1541, HB 1545, HB 1553, HB 1581.

MOTIONS

REP. KLOUBEC MOVED that the rules be suspended and that the House consider all amendments on the Sixth order, with the exception of HB 1079 and HB 1138 and SB 2193 in one motion, which motion prevailed.

REP. KLOUBEC MOVED that the rules be suspended and that all the amendments on the Sixth order of business to HB 1243, HB 1249, HB 1394, HB 1402, HB 1441, HB 1462, HB 1485, HB 1499, HB 1519, and HB 1535 be adopted, which motion prevailed.

REP. KLOUBEC MOVED that HB 1243, HB 1249, HB 1394, HB 1402, HB 1441, HB 1485, HB 1499, HB 1519, and HB 1535, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

HB 1462, as amended, was rereferred to the Committee on Appropriations.

REP. KLOUBEC MOVED that SB 2193 be rereferred to the Committee on Judiciary, which motion prevailed. Pursuant to Rep. Kloubec's motion, SB 2193 was rereferred.

REP. KLOUBEC MOVED that the minority report on HB 1079 be placed at the head of the calendar, which motion prevailed.

SIXTH ORDER OF BUSINESS

REP. KRETSCHMAR MOVED that the amendments to HB 1079, as recommended by a Minority of the Committee on Judiciary, as printed on pages 530-532 of the House Journal be adopted, and when so adopted, recommends the same DO PASS and BE REREFERRED to the Committee on Appropriations.

RULING BY THE SPEAKER

SPEAKER R. ANDERSON RULED that if the Minority Report proposed amendments to HB 1079 are adopted, the proposed amendments of the Majority Report amendments will not be voted upon; however, if the Minority Report proposed

amendments are defeated, the Majority Report proposed amendments will be voted upon.

REQUESTS

REP. CARLISLE REQUESTED that his remarks be printed in the Journal, which request was granted.

Thank you. Mr. Speaker and members of the House. Let's put HB 1079 in perspective. It is an anti drug dealer bill, pure and simple. It will target sellers of illegal drugs, it will target those who sell drugs within a thousand feet of a public or private elementary or secondary school or a public vocational school. It will target those persons over the age of eighteen who will sell to children under eighteen. It will target those who use children under the age of eighteen to engage in illegal drug sales. It will target those who possess or control a dangerous weapon, explosive, destructive device, or firearm while manufacturing, delivering, or possessing with intent to manufacture or deliver a drug. You got a little handout today about "Tainted Heroin Kills Six - Death Count From Tainted Heroin Rises to Ten" and a note from a lady here in Bismarck about protecting our kids from drugs. We want a tough bill. If you would like me to take these amendments apart section by section I will do so. What they basically do is water down the bill. I ask you to defeat these amendments, and Mr. Speaker, I would like a recorded roll call vote.

REP. CARLISLE REQUESTED a recorded roll call vote on the motion to adopt the proposed Minority Report amendments to HB 1079, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed Minority Report amendments to HB 1079, the roll was called and there were 47 YEAS, 57 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Berg, G.; Bodine; Boucher; Brokaw; Carlson; Cleary; Coats; DeMers; Enget; Erickson; Flaagan; Gabrielson; Gilmore; Goffe; Grumbo; Hanson; Hokana; Huether; Jacobson; Kaldor; Kerzman; Kolbo; Kroeber; Laughlin; Linderman; Meyer; Mutzenberger; Nelson; Nichols; Nowatzki; Oban; Peterson; Pyle; Ring; Ritter; Scherber; Schneider; Skar; Skjerven; Snyder; Starke; Stofferahn; Thorpe; Wilkie; Williams

NAYS: Bateman; Belter; Berg, R.; Bernstein; Boehm; Brown; Byerly; Carlisle; Clayburgh; Dalrymple; Delzer; DeWitz; Dorso; Freier; Gates; Gerntholz; Gorder; Grosz; Hausauer; Henegar; Jensen; Kelsch; Kloubec; Kretschmar; Kunkel; Larson; Mahoney; Martin; Martinson; Miller; Muhs; Myrdal; Nicholas; Olsen, D.; Olson, A.; Payne; Porter; Price; Rennerfeldt; Rydell; Schimke; Schindler; Schmidt; Shide; Soukup; St. Aubyn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Howard

The motion to adopt the proposed Minority Report amendments to HB 1079 failed and the proposed Minority Report amendments were not adopted.

SIXTH ORDER OF BUSINESS

REP. KRETSCHMAR MOVED that the amendments to HB 1079, as recommended by a Majority of the Committee on Judiciary, as printed on page 530 of the House Journal be adopted, and when so adopted, recommends the same DO PASS and BE REFERRED to the Committee on Appropriations.

REQUEST

REP. CARLISLE REQUESTED a recorded roll call vote on the motion to adopt the proposed Majority Report amendments to HB 1079, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed Majority Report amendments to HB 1079, the roll was called and there were 41 YEAS, 62 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Boucher; Brown; Byerly; Carlson; Coats; DeMers; Erickson; Flaagan; Gabrielson; Goffe; Hokana; Huether; Jacobson; Kaldor; Kelsch; Kolbo; Kretschmar; Larson; Laughlin; Linderman; Miller; Mutzenberger; Nelson; Nichols; Nowatzki; Oban; Peterson; Pyle; Ring; Ritter; Rydell; Scherber; Schneider; Snyder; Starke; Thorpe; Wentz; Wilkie; Williams

NAYS: Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Brokaw; Carlisle; Clayburgh; Cleary; Dalrymple; Delzer; DeWitz; Dorso; Enget; Freier; Gates; Gerntholz; Gilmore; Gordor; Grosz; Grumbo; Hanson; Hausauer; Henegar; Jensen; Kerzman; Kloubec; Kroeber; Kunkel; Mahoney; Martin; Martinson; Meyer; Muhs; Myrdal; Nicholas; Olsen, D.; Olson, A.; Payne; Porter; Price; Rennerfeldt; Schimke; Schindler; Schmidt; Shide; Skar; Skjerven; Soukup; Ritter; St. Aubyn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Whalen; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Howard; Stofferahn

The motion to adopt the proposed Majority Report amendments to HB 1079 failed and the proposed Majority Report amendments were not adopted.

REQUEST

REP. STOFFERAHN REQUESTED that the record show that he intended to vote "Yea" on the adoption of the proposed Majority Report amendments to HB 1079, which request was granted.

HB 1079 was rereferred to the Committee on Appropriations.

SIXTH ORDER OF BUSINESS

REP. KRETSCHMAR MOVED that the amendments to HB 1138, as recommended by Divided Report A, as printed on pages 532-533 of the House Journal, be adopted, and when so adopted recommends the same DO PASS.

RULING BY THE SPEAKER

SPEAKER R. ANDERSON RULED that if the amendments as proposed in Divided Report A are adopted, no action would be needed on Divided Report B because the amendments as proposed by Divided Report B are incorporated in the amendments that are proposed by Divided Report A.

The question being on the motion to adopt the proposed amendments of Divided Report A with the title amended appropriately, and lines, sections, and pages renumbered accordingly.

The proposed amendments of Divided Report A to HB 1138 were adopted.

MOTION

REP. KLOUBEC MOVED that the rules be suspended and that HB 1138 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1138: A BILL for an Act to create and enact a new subsection to section 53-06.1-14 of the North Dakota Century Code, relating to the costs of background investigations of gaming applicants; and to amend and reenact section 51-15-10, subsection 2 of section 53-06.1-06.1, and section 54-12-18, relating to costs, expenses, attorney's fees, and costs of background investigations for gaming applicants recovered by the attorney general and deposited into a special fund; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 104 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Brokaw; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Howard

HB 1138 passed and the title was agreed to.

MOTION

REP. WARDNER MOVED that the House reconsider its action whereby HB 1556 failed to pass, which motion prevailed on a verification vote.

SECOND READING OF HOUSE BILLS

HB 1556: A BILL for an Act to create and enact a new section to chapter 49-21 of the North Dakota Century Code, relating to call identification services; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 64 YEAS, 40 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Berg, G.; Bodine; Boucher; Brokaw; Carlson; Clayburgh; Cleary; Coats; Dalrymple; DeMers; Enget; Erickson; Flaagan; Gabrielson; Gates; Gilmore; Goffe; Grumbo; Hanson; Hokana; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kolbo; Kroeber; Larson; Laughlin; Linderman; Mahoney; Martinson; Meyer; Mutzenberger; Myrdal; Nelson; Nichols; Nowatzki; Oban; Peterson; Price; Pyle; Ring; Ritter; Rydell; Scherber; Schimke; Schneider; Skar; Skjerven; Snyder; St. Aubyn; Starke; Stofferahn; Svedjan; Thorpe; Trautman; Wardner; Wentz; Wilkie; Williams

NAYS: Bateman; Belter; Berg, R.; Bernstein; Boehm; Brown; Byerly; Carlisle; Delzer; DeWitz; Dorso; Freier; Gerntholz; Gorder; Grosz; Hausauer; Henegar; Kloubec; Kretschmar; Kunkel; Martin; Miller; Muhs; Nicholas; Olsen, D.; Olson, A.; Payne; Porter; Rennerfeldt; Schindler; Schmidt; Shide; Soukup; Thompson; Timm; Tollefson; Urlacher; Wald; Whalen; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Howard

HB 1556 passed, the title was agreed to, but the emergency clause lost.

HB 1280: A BILL for an Act to amend and reenact section 50-24.1-02.3 of the North Dakota Century Code, relating to consideration by the department of human services of amounts paid into a pre-need funeral plan by recipients of or applicants for medical assistance.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 19 YEAS, 80 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bateman; Gerntholz; Goffe; Hokana; Huether; Miller; Muhs; Nicholas; Nichols; Nowatzki; Olsen, D.; Olson, A.; Peterson; Price; Skjerven; Starke; Stofferahn; Trautman

NAYS: Anderson, B.; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gilmore; Gorder; Grosz; Grumbo; Hausauer; Henegar; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Mutzenberger; Myrdal; Nelson; Oban; Payne; Porter; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schneider; Shide; Skar; Snyder; Soukup; St. Aubyn; Svedjan; Thompson; Thorpe; Tollefson; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Dorso; Gorman; Hanson; Howard; Kloubec; Schmidt; Timm

HB 1280 was declared lost.

HB 1336: A BILL for an Act to amend and reenact sections 57-02-08.2 and 57-20-09 of the North Dakota Century Code, relating to a discount for early payment of property taxes to persons sixty-five years of age or older or permanently and totally disabled with limited income upon payment of property taxes in installments; to provide an appropriation; to provide for application; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 70 YEAS, 31 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Berg, G.; Bodine; Boucher; Brokaw; Carlisle; Carlson; Clayburgh; Cleary; Coats; Delzer; DeMers; Dorso; Enget; Erickson; Flaagan; Gabrielson; Gilmore; Goffe; Grosz; Grumbo; Hanson; Henegar; Hokana; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kolbo; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martinson; Meyer; Miller; Muhs; Mutzenberger; Nelson; Nowatzki; Oban; Olson, A.; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schneider; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Thorpe; Timm; Trautman; Wardner; Wilkie; Williams

NAYS: Bateman; Belter; Berg, R.; Bernstein; Boehm; Brown; Byerly; Dalrymple; DeWitz; Freier; Gates; Gerntholz; Gorder; Hausauer; Kretschmar; Martin; Myrdal; Nichols; Olsen, D.; Payne; Schimke; Schindler; Shide; Svedjan; Thompson; Tollefson; Urlacher; Wald; Wentz; Whalen; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Howard; Kloubec; Nicholas; Schmidt

HB 1336 passed and the title was agreed to.

HB 1357: A BILL for an Act making an appropriation to the department of human services for the payment of case mix reimbursement incentives to nursing homes; providing legislative intent; and declaring an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 17 YEAS, 83 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Bateman; Bodine; Boehm; Brokaw; Cleary; Gilmore; Hanson; Kunkel; Mahoney; Miller; Muhs; Nowatzki; Payne; Price; Soukup; Trautman; Wilkie

NAYS: Aarsvold; Anderson, B.; Belter; Berg, G.; Berg, R.; Bernstein; Brown; Byerly; Carlisle; Carlson; Clayburgh; Coats; Dalrymple; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Goffe; Gorder; Grosz; Grumbo; Hausauer; Henegar; Hokana; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Larson; Laughlin; Linderman; Martin; Martinson; Meyer; Mutzenberger; Myrdal; Nelson; Nichols; Oban; Olsen, D.; Olson, A.; Peterson; Porter; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schneider; Shide; Skar; Skjerven; Snyder; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Urlacher; Wardner; Wentz; Whalen; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Boucher; Gorman; Howard; Nicholas; Schmidt; Wald

HB 1357 was declared lost.

HB 1479: A BILL for an Act to create and enact six new sections to chapter 43-05 of the North Dakota Century Code, relating to the board of podiatric medicine; to amend and reenact sections 43-05-01, 43-05-03, 43-05-04, 43-05-05, 43-05-06, 43-05-09, 43-05-10, 43-05-11, 43-05-12, 43-05-13, 43-05-14, 43-05-15, 43-05-16, and 43-05-17 of the North Dakota Century Code, relating to regulation of the practice of podiatric medicine; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 90 YEAS, 13 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Brokaw; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Goffe; Gorder; Grumbo; Hanson; Hausauer; Henegar; Hokana; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Ring; Ritter; Rydell; Scherber; Schindler; Schneider; Shide; Skar; Snyder; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Williams; Speaker R. Anderson

NAYS: Boucher; Brown; Delzer; Gilmore; Grosz; Kloubec; Olsen, D.; Rennerfeldt; Schimke; Skjerven; Stofferahn; Thorpe; Wilkie

ABSENT AND NOT VOTING: Gorman; Howard; Schmidt

HB 1479 passed and the title was agreed to.

HB 1601: A BILL for an Act to amend and reenact section 10 of chapter 2 and sections 4, 5, and 7 of chapter 198 of the 1989 Session Laws of North Dakota, relating to home-based instruction.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 22 YEAS, 82 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Carlson; Flaagan; Hanson; Hausauer; Jacobson; Kaldor; Kroeber; Kunkel; Laughlin; Linderman; Meyer; Miller; Muhs; Nelson; Nichols; Nowatzki; Payne; Peterson; Ring; Scherber; Skjerven; Snyder

NAYS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Henegar; Hokana; Huether; Jensen; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Larson; Mahoney; Martin; Martinson; Mutzenberger; Myrdal; Nicholas; Oban; Olsen, D.; Olson, A.; Porter; Price; Pyle; Rennerfeldt; Ritter; Rydell; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Howard

HB 1601 was declared lost.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3038: A concurrent resolution urging the Office of Surface Mining, Reclamation and Enforcement of the United States Department of the Interior and the North Dakota Public Service Commission to exempt surface coal mining permits of five acres or less in size from the requirements of the Surface Mining Control and Reclamation Act of 1977 and the North Dakota surface mining and reclamation operations laws.

The question being on the final adoption of the amended resolution, which has been read.

HCR 3038 was declared adopted on a voice vote.

SECOND READING OF HOUSE BILL

HB 1015: A BILL for an Act making an appropriation for defraying the expenses of the highway patrol.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 102 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Henegar; Hokana; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Hausauer; Howard; Schmidt

HB 1015 passed and the title was agreed to.

MOTION

REP. KLOUBEC MOVED that HB 1043 and HB 1168 be laid over two legislative days, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1166: A BILL for an Act to prohibit false statements in political advertisements; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 57 YEAS, 43 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Belter; Berg, G.; Boehm; Boucher; Carlson; Coats, DeMers, DeWitz, Gabrielson, Gerntholz, Gilmore; Goffe; Gorder; Grumbo; Hanson; Henegar; Hokana; Jacobson; Jensen; Kaldor; Kerzman; Kolbo; Larson; Laughlin; Linderman; Martin; Martinson; Meyer; Muhs; Mutzenberger; Nicholas; Nowatzki; Oban; Olsen, D.; Peterson; Pyle; Ring; Ritter; Rydell; Scherber; Schindler; Schneider; Shide; Skar; Snyder; Starke; Stofferahn; Thompson; Thorpe; Trautman; Urlacher; Wald; Wardner; Wentz; Wilkie

NAYS: Bateman; Berg, R.; Bernstein; Bodine; Brokaw; Brown; Byerly; Carlisle; Clayburgh; Cleary; Dalrymple; Delzer; Dorso; Enget; Erickson; Freier; Gates; Grosz; Huether; Kelsch; Kloubec; Kretschmar; Kroeber; Kunkel; Mahoney; Miller; Myrdal; Nelson; Nichols; Olson, A.; Payne; Porter; Price; Rennerfeldt; Schimke; Skjerven; Soukup; St. Aubyn; Svedjan; Timm; Tollefson; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Flaagan; Gorman; Hausauer; Howard; Schmidt; Whalen

HB 1166 passed and the title was agreed to.

HB 1179: A BILL for an Act to create and enact a new section to chapter 61-16.1 of the North Dakota Century Code, relating to the indemnification of the state by water resource districts for any judgment rendered against the state as a result of the actions of the water resource districts.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 0 YEAS, 100 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

NAYS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Henegar; Hokana; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Flaagan; Gorman; Hausauer; Howard; Schmidt; Whalen

HB 1179 was declared lost.

HB 1215: A BILL for an Act to make an appropriation for defraying North Dakota's cost share of the Belfield/Bowman radiation remediation project costs under authority of the Uranium Mill Tailings Radiation Control Act; to provide authorization to the board of university and school lands to negotiate with the department of energy on behalf of the state of North Dakota concerning the Belfield/Bowman radiation remediation project; and to provide authorization to acquire necessary land by purchase or eminent domain.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 63 YEAS, 39 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Brown; Byerly; Carlisle; Clayburgh; Cleary; Dalrymple; Delzer; DeWitz; Dorso; Freier; Gates; Gerntholz; Goffe; Gorder; Grosz; Hanson; Hausauer; Henegar; Kaldor; Kelsch; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Mahoney; Martin; Miller; Myrdal; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Payne; Porter; Pyle; Rennerfeldt; Rydell; Schimke; Schindler; Schmidt; Shide; Skjerven; Soukup; St. Aubyn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Speaker R. Anderson

NAYS: Aarsvold; Anderson, B.; Boucher; Brokaw; Carlson; Coats; DeMers; Enget; Erickson; Flaagan; Gabrielson; Gilmore; Grumbo; Hokana; Huether; Jacobson; Jensen; Kerzman; Laughlin; Linderman; Martinson; Muhs; Mutzenberger; Nelson; Nichols; Oban; Peterson; Price; Ring; Ritter; Scherber; Schneider; Skar; Snyder; Starke; Stofferahn; Thorpe; Wilkie; Williams

ABSENT AND NOT VOTING: Gorman; Howard; Meyer; Whalen

HB 1215 passed and the title was agreed to.

HB 1218: A BILL for an Act to create and enact two new sections to chapter 57-01 and a new section to chapter 57-38 of the North Dakota Century Code, relating to extension of the period of time for the tax commissioner to make an assessment if a subpoena is issued and failure of a taxpayer to complete an income tax return or supply information on changes under a federal income tax return; to amend and reenact sections 57-38-33, 57-38-38, 57-38-40, 57-39.2-15, 57-39.2-15.1, 57-39.2-25, 57-51-09 and 57-51-19 of the North Dakota Century Code, relating to failure to complete returns or supply information, failure to file a sales tax return, protest of a sales tax assessment, extension of time to perform a sales tax audit, payment of sales tax refunds, assessment of additional oil and gas production tax, and claims for credit or refund; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 102 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman;

Mahoney; Martin; Martinson; Meyer; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Howard; Miller; Whalen

HB 1218 passed and the title was agreed to.

HB 1240: A BILL for an Act to create and enact a new chapter to title 15 and a new subsection to section 21-10-06 of the North Dakota Century Code, relating to the Dakota scholars program and the Dakota scholars trust fund; and to provide a contingent appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 29 YEAS, 75 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bateman; Berg, R.; Brokaw; Carlisle; Carlson; Clayburgh; DeMers; Dorso; Gabrielson; Gates; Grumbo; Henegar; Hokana; Huether; Jensen; Kloubec; Kretschmar; Larson; Martinson; Myrdal; Olson, A.; Payne; Pyle; Ring; Schindler; Schmidt; St. Aubyn; Stofferahn; Tollefson

NAYS: Aarsvold; Anderson, B.; Belter; Berg, G.; Bernstein; Bodine; Boehm; Boucher; Brown; Byerly; Cleary; Coats; Dalrymple; Delzer; DeWitz; Enget; Erickson; Flaagan; Freier; Gertholz; Gilmore; Goffe; Gorder; Grosz; Hanson; Hausauer; Jacobson; Kaldor; Kelsch; Kerzman; Kolbo; Kroeber; Kunkel; Laughlin; Linderman; Mahoney; Martin; Meyer; Miller; Muhs; Mutzenberger; Nelson; Nicholas; Nowatzki; Oban; Olsen, D.; Peterson; Porter; Price; Rennerfeldt; Ritter; Rydell; Scherber; Schimke; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; Starke; Svedjan; Thompson; Thorpe; Timm; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Howard

HB 1240 was declared lost.

HB 1276: A BILL for an Act to amend and reenact sections 50-24.4-01 and 50-24.4-10 of the North Dakota Century Code, relating to definition of terms and reimbursement for nursing home operating costs after January 1, 1990; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 104 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gertholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar;

Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Howard

HB 1276 passed and the title was agreed to.

HB 1343: A BILL for an Act to provide for the admission as evidence of the videotaped statement of the child victim of certain sexual offenses.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 103 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Berg, G.; Gorman; Howard

HB 1343 passed and the title was agreed to.

HB 1356: A BILL for an Act making an appropriation for foundation aid, vocational education, and special education payments by the superintendent of public instruction; providing legislative intent, and declaring an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 16 YEAS, 87 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bodine; Erickson; Gorder; Kroeber; Kunkel; Mahoney; Miller; Muhs; Myrdal; Olson, A.; Payne; Porter; Schindler; Skar; Skjerven; Snyder

NAYS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Boehm; Boucher; Brokaw; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Larson; Laughlin; Linderman; Martin; Martinson; Meyer; Mutzenberger; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Peterson; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schmidt; Schneider; Shide; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Brown; Gorman; Howard

HB 1356 was declared lost.

HB 1407: A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota Century Code, relating to tuition rates; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 10 YEAS, 94 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Belter; Dalrymple; Dorso; Kloubec; Kolbo; Kunkel; Miller; Muhs; Ritter; Rydell

NAYS: Aarsvold; Anderson, B.; Bateman; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Delzer; DeMers; DeWitz; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kretschmar; Kroeber; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Howard

HB 1407 was declared lost.

HB 1464: A BILL for an Act to amend and reenact section 14-15-19.1 and subsection 5 of section 27-20-45 of the North Dakota Century Code, relating to the role of the state's attorney in a voluntary termination of parental rights.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 6 YEAS, 96 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: DeWitz; Enget; Kunkel; Mahoney; Miller; Muhs

NAYS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; Dorso; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Huether; Jacobson; Jensen; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Larson; Laughlin; Linderman; Martin; Martinson; Meyer; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Howard; Kaldor; Wald

HB 1464 was declared lost.

HB 1507: A BILL for an Act to amend and reenact sections 10-22-01 and 10-27-01 of the North Dakota Century Code, relating to the right of foreign corporations to transact business in this state.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 102 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Huether; Jacobson; Jensen; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Dalrymple; Gorman; Howard; Kaldor

HB 1507 passed and the title was agreed to.

HB 1508: A BILL for an Act to prohibit issuance of evidences of indebtedness by any state agency, institution, or instrumentality without prior specific authorization by the legislative assembly.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 102 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Huether; Jacobson; Jensen; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Howard; Kaldor; Nicholas

HB 1508 passed and the title was agreed to.

MOTION

REP. KLOUBEC MOVED that HB 1526 and HB 1553 be placed at the head of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1526: A BILL for an Act to amend and reenact sections 35-13-01, 35-13-02, 35-13-03, and 35-13-04 of the North Dakota Century Code, relating to repairmen's liens.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 101 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Hausauer; Henegar; Huether; Jacobson; Jensen; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Hokana; Howard; Kaldor; Nicholas

HB 1526 passed and the title was agreed to.

HB 1553: A BILL for an Act to amend and reenact sections 50-01-01, 50-02-05, 50-03-01, 50-03-02, 50-03-03, 50-03-04, 50-03-05, 50-03-06, 50-03-07, 50-06.2-05, and subsection 34 of section 57-15-06.7 of the North Dakota Century Code, relating to the human services fund.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 102 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Huether; Jacobson; Jensen; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Howard; Kaldor; Nicholas

HB 1553 passed and the title was agreed to.

POINT OF PERSONAL PRIVILEGE

REP. KLOUBEC: Mr. Speaker: I rise on a point of personal privilege and request that my remarks be printed in the Journal.

Mr. Speaker, ladies and gentlemen of the House. Monday, February 18, will be the official state holiday in recognition of George Washington's and Abraham Lincoln's birthdays. Because of Crossover, the Legislature will observe February 25th as the presidents' holiday. All Legislative Assembly employees will be paid for the legislative holiday, February 25, in observance of President's Day.

The Legislative Assembly will also be in recess on February 26. In recognition of the uncompensated overtime which all of our employees have put in since the beginning of this session, legislative employees will also be paid for that day.

MOTIONS

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

REP. KLOUBEC MOVED that the House be on the Fifth order of business, and at the conclusion of the Fifth order, the House be on the Thirteenth order of business, and at the conclusion of the Thirteenth order, the House stand adjourned until 1:00 p.m., Monday, February 18, 1991, which motion prevailed.

REPORTS OF STANDING COMMITTEES

HB 1009: Committee on Appropriations (Rep. Thompson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (23 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 13, replace "3,254,617" with "3,228,004"

Page 1, line 14, replace "1,148,401" with "1,138,401"

Page 1, line 18, replace "4,849,921" with "4,813,308"

Page 1, line 19, replace "3,085,587" with "3,232,463"

Page 1, line 20, replace "1,764,334" with "1,580,845"

Page 2, after line 4, insert:

"Total all funds	\$392,587
Less estimated income	<u>10,000</u>

Page 2, line 5, replace "392,587" with "382,587"

Page 2, line 6, replace "2,156,921" with "1,963,432"

Page 2, line 7, replace "3,085,587" with "3,242,463"

Page 2, line 8, replace "5,242,508" with "5,205,895"

Page 2, line 9, replace "APPROPRIATION" with "VETERANS' POSTWAR TRUST FUND EARNINGS" and replace "100,000" with "196,876"

Page 2, line 10, replace "for the capital improvements" with "included in the estimated income" and after "1" insert "of section 1"

Page 2, line 11, remove "appropriated to the veterans' home operating fund"

Page 2, line 13, after "facility" insert "of \$100,000, equipment purchases of \$26,876, and operating expenses of \$70,000"

Page 2, line 14, replace "APPROPRIATION" with "NURSING HOME STARTUP COSTS"

Page 2, line 15, replace "for" with "included in"

Page 2, line 16, after "1" insert "of section 1" and remove "appropriated to the veterans' home operating"

Page 2, line 17, remove the first "fund"

Page 2, after line 18, insert:

"SECTION 4. VETERANS' POSTWAR TRUST FUND EARNINGS. The amount of \$10,000, or so much thereof as may be necessary, included in the estimated income line item in subdivision 2 of section 1 of this Act is from interest earnings of the veterans' postwar trust fund for the purpose of equipment purchases."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 313 - VETERANS HOME

This amendment makes the following changes to the Veterans Home executive budget recommendation:

The salaries and wages line item is reduced by \$26,613 from the general fund to reduce the additional funds provided in the executive budget for resident salaries from \$70,968 to \$44,355.

Funding for utilities in the operating expenses line item is reduced by \$10,000 from the general fund.

The estimated income line item is increased by \$146,876 with a corresponding decrease in general fund support for the Veterans Home for the following:

- \$50,000 of additional federal funds estimated to be received during the 1991-93 biennium for operating expenses.
- \$96,876 of additional interest earnings of the veterans' postwar trust fund estimated to be received during the 1991-93 biennium (\$70,000 for operating expenses and \$26,876 for equipment).

General fund support for the Veterans Home is reduced in total by \$183,489, from \$1,764,334 to \$1,580,845.

DEPARTMENT 321 - DEPARTMENT OF VETERANS AFFAIRS

This amendment increases the estimated income line item by \$10,000 for interest earnings of the veterans' postwar trust fund estimated to be received during the 1991-93 biennium for equipment with a corresponding decrease in general fund support.

HB 1014: Committee on Appropriations (Rep. Thompson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 13, replace "158,143" with "153,143"

Page 1, line 15, replace "1,259,516" with "1,254,516"

Page 1, line 16, replace "9,516" with "7,516"

Page 1, line 17, replace "1,702,872" with "1,690,872"

Page 1, line 19, replace "551,263" with "539,263"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 709 - COUNCIL ON THE ARTS

This amendment reduces the general fund transfer to the cultural endowment fund by \$2,000, from \$9,516 to \$7,516. In addition, operating expenses are reduced by \$5,000 from the general fund, from \$158,143 to \$153,143; and funding for grants in the community services program is reduced by \$5,000 from the general fund, from \$162,563 to \$157,563.

HB 1019: Committee on Appropriations (Rep. Thompson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (22 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 4, after the semicolon insert "and"

Page 1, line 5, remove "; and to declare an"

Page 1, line 6, remove "emergency"

Page 1, line 17, replace "4,302,172" with "4,168,699"

Page 1, line 18, replace "209,624" with "208,924"

Page 1, line 19, replace "1,505,544" with "1,500,644"

Page 1, line 20, replace "141,293" with "135,293"

Page 1, line 21, replace "6,303,650" with "6,364,000"

Page 2, line 1, replace "Construction bond" with "Lease" and replace "14,713,040" with "12,483,264"

Page 2, line 4, replace "all fund" with "special funds appropriation" and replace "27,250,323" with "24,935,824"

Page 2, remove lines 5 and 6

Page 2, line 14, replace "300,000" with "300,000"

Page 2, remove lines 15 through 17

Page 2, line 18, replace "27,009,291" with "22,509,291"

Page 2, line 21, replace "10,216,982" with "10,174,977"

Page 2, line 23, replace "500,000" with "250,000"

Page 2, after line 23, insert:

"Capital improvements 4,435,000"

Page 2, line 25, replace "16,696,146" with "20,839,141"

Page 2, line 28, replace "2,101,429" with "2,077,979"

Page 3, line 4, replace "100,000" with "50,000"

Page 3, line 5, replace "34,181,081" with "34,107,631"

Page 3, remove line 6

Page 3, line 7, replace "102,060,073" with "102,891,887"

Page 3, remove lines 8 through 13

Page 3, line 23, replace "is hereby appropriated" with "may be spent"

Page 3, line 24, remove "to the industrial commission"

Page 3, replace lines 27 through 29 with:

"SECTION 4. TRANSFER. The industrial commission as reimbursement for administrative expenses may transfer from funds available to the following agencies to the industrial commission operating fund the following amounts during the biennium beginning July 1, 1991, and ending June 30, 1993:

Mill and elevator association	\$ 62,202
Bank of North Dakota	74,593
Housing finance agency	55,048
Municipal bond bank	28,351
Student loan trust	55,048"

Page 4, remove lines 1 through 29

Page 5, remove lines 1 through 3

Page 5, line 25, replace "hereby appropriated" with "to be spent" and remove "to the industrial"

Page 5, line 26, remove "commission"

Page 7, line 9, after "marketing" insert "including interest on all such moneys."

Page 7, line 10, after "commission" insert "and may be spent only within limits of legislative appropriations."

Page 7, replace lines 13 through 28 with:

"SECTION 10. LEGISLATIVE INTENT - LEASE PAYMENTS. The amount of \$12,483,264 included in subdivision 1 of section 1 of this Act in the lease payments line shall be paid from the following funding sources during the biennium beginning July 1, 1991, and ending June 30, 1993:

Higher education institutions	\$ 1,900,000
Capital construction fund's portion of sales, use, and motor vehicle excise taxes	10,306,142
Veterans home improvement fund	<u>277,122</u>
Total	\$12,483,264

The amounts shall be deposited in the capital construction fund and used for payments on the bonds issued by the North Dakota building authority including the 1986 Series A issue for projects at the state developmental center, state hospital, and state penitentiary.

SECTION 11. CAPITAL CONSTRUCTION FUND - BORROWING AUTHORITY. The industrial commission may borrow up to \$2,500,000 from the state general fund for deposit in the capital construction fund during the biennium beginning July 1, 1991, and ending June 30, 1993, for the purpose of making lease payments. Any amounts borrowed from the general fund must be repaid to the general fund prior to June 30, 1993."

Page 8, replace lines 1 and 2 with:

"SECTION 12. CONTINGENT APPROPRIATION. There is hereby appropriated from the Bank of North Dakota accumulated and undivided profits, not otherwise appropriated, the sum of \$500,000, or so much thereof as may be necessary, to the Bank of North Dakota to be used for profit enhancement programs not anticipated during the fifty-second legislative assembly for the biennium beginning July 1, 1991, and ending June 30, 1993. The amounts can be made available to the Bank of North Dakota only after receiving budget section approval.

SECTION 13. LIMITATION OF USE OF FUNDS BY MUNICIPAL BOND BANK.

None of the funds appropriated by this Act may be used, in any manner, by the municipal bond bank to lend money to political subdivisions, through the purchase and holding of securities issued by the political subdivisions, unless the industrial commission approves a resolution that authorizes the bond bank to purchase and hold the securities. The authorizing resolution must state that the industrial commission has determined that private bond markets will not be responsive to the needs of the issuing political subdivision. A separate determination and a separate resolution is required for each issue of securities. The industrial commission shall submit a copy of any resolution adopted pursuant to this section, within thirty days after adoption, to the chairman of the legislative council.

SECTION 14. MILL AND ELEVATOR CONSTRUCTION PROJECTS - BUDGET SECTION APPROVAL. The industrial commission must obtain budget section approval prior to authorizing any mill and elevator capital improvement projects that will exceed \$250,000 in costs during the 1991-93 biennium.

SECTION 15. LAND RECLAMATION RESEARCH CENTER FUNDING. The amount of \$623,533 included in grants in subdivision 1 of section 1 of this Act shall be made available to the land reclamation research center from the lignite research fund for the biennium beginning July 1, 1991, and ending June 30, 1993. The land reclamation research center must submit bids before receiving additional grant moneys from the lignite research fund."

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:**DEPARTMENT 405 - INDUSTRIAL COMMISSION**

Reduces salaries and wages by \$133,473 for deleting funding for two FTE positions provided in the executive budget, \$65,261 for a research analyst in the Industrial Commission and \$68,212 for a geologist II in the Geological Survey.

The amendment reduces the data processing line item by \$700, operating expenses by \$4,900, and equipment line by \$6,000 relating to funding for the research analyst position.

The amendment increases the grants line item by a net of \$60,350, a \$353,650 reduction from the general fund and a \$414,000 increase from estimated available funds in the lignite research fund. The \$353,650 was to be made available to the Land Reclamation Research Center, as contained in House Bill No. 1005, from the general fund to fund its operations for fiscal year 1992. The amendment provides \$623,533 for the Land Reclamation Research Center and that if the center wants additional grant moneys it must bid for them on a competitive basis.

Lease/Bond Payments

The amount appropriated for lease payments is reduced by \$2,229,776 to the level necessary to make the payments. The \$2,229,776 is a net reduction consisting of a \$2,723,118 general fund reduction and an increase of \$493,342 from the capital construction fund. The general fund appropriation is reduced by allowing the Industrial Commission to borrow up to \$2,500,000 in order to have sufficient funds in the capital construction fund on the payment due date. The capital construction fund is increased through passage of Senate Bill No. 2330 which provides for an earlier effective date for creation of the capital construction fund. The fiscal effect of Senate Bill No. 2330 is an increase of \$650,000 to the capital construction fund. Of the \$650,000, \$493,342 is used for payments leaving an estimated June 30, 1993, capital construction fund balance of \$156,658. The balance will vary

depending on any changes made to the sales tax laws by the Legislative Assembly.

A section is added providing that the Municipal Bond Bank cannot lend money to political subdivisions until the Industrial Commission authorizes it.

DEPARTMENT 471 - BANK OF NORTH DAKOTA

Growing North Dakota Program

The Bank of North Dakota's appropriation was reduced by \$4,500,000 and Section 16 was removed relating to the amounts for the Growing North Dakota program since the amounts are also transferred and are appropriated in Senate Bill No. 2058, which contains many of the Vision 2000 Committee recommendations.

Contingent Appropriation for Bank of North Dakota

A new section is added appropriating \$500,000 to the Bank of North Dakota to be used, upon Budget Section approval, for events unforeseen during the Fifty-second Legislative Assembly relating to profit enhancement programs.

DEPARTMENT 473 - HOUSING FINANCE AGENCY

Salaries and wages was reduced by \$23,450 due to changing funding for 2.5 FTE positions back to part-time positions. The \$23,450 relates to fringe benefits for these positions.

The contingency line item was reduced by \$50,000, from \$100,000 to \$50,000.

DEPARTMENT 475 - MILL AND ELEVATOR

Salaries and wages is reduced by \$42,005 to delete funding for one of the four janitorial positions added in the executive budget.

The emergency fund is reduced by \$250,000, from \$500,000 to \$250,000.

A capital improvements line item of \$4,435,000 is added for capital projects at the Mill and Elevator. Funding of \$2,000,000 is included for new durum milling equipment to increase semolina production and \$1,300,000 is provided to build product accumulation bins to improve efficiency. A section is added requiring the Industrial Commission to get Budget Section approval prior to beginning any projects that will exceed \$250,000.

Sections 5, 6, 7, 8, and 9 relating to Bank of North Dakota, Mill and Elevator Association, Housing Finance Agency, Municipal Bond Bank, and student loan trust payments for Industrial Commission services were replaced with one section providing the Industrial Commission the authority to make transfers from the agencies under its control.

Section 2 providing for a continuing appropriation for the Housing Finance Agency was removed.

In total, the amendment reduces the bill's appropriation by a net \$2,244,954, the general fund appropriation of \$3,076,768 is deleted, and the other funds appropriation is increased by a net amount of \$831,814.

HB 1027: Committee on Finance and Taxation (Rep. Timm, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (15 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 3, after "date" insert "and an expiration date"

Page 1, line 16, replace "five" with "four"

Page 3, line 26, after "DATE" insert "- EXPIRATION DATE" and after "for" insert "the first two"

Page 3, line 27, after "1990" insert ", and is thereafter ineffective"

Renumber accordingly

HB 1058: Committee on Natural Resources (Rep. A. Olson, Chairman) recommends DO NOT PASS (15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1058 was placed on the Eleventh order on the calendar.

HB 1059: Committee on Natural Resources (Rep. A. Olson, Chairman) recommends DO NOT PASS (15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1059 was placed on the Eleventh order on the calendar.

HB 1062: Committee on Natural Resources (Rep. A. Olson, Chairman) recommends DO NOT PASS (15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1062 was placed on the Eleventh order on the calendar.

HB 1063: Committee on Natural Resources (Rep. A. Olson, Chairman) recommends DO NOT PASS (15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1063 was placed on the Eleventh order on the calendar.

HB 1098: Committee on Finance and Taxation (Rep. Timm, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections" and after "57-51-02.2" insert "and 57-51-02.3"

Page 1, line 2, after "gas" insert "and oil"

Page 1, line 3, replace "section" with "sections 57-51-01,", replace "and" with a comma, remove "subsection 4 of section", and after "57-51-05" insert ", and subsections 1 and 2 of section 57-51-06"

Page 1, after line 7, insert:

"SECTION 1. AMENDMENT. Section 57-51-01 of the North Dakota Century Code is amended and reenacted as follows:

57-51-01. Definitions. As used in this chapter:

1. "Barrel of oil" ~~shall mean~~ means forty-two United States gallons of two hundred thirty-one cubic inches per gallon computed at a temperature of sixty degrees Fahrenheit [158.99 liters computed at a temperature of 15.56 degrees Celsius].
2. "Commissioner" ~~shall mean~~ means the state tax commissioner.
3. "Field" means the geographic area underlaid by one or more pools, as defined by the industrial commission.
4. "Gas" ~~shall mean~~ means natural gas and casinghead gas.
- 4- 5. "Oil" ~~shall mean~~ means petroleum, crude oil, mineral oil, and casinghead gasoline.
- 5- 6. "Person" ~~shall include~~ includes partnership, corporation, association, fiduciary, trustee, and any combination of individuals.
7. "Posted price" means the price specified in publicly available posted price bulletins or other public notices, net of any adjustments for quality and location.

8. "Transportation costs" means the costs incurred for transporting oil established in accordance with the first applicable of the following methods:
- a. Actual costs incurred under the arm's-length contract between the producer and the transporter of oil.
 - b. An applicable common carrier rate established and filed with the North Dakota public service commission, or the appropriate federal jurisdictional agency.
 - c. Where no common carrier rate would be applicable, the transportation costs are those reasonable costs associated with the actual operating and maintenance expenses, overhead costs directly attributable and allocable to the operation and maintenance, and either depreciation and a return on undepreciated capital investment, or a cost equal to a return on the investment in the transportation system, as determined by the commissioner."

Page 1, line 19, remove "the value of"

Page 3, after line 5, insert:

"SECTION 4. Section 57-51-02.3 of the North Dakota Century Code is created and enacted as follows:

Valuation of oil - Alternatives - Exceptions. The gross value at the well for oil is the price paid for the oil under an arm's-length contract between the producer and the purchaser less, where applicable, transportation costs associated with moving the oil from the point of production to the point of sale under the contract. In the absence of an arm's-length contract, the gross value at the well for oil is established by the first applicable of the following methods:

1. The price paid under an arm's-length contract, to which the person paying the tax is a party, for the purchase or sale of oil of like kind, character, and quality, in the same field or, if none, in a nearby field, less, where applicable, transportation costs associated with moving the oil from the point of production to the point of sale.
2. The price paid under an arm's-length contract, between parties other than the person paying the tax, for the purchase or sale of oil of like kind, character, and quality, in the same field or, if none, in a nearby field, less, where applicable, transportation costs associated with moving the oil from the point of production to the point of sale.
3. The value determined by consideration of the posted price relevant in valuing oil of like kind, character, and quality, in the same field or, if none, in a nearby field, less, where applicable, adjustments for transportation costs to reflect the differential between the value at the point of production and the value at the location reflected in the posted price."

Page 3, line 6, replace "Subsection 4 of section" with "Section"

Page 3, after line 8, insert:

"57-51-05. Payment of tax on quarterly basis - When tax due - When delinquent - Payment by purchaser - By producer - How casinghead gas taxed.

1. The gross production tax on oil or gas, as herein provided, must be paid on a monthly basis. The tax on oil is due and

payable on the twenty-fifth day of the month succeeding the month of production. The tax on gas is due and payable on the fifteenth day of the second month succeeding the month of production. If the tax is not paid as required by this section, it becomes delinquent and must be collected as provided in this chapter. The penalty does not apply if ninety percent of the tax due has been paid with the monthly return and the taxpayer files an amended monthly return and pays the total tax due within sixty days from the original due date. The commissioner, upon request and a proper showing of the necessity therefor, may grant an extension of time, not to exceed fifteen days, for paying the tax and when such a request is granted the tax is not delinquent until the extended period has expired. Any taxpayer who requests and is granted an extension of time for filing a return shall pay, with the tax, interest at the rate of twelve percent per annum from the date the tax was due to the date the tax is paid.

2. On oil or gas sold at the time of production, the gross production tax thereon shall be paid by the purchaser, and such purchaser shall and is hereby authorized to deduct in making settlement with the producer or royalty owner, the amount of tax so paid; provided, that in the event oil on which such gross production tax becomes due is not sold at the time of production but is retained by the producer, the tax on such oil not so sold shall be paid by the producer for himself including the tax due on royalty oil not sold; provided further, that in settlement with the royalty owner such producer shall have the right to deduct the amount of such tax so paid on royalty oil or to deduct therefrom royalty oil equivalent in value at the time such tax becomes due with the amount of the tax paid.
3. Gas when produced and utilized in any manner, except when used for fuel or otherwise used in the operation of any lease or premises in the drilling for or production of oil or gas therefrom, or for repressuring thereon, shall be considered for the purpose of this chapter, as to the amount utilized, as gas actually produced and saved."

Page 3, line 9, overstrike "4. In case oil" and overstrike "is sold under circumstances where the sale price"

Page 3, line 10, overstrike "does not represent the cash price thereof prevailing for oil"

Page 3, overstrike lines 11 through 13

Page 3, line 14, overstrike "the time of production thereof in said field for oil" and overstrike "of"

Page 3, overstrike line 15

Page 3, after line 15, insert:

"SECTION 6. AMENDMENT. Subsections 1 and 2 of section 57-51-06 of the 1989 Supplement to the North Dakota Century Code are amended and reenacted as follows:

1. The tax herein provided for ~~shall must~~ be paid to ~~said the~~ commissioner and the person paying the tax shall file with ~~said the~~ commissioner at the time the tax is required to be paid, a statement, under oath, on forms prescribed by ~~said the~~ commissioner, ~~giving with other information required, the following:~~

- a. Full description of the property by lease name; subdivision of quarter section; section; township and range; from which said oil or gas was produced;
 - b. The name of the producer;
 - c. The gross amount of said oil or gas purchased;
 - d. The total value of such oil or gas at the price paid therefor; if purchased at time of production;
 - e. The prevailing market price of oil or gas sold at time of production; provided, that in lieu of such statement, a purchaser, at time of production, may furnish a true verified copy of the regular settlement sheet in use by such purchaser, if such sheet contains all the information required.
2. Any person engaged in the production within this state of oil shall on or before the twenty-fifth day of the next succeeding month after production, and any person engaged in the production of gas within this state shall, on or before the fifteenth of the second succeeding month after production, file with the commissioner a statement under oath upon forms prescribed by said the commissioner, giving, along with other information required, the following:
- a. Name of the property; description by subdivision of quarter section; section; township; and range;
 - b. The gross amount of oil or gas produced and saved;
 - c. The name of the purchaser and the price received therefor;
 - d. Each report required hereunder shall be filed on separate forms as to product and county."

Page 3, line 19, replace "1990" with "1991"

Re-number accordingly

HB 1103: Committee on Finance and Taxation (Rep. Timm, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new section to chapter 15-10 of the North Dakota Century Code, relating to investment income of the state's colleges and universities; and to", replace "section" with "sections 6-09-07," and after "54-11-01" insert ", and 54-17-07"

Page 1, line 2, after the first "to" insert "investment income of the Bank of North Dakota,"

Page 1, line 4, after "income" insert ", and income on industrial commission deposits and investments"

Page 1, after line 5, insert:

"SECTION 1. AMENDMENT. Section 6-09-07 of the North Dakota Century Code is amended and reenacted as follows:

6-09-07. State funds must be deposited in Bank of North Dakota - Income of the Bank. All state funds, and funds of all state penal, educational, and industrial institutions must be deposited in the Bank of North Dakota by the persons having control of such funds or must be

deposited in accordance with constitutional and statutory provisions. All income earned by the Bank for its own account on state moneys that are deposited in or invested with the Bank to the credit of the state must be credited to and become a part of the revenues and income of the Bank.

SECTION 2. A new section to chapter 15-10 of the North Dakota Century Code is created and enacted as follows:

College and university investment income. All income earned on college and university funds not deposited in the state treasury must be retained by those funds."

Page 3, line 20, after "on" insert "the deposit or"

Page 3, line 21, after "fund" insert "; provided that this provision does not apply to:

a. Income earned on state moneys that are deposited or invested to the credit of the industrial commission or any agency, utility, industry, enterprise, or business project operated, managed, controlled, or governed by the industrial commission.

b. Income earned by the Bank of North Dakota for its own account on state moneys that are deposited in or invested with the Bank.

c. Income earned on college and university funds not deposited in the state treasury"

Page 3, after line 22, insert:

"SECTION 4. AMENDMENT. Section 54-17-07 of the North Dakota Century Code is amended and reenacted as follows:

54-17-07. Industries under the industrial commission - Income on deposits and investments. The industrial commission shall operate, manage, control, and govern all utilities, industries, enterprises, and business projects established, owned, undertaken, administered, or operated by the state of North Dakota, except those carried on in penal, charitable, or educational institutions. All income earned on state moneys that are deposited or invested to the credit of the industrial commission or any agency, utility, industry, enterprise, or business project operated, managed, controlled, or governed by the industrial commission must be added to and become a part of such moneys."

Renumber accordingly

HB 1111: Committee on Natural Resources (Rep. A. Olson, Chairman) recommends DO PASS (14 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1111 was placed on the Eleventh order on the calendar.

HB 1113: Committee on Natural Resources (Rep. A. Olson, Chairman) recommends DO NOT PASS (15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1113 was placed on the Eleventh order on the calendar.

HB 1139: Committee on Transportation (Rep. Belter, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (10 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 9, line 9, overstrike "state"

Page 9, line 10, overstrike "tax commissioner who shall pay them to the"

Renumber accordingly

HB 1169: Committee on Political Subdivisions (Rep. Martin, Chairman) recommends BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION (13 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). HB 1169 was placed on the Eleventh order on the calendar.

HB 1177: Committee on Political Subdivisions (Rep. Martin, Chairman) recommends DO PASS (9 YEAS, 6 NAYS, 2 ABSENT AND NOT VOTING). HB 1177 was placed on the Eleventh order on the calendar.

HB 1193: Committee on State and Federal Government (Rep. Martinson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 4, line 4, after "relocate" insert "the state farm and"

Renumber accordingly

HB 1194: Committee on Judiciary (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 2, replace "eleven" with "twelve"

Page 5, line 16, after "of" insert "practice or"

Page 6, line 6, after "requires" insert "or specifically provides for suspension or revocation without a hearing"

Page 7, line 16, after "respondent" insert an underscored comma

Page 8, line 15, after "emergency" insert "or when a shorter notice period is necessary to comply with the requirements of federal statutes, rules, or standards"

Page 13, remove lines 4 and 5

Page 13, line 6, replace "b" with "a"

Page 13, line 8, replace "c" with "b"

Page 13, line 10, remove "or"

Page 13, line 11, replace "d" with "c"

Page 13, line 13, replace the underscored period with "; or"

Page 13, after line 13, insert:

"d. The governor, in all other cases."

Page 13, line 19, replace "to the agency or to a presiding person in the conduct of a" with "or rule. A hearing officer may be designated to preside over the entire administrative proceeding and may issue orders accordingly. A procedural hearing officer may only issue orders in regard to the course and conduct of the hearing under statute or rule, and to otherwise effect an orderly hearing. If a procedural hearing officer is designated the agency head must be present at the hearing and the agency head shall issue findings of fact and conclusions of law, as well as any order resulting from the hearing."

Page 13, remove line 20

- Page 19, line 6, replace "a person presiding" with "an agency head or hearing officer"
- Page 19, line 14, replace "presiding" with "the hearing officer"
- Page 19, line 16, replace "and" with ". An agency head or hearing officer"
- Page 19, line 17, remove the second "receive"
- Page 19, remove lines 18 and 19
- Page 19, line 20, remove "received does not"
- Page 20, line 1, replace "person presiding" with "agency head or hearing officer"
- Page 20, line 9, replace "A person who presides" with "An agency head or hearing officer"
- Page 20, line 23, replace "a person presiding" with "an agency head or hearing officer"
- Page 20, line 25, replace "person" with "hearing officer"
- Page 20, line 26, remove "presiding"
- Page 21, after line 5, insert:
- "8. Nothing in this section prohibits a member of the general public, not acting on behalf or at the request of any party, from communicating with an agency in cases of general interest. The agency shall disclose such written communications in contested cases."
- Page 21, line 11, replace "preside at the contested case hearing or assist or" with "serve as hearing officer."
- Page 21, remove line 12
- Page 21, line 13, after "the" insert "direct" and remove ", direction, or discretion"
- Page 21, line 16, replace "preside at the contested case hearing or assist or" with "serve as hearing officer."
- Page 21, remove line 17
- Page 21, line 18, replace "preside at" with "serve as hearing officer in"
- Page 21, line 20, replace "preside" with "serve as hearing officer"
- Page 22, line 4, remove "person presiding in the administrative proceeding is the"
- Page 22, line 6, after the underscored comma insert "is presiding."
- Page 22, line 7 remove "person presiding in the administrative proceeding is not the"
- Page 22, line 8, after the comma insert "or another person authorized by the agency head or by law to issue a final order, is not presiding."
- Page 23, line 26, replace "twenty" with "thirty"
- Page 24, line 4, remove "findings of"
- Page 24, line 5, remove "fact, conclusions of law, and"

Page 25, line 9, replace "twenty" with "thirty"

Page 25, line 27, overstrike "nor an order affecting a"

Page 25, line 28, overstrike "substantial right"

Page 28, after line 11, insert:

"3. The cost of preparation and filing of the record may be waived by the district court upon application by an appellant, showing that the appellant is a low-income person unable to afford these costs. When a waiver is granted, the costs of preparation and filing of the record must be paid by the administrative agency."

Page 28, line 12, replace "3" with "4"

Page 28, line 20, replace "notices" with "noticed"

Page 29, after line 4, insert:

"1. Any other document that the agency believes is relevant to the appeal.

m. Any other document that is not privileged and which is a public record that the appellant requests the agency to include in the record, if relevant to the appeal."

Page 29, line 5, replace "4" with "5"

Page 29, line 9, replace "5" with "6"

Page 30, line 1, replace "6" with "7"

Page 30, line 9, replace "7" with "8"

Page 32, remove line 18

Page 32, line 19, remove "another interested person or is"

Page 35, line 1, replace "No natural person may refuse to testify about" with "If any person objects to testifying or producing evidence, documentary or otherwise, at any proceeding before an administrative agency, claiming a privilege against self-incrimination, but is directed to testify or produce evidence pursuant to the written approval of the attorney general, that person must comply with the direction; but no testimony or evidence compelled from that person, after a valid claim of privilege against self-incrimination has been made, may be used against that person in any criminal proceeding subjecting that person to a penalty or forfeiture. No person testifying at any proceeding before an administrative agency may be exempted from prosecution and punishment for perjury or giving a false statement, or for contempt committed in answering, or failing to answer, or in producing, or in failing to produce, evidence, pursuant to direction given under this section."

Page 35, remove lines 2 through 12

Page 35, after line 12, insert:

"SECTION 33. A new section to chapter 26-32 of the North Dakota Century Code is created and enacted as follows:

Nothing in this chapter prohibits an elected official from presiding at that agency's cases, nor from deciding cases within that agency's jurisdiction."

- Page 42, line 15, after "~~decision~~" insert "order" and remove the overstrike over "~~pursuant to~~"
- Page 42, line 16, after "~~28-32-13~~" insert "chapter 28-32" and remove the overstrike over "~~; provided that the~~"
- Page 42, line 17, remove the overstrike over "~~decision must be issued within thirty days after the~~"
- Page 42, line 18, remove the overstrike over "~~hearing. The commission shall have no discretion to~~"
- Page 42, line 19, remove the overstrike over "~~increase such time period~~" and remove "order as required by chapter"
- Page 42, line 20, remove "28-32"

Renumber accordingly

HB 1210: Committee on Natural Resources (Rep. A. Olson, Chairman) recommends DO NOT PASS (15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1210 was placed on the Eleventh order on the calendar.

HB 1228: Committee on Agriculture (Rep. Nicholas, Chairman) recommends DO PASS (14 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1228 was placed on the Eleventh order on the calendar.

HB 1261: Committee on Judiciary (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 9, remove the overstrike over "~~or costs.~~"

Page 1, line 10, overstrike "ten" and insert immediately thereafter "twelve", remove the overstrike over the overstruck comma, and remove "and any additional charges assessed by the"

Page 1, line 11, remove "drawee of the check, draft, or order"

Page 1, line 12, after the period insert "A collection agency shall reimburse the original holder of the check, draft, or order any additional charges assessed by the drawee of the check, draft, or order not in excess of two dollars."

Page 2, line 14, remove the overstrike over "~~and~~", remove the underscored comma, and remove the overstrike over "~~or costs.~~"

Page 2, line 15, overstrike "ten" and insert immediately thereafter "twelve" and remove "and additional charges assessed"

Page 2, line 16, remove "by the drawee of the check"

Page 3, line 10, remove the overstrike over "~~or costs.~~"

Page 3, line 11, overstrike "ten" and insert immediately thereafter "twelve", remove the overstrike over the overstruck comma, and remove "and any additional charges assessed by the"

Page 3, line 12, remove "drawee of the instrument"

Page 3, line 27, remove the overstrike over "~~or costs.~~"

Page 3, line 28, overstrike "ten" and insert immediately thereafter "twelve", remove the overstrike over the overstruck comma, and remove "and any additional charges by the drawee of"

Page 4, line 1, remove "the instrument"

Page 4, line 23, remove the overstrike over "~~and~~", remove the underscored comma, and remove the overstrike over "~~or costs~~"

Page 4, line 24, overstrike "ten" and insert immediately thereafter "twelve" and remove ", and additional charges assessed by"

Page 4, line 25, remove "the drawee of the instrument"

Re-number accordingly

HB 1284: Committee on Transportation (Rep. Belter, Chairman) recommends DO PASS (13 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1284 was placed on the Eleventh order on the calendar.

HB 1285: Committee on State and Federal Government (Rep. Martinson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (8 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 9, replace "January" with "July" and replace "1992" with "1993"

Re-number accordingly

HB 1287: Committee on Natural Resources (Rep. A. Olson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (9 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 6, after "permit" insert "pursuant to section 61-04-02"

Page 1, line 7, after "each" insert "permitted"

Page 1, line 11, replace the first "water commission" with "engineer" and replace the second "water commission" with "engineer"

Page 1, line 13, replace "is" with "shows an increasing amount of milligrams per liter toward the maximum contaminant level of ten milligrams per liter, which has been set for potable water by the United States environmental protection agency under the safe drinking water act of 1974, then the department and the state engineer shall take action to identify the point source of the possible nitrate contamination and cause it to be controlled or abated."

Page 1, remove lines 14 through 16

Re-number accordingly

HB 1333: Committee on Natural Resources (Rep. A. Olson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (9 YEAS, 4 NAYS, 3 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 2, line 3, replace "sixty" with "sixty-five"

Page 2, line 5, replace "sixty" with "sixty-five"

Page 4, line 4, replace "sixty" with "sixty-five"

Re-number accordingly

HB 1338: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends DO PASS (12 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1338 was placed on the Eleventh order on the calendar.

HB 1349: Committee on Political Subdivisions (Rep. Martin, Chairman) recommends DO NOT PASS (15 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1349 was placed on the Eleventh order on the calendar.

HB 1365: Committee on Political Subdivision (Rep. Martin, Chairman) recommends DO PASS (11 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1365 was placed on the Eleventh order on the calendar.

HB 1391: Committee on Appropriations (Rep. Thompson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 9 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide an appropriation to the national guard tuition trust fund.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$100,000, or so much thereof as may be necessary, to the national guard tuition trust fund for the tuition assistance program for the biennium beginning July 1, 1991, and ending June 30, 1993."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT - NATIONAL GUARD TUITION TRUST FUND

This amendment provides \$100,000 from the general fund to the national guard tuition trust fund for the tuition assistance program.

HB 1395: Committee on Transportation (Rep. Belter, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 9, replace "corporation" with "county and local historical societies" and replace "is" with "are"

Renumber accordingly

HB 1406: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (8 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, replace "two" with "a", replace "subsections" with "chapter", and replace "section 43-13-01" with "title 43"

Page 1, line 2, remove "and a new section to chapter 43-13"

Page 1, line 3, remove "definitions with respect to the practice of optometry and to"

Page 1, line 6, replace "Two" with "A", replace "subsections" with "chapter", replace "section 43-13-01" with "title 43", and remove "1989"

Page 1, line 7, remove "Supplement to the" and replace "are" with "is"

Page 1, after line 8, insert:

"Definitions. As used in this chapter, unless the context otherwise requires:

1."

Page 1, line 9, after the first comma insert "fabrication,"

Page 1, line 11, after "devices" insert "not in contact with the eye"

Page 1, after line 21, insert:

"2. "Opticianry" means a nonmedical health care profession the practitioners of which are engaged in ophthalmic dispensing.

3."

Page 2, line 1, replace the first "a" with "an unexpired"

Page 2, remove lines 5 and 6

Page 2, after line 9, insert:

"Requirements to practice opticianry. Effective July 1, 1993, no person may engage in ophthalmic dispensing or hold oneself out as an optician, or as being able to engage in ophthalmic dispensing or render ophthalmic dispensing services in this state unless certified by the American board of opticianry. This Act does not prevent or restrict the practice, service, or activities of any person duly licensed in this state under any other law from engaging in the profession or occupation for which that person is licensed."

Renumber accordingly

HB 1414: Committee on Finance and Taxation (Rep. Timm, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 4, replace "until recovery of capital costs" with "; and to provide an effective date"

Page 1, line 10, remove the overstrike over "~~reduction~~" and remove "exemption"

Page 1, line 11, remove the overstrike over "~~57-51-1-02~~" and insert immediately thereafter "and the tax exemption provided under section"

Page 1, line 12, remove the overstrike over "~~certified as qualifying~~" and remove "approved"

Page 2, line 14, remove the overstrike over "~~reduction~~" and remove "exemption"

Page 2, line 15, remove the overstrike over "~~57-51-1-02~~" and insert immediately thereafter "and the tax exemption provided under section"

Page 2, line 16, remove the overstrike over "~~certified as qualifying~~" and remove "approved"

Page 3, line 2, remove the overstrike over "~~and~~"

Page 3, line 3, remove the overstrike over the first "~~for~~" and insert immediately thereafter "the incremental oil produced from", remove the overstrike over "~~a qualifying secondary recovery project or~~", after the second "~~for~~" insert "from", and remove the overstrike over "~~a qualifying tertiary~~"

Page 3, line 4, remove the overstrike over "recovery project" and insert immediately thereafter "that is not otherwise exempt under section 57-51.1-03" and remove the overstrike over the overstruck comma

Page 4, replace lines 19 through 26 with:

- "a. The incremental production from a secondary recovery project which has been certified as a qualified project by the industrial commission subsequent to June 30, 1991, is exempt from any taxes imposed under this chapter for a period of five years from the date the incremental production begins. The exemption provided by this subdivision becomes ineffective on July 1, 1993.
- b. The incremental production from a tertiary recovery project which has been certified as a qualified project by the industrial commission subsequent to June 30, 1991, is exempt from any taxes imposed under this chapter for a period of five years from the date the incremental production begins.
- c. For purposes of this subsection, incremental production is defined in the following manner:
- (1) For purposes of interpreting the exemption provided for in subdivision a of this subsection and with respect to a unit where there has not been a secondary recovery project, incremental production means the difference between the total amount of oil produced from the unit during the secondary recovery project and the amount of primary production from the unit. For purposes of this definition, primary production means the amount of oil which would have been produced from the unit if the secondary recovery project had not been commenced. The industrial commission is responsible for determining the amount of primary production and must do so in a manner which conforms to its existing practice and procedure.
- (2) For purposes of interpreting the exemption provided for in subdivision a of this subsection and with respect to a unit where a secondary recovery project was in existence prior to July 1, 1991, incremental production means the difference between the total amount of oil produced from the unit during a new secondary recovery project and the amount of production which would be equivalent to the average monthly production from the unit during the most recent twelve months of normal production reduced by a production decline rate of five percent for each year. The industrial commission is responsible for determining the average monthly production from the unit during the most recent twelve months of normal production and must upon request or upon its own motion hold a hearing to make this determination. For purposes of this definition, when determining the most recent twelve months of normal production the industrial commission is not required to use twelve consecutive months. In addition, the production decline rate of five percent must be applied from the last month in the twelve-month period of time.
- (3) For purposes of interpreting the exemption provided for in subdivision b of this subsection and with respect to a unit where there has not been a

secondary recovery project, incremental production means the difference between the total amount of oil produced from the unit during the tertiary recovery project and the amount of primary production from the unit. For purposes of this definition, primary production means the amount of oil which would have been produced from the unit if the tertiary recovery project had not been commenced. The industrial commission is responsible for determining the amount of primary production and must do so in a manner which conforms to its existing practice and procedure.

- (4) For purposes of interpreting the exemption provided for in subdivision b of this subsection and with respect to a unit where there is or has been a secondary recovery project, incremental production means the total amount of oil produced during the tertiary recovery project and the amount of production which would be equivalent to the average monthly production from the unit during the most recent twelve months of normal production reduced by a production decline rate of five percent for each year. The industrial commission is responsible for determining the average monthly production from the unit during the most recent twelve months of normal production and must upon request or upon its own motion hold a hearing to make this determination. For purposes of this definition, when determining the most recent twelve months of normal production the industrial commission is not required to use twelve consecutive months. In addition, the production decline rate of five percent must be applied from the last month in the twelve-month period of time.

- d. The industrial commission shall adopt rules relating to this exemption that must include procedures for determining incremental production as defined in subdivision c of this subsection.

SECTION 4. EFFECTIVE DATE. This Act is effective for taxable periods beginning after June 30, 1991."

Renumber accordingly

HB 1417: Committee on Political Subdivisions (Rep. Martin, Chairman) recommends DO NOT PASS (14 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1417 was placed on the Eleventh order on the calendar.

HB 1418: Committee on Political Subdivisions (Rep. Martin, Chairman) recommends DO NOT PASS (15 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1418 was placed on the Eleventh order on the calendar.

HB 1439, as engrossed: Committee on Appropriations (Rep. Thompson, Chairman) recommends DO PASS (20 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1439 was placed on the Eleventh order on the calendar.

HB 1445: Committee on Political Subdivisions (Rep. Martin, Chairman) recommends DO PASS (14 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1445 was placed on the Eleventh order on the calendar.

HB 1471: Committee on Agriculture (Rep. Nicholas, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 8, after "those" insert "areas, including", overstrike the first comma and insert immediately thereafter "and", and overstrike "and"

Page 1, line 9, overstrike "relictions"

Page 1, line 10, remove "The term does not include riparian accretion"

Page 1, line 11, replace "lands" with "Lands established to be riparian accretion or reliction lands pursuant to section 47-06-05 are considered to be above the ordinary high watermark and are not sovereign lands"

Renumber accordingly

HB 1472: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections 14-02.4-19 and"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Section 14-02.4-19 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

14-02.4-19. Actions - Limitations. Any person claiming to be aggrieved by a discriminatory practice in violation of this chapter may bring an action in the district court in any district in the state in which the unlawful practice is alleged to have been committed, in the district in which the records relevant to such practice are maintained and administered, or in the judicial district in which the person would have worked or obtained credit were it not for the alleged discriminatory act within three years of the alleged act of wrongdoing. Any person claiming to be aggrieved by a discriminatory practice in violation of this chapter with regard to an employer's discriminatory practice may bring a complaint of discriminating employment practices under this chapter to the department of labor within three hundred days of the alleged act of wrongdoing. Any person claiming to be aggrieved by a discriminatory practice in violation of this chapter with regard to housing or public accommodations or services may bring an action in the district court in any district in the state in which the unlawful practice is alleged to have been committed, or in the judicial district in which the person would have obtained housing or public accommodations or services were it not for the alleged discriminatory act within one hundred eighty days of the alleged act of wrongdoing."

Page 1, line 19, remove "Upon the request of the commissioner of labor, the"

Page 1, remove line 20

Page 1, line 21, remove "behalf of the complaining employee by telephonic conference call."

Renumber accordingly

HB 1475: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 3, line 1, remove the overstrike over "~~eighteen~~" and remove "twenty-one"

Page 6, line 14, remove the overstrike over "~~eighteen~~" and remove "twenty-one"

Page 6, line 19, after "5" insert ". An adult sibling may request the same information about a sibling who was placed for adoption who is twenty-one years of age or over"

Page 7, line 25, overstrike "child" and insert immediately thereafter "person"

Page 7, line 28, overstrike "child" and insert immediately thereafter "person"

Renumber accordingly

HB 1505: Committee on Judiciary (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 10, replace "fifteen" with "twelve"

Page 2, line 14, replace "fifteen" with "twelve"

Page 3, line 8, replace "fifteen" with "twelve"

Page 3, line 24, replace "fifteen" with "twelve"

Page 4, line 18, replace "fifteen" with "twelve"

Renumber accordingly

HB 1533: Committee on Finance and Taxation (Rep. Timm, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Committee on Appropriations (9 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 3, after "terms" insert "; to provide a transfer"

Page 1, line 8, remove "that"

Page 1, remove line 9

Page 1, line 10, remove "federal decennial census"

Page 3, line 23, replace "There is hereby appropriated out" with "If Senate Bill No. 2058, as approved by the fifty-second legislative assembly, becomes effective, \$1,500,000 of the \$3,000,000 transferred to the partnership in assisting community expansion fund under sections 48 and 50 of Senate Bill No. 2058 is hereby transferred and appropriated"

Page 3, remove lines 24 and 25

Page 3, line 26, remove "and the state treasurer shall transfer that amount"

Renumber accordingly

HB 1543: Committee on Appropriations (Rep. Thompson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 2, line 2, replace "general fund" with "state aid distribution fund"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment changes the source of funding of \$100,000 from the general fund to the state aid distribution fund.

HB 1559: Committee on State and Federal Government (Rep. Martinson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Committee on Appropriations (9 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 2, remove "and"

Page 1, line 3, after "penalty" insert "; and to provide an appropriation"

Page 5, line 25, remove "and service fees"

Page 8, line 26, remove "Each higher education employee shall"

Page 8, remove lines 27 through 29

Page 11, line 17, replace "13" with "14"

Page 11, after line 23, insert:

"SECTION 11. Right to refrain from negotiations. No group of employees may be included within an appropriate unit, which contains employees at more than one institution of higher education, unless a majority of the affected employees from any particular institution, who would be included in the appropriate unit, approves the inclusion of that particular institution in the negotiations for that appropriate unit. In such case, any election to choose an exclusive representative for the appropriate unit, where the appropriate unit includes employees from more than one institution of higher education, must include a specific question, wherein employees may indicate their desire, or lack of desire, to be included within the appropriate unit. If the vote not to join the appropriate unit prevails at any particular institution, the employees from that institution, who would be included within the appropriate unit, may not be included within the appropriate unit. Nothing herein prevents the certification of an exclusive representative for an appropriate unit involving more than one institution of higher education pursuant to subsection 6 of section 8 of this Act, when it is shown that a majority of employees from each institution within the appropriate unit are members of the employee organization seeking certification as exclusive representative for the appropriate unit."

Page 12, line 10, remove ", and, if the parties are unable to agree"

Page 12, remove lines 11 and 12

Page 12, line 13, remove "interpretations and application of agreements"

Page 13, line 25, replace "11" with "12"

Page 14, line 24, replace "11" with "12"

Page 16, after line 14, insert:

"SECTION 19. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, to the board of higher education and the commissioner of labor for the purpose of administering this Act for the biennium beginning July 1, 1991, and ending June 30, 1993.

Board of higher education	\$350,000
Commissioner of labor	129,200
Total general fund appropriation	\$479,200"

Renumber accordingly

HB 1567: Committee on Transportation (Rep. Belter, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1567 was placed on the Eleventh order on the calendar.

HB 1572: Committee on Political Subdivisions (Rep. Martin, Chairman) recommends DO PASS (13 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). HB 1572 was placed on the Eleventh order on the calendar.

HB 1576: Committee on Political Subdivisions (Rep. Martin, Chairman) recommends DO NOT PASS (11 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). HB 1576 was placed on the Eleventh order on the calendar.

HB 1578: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 15-59 of the North Dakota Century Code, relating to payment of attorney fees for persons with handicaps.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15-59 of the North Dakota Century Code is created and enacted as follows:

Enforcement of right to an education - Attorney fees. Each person with a handicap as defined in subsection 3 of section 15-59-01 is entitled to enforce that person's right to an education guaranteed by state and federal law, through an administrative proceeding, civil action, or other remedy available by common law or statute. In any proceeding or action to enforce that right, the court may, in its discretion, award reasonable attorney fees and costs to a successful person; however, the person initiating the administrative proceeding or civil action must have first requested and been denied the relief sought in the proceeding or action. Any award of attorney fees and costs must be in addition to any actual or exemplary damages to which the person may be entitled."

Renumber accordingly

HB 1593: Committee on Education (Rep. Gates, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (9 YEAS, 8 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 2, remove the second "and"

Page 1, line 5, after "factfinding" insert "; and to provide an expiration date"

Page 3, line 17, after "person" insert "who resides in the school district"

Page 3, line 22, after "person" insert "who resides in the school district"

Page 4, line 14, after "activities" insert "and who have given notice of their willingness to serve as panel chairpersons"

Page 4, line 15, replace "appointments" with "selections"

Page 4, line 17, replace "be" with "remain on the list" and remove "terms of"

Page 4, line 18, replace "be appointed for terms" with "remain on the list for"

Page 4, line 19, remove "of"

Page 4, line 20, replace "a vacancy" with "an open slot", replace "be appointed" with "remain on the list", and replace "unexpired term" with "remaining time period"

Page 4, line 21, after "the" insert "potential" and replace "who is leaving" with "whose name is being removed from the list"

Page 6, after line 21, insert:

"(11) All meetings held pursuant to this section are subject to the open meetings laws of this state.

(12) The final offer resolution procedure set forth in this section may be used only for impasses involving salaries and other monetary fringe benefits.

(13) Notwithstanding any other provision of law, either party may request final offer resolution at any time after each party has presented its initial proposal."

Page 6, after line 23, insert:

"SECTION 3. EXPIRATION DATE. This Act is effective through June 30, 1995, and after that date is ineffective."

Renumber accordingly

HB 1597: Committee on Political Subdivisions (Rep. Martin, Chairman) recommends DO PASS (12 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). HB 1597 was placed on the Eleventh order on the calendar.

HB 1600: Committee on Transportation (Rep. Belter, Chairman) recommends DO NOT PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1600 was placed on the Eleventh order on the calendar.

HB 1602: Committee on State and Federal Government (Rep. Martinson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (8 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, replace "require" with "permit"

Page 1, line 6, replace "shall" with "that does not have an agreement with recyclers or a recycling plan may"

Page 1, line 15, remove "before June first of each year. By July first of each year, the"

Page 1, remove lines 16 and 17

Page 1, line 18, remove "that agency, department, or institution for that year"

Renumber accordingly

HCR 3026: Committee on Political Subdivisions (Rep. Martin, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (14 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HCR 3026 was placed on the Tenth order.

HCR 3037: Committee on Transportation (Rep. Belter, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (15 YEARS, 0 DAYS, 0 ABSENT AND NOT VOTING). HCR 3037 was placed on the Tenth order.

HCR 3042: Committee on Natural Resources (Rep. A. Olson, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (15 YEARS, 0 DAYS, 1 ABSENT AND NOT VOTING). HCR 3042 was placed on the Tenth order.

HCR 3043: Committee on Agriculture (Rep. Nicholas, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (16 YEARS, 0 DAYS, 1 ABSENT AND NOT VOTING). HCR 3043 was placed on the Tenth order.

HCR 3045: Committee on Natural Resources (Rep. A. Olson, Chairman) recommends DO PASS (14 YEARS, 1 NAY, 1 ABSENT AND NOT VOTING). HCR 3045 was placed on the Eleventh order on the calendar.

FIRST READING OF SENATE BILLS

SB 2086: A BILL for an Act making an appropriation for defraying the expenses of noxious weed control on the Little Missouri River and state-owned Burlington project.

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

SB 2180: A BILL for an Act to create and enact a new subsection to section 38-14.2-04 of the North Dakota Century Code, relating to creation of an abandoned mine reclamation set-aside trust account.

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

SB 2192: A BILL for an Act to create and enact a new section to chapter 37-17 of the North Dakota Century Code, relating to the establishment of a method to fund the state match required to assist state and local governments to recover from a major disaster or emergency, expanded duties and responsibilities of the division of emergency management and the emergency commission, and a loan from the Bank of North Dakota.

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

SB 2212: A BILL for an Act to amend and reenact subsection 5 of section 57-38-34, subsections 1, 2, and 4 of section 57-38-42, sections 57-38-62, 57-38-63, and 57-38-64 of the North Dakota Century Code, relating to the requirements for information at the source tax returns, clarification of the requirements for the payment of estimated income tax, clarification of the requirements for the application for a quick refund of overpaid estimated tax by a corporation; and to provide an effective date.

Was read the first time and referred to the Committee on Finance and Taxation.

SB 2253: A BILL for an Act to amend and reenact sections 4-30-01, 4-30-02.1, 4-30-03.2, 4-30-11, 4-30-12, 4-30-15, 4-30-16, 4-30-18, 4-30-20, 4-30-21, subsection 5 of section 4-30-22, sections 4-30-26, 4-30-36, 4-30-36.2, 4-30-36.3, 4-30-37, 4-30-38.1, 4-30-45, 4-30-47, and 4-30-51 of the North Dakota Century Code, relating to dairy regulations; and to repeal section 4-30-44 of the North Dakota Century Code, relating to brands or marks for milk product containers.

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

SB 2278: A BILL for an Act to create and enact a new section to chapter 54-02 of the North Dakota Century Code, relating to the designation of a state horse.

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

SB 2348: A BILL for an Act to amend and reenact sections 18-11-01, 18-11-02, 18-11-03, 18-11-04, 18-11-05, 18-11-07, 18-11-09, 18-11-10, 18-11-11, 18-11-12, 18-11-13, 18-11-14, 18-11-14, 18-11-15, 18-11-15.1, 18-11-16, 18-11-17, 18-11-18, 18-11-20, 18-11-21, 18-11-22, and 18-11-23 of the North Dakota Century Code, relating to the alternate firefighters relief association plan; and to repeal section 18-11-08 of the North Dakota

Century Code, relating to the report of receipts and expenditures of state funds by a firefighters relief association.
Was read the first time and referred to the Committee on State and Federal Government.

SB 2349: A BILL for an Act to repeal sections 34-01-08 and 34-01-09.1 of the North Dakota Century Code, relating to limitation on hours of labor of employees of a city over five thousand population and maximum hours of labor allowed.

Was read the first time and referred to the Committee on Political Subdivisions.

SB 2353: A BILL for an Act to amend and reenact subsection 1 of section 47-18-05.1 of the North Dakota Century Code, relating to notice of waiver of homestead exemption.

Was read the first time and referred to the Committee on Finance and Taxation.

SB 2363: A BILL for an Act to amend and reenact section 44-04-20 of the North Dakota Century Code, relating to notice of public meetings.

Was read the first time and referred to the Committee on Political Subdivisions.

SB 2409: A BILL for an Act to amend and reenact sections 47-26-02, 47-26-04, and 47-26-19 of the North Dakota Century Code, relating to elimination of the duty of county commissioners to act as fence viewers.

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

SB 2444: A BILL for an Act to amend and reenact subsection 2 of section 32-09.1-03, sections 32-09.1-04, 32-09.1-07, and 32-09.1-09 of the North Dakota Century Code, relating to garnishment debtors claiming dependent family members.

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

SB 2484: A BILL for an Act to amend and reenact section 11-10-10 of the North Dakota Century Code, relating to the salaries of county officials; and to provide an effective date.

Was read the first time and referred to the Committee on Political Subdivisions.

SB 2517: A BILL for an Act to amend and reenact subsection 2 of section 23-13-02.3 of the North Dakota Century Code, relating to the operation of self-service motor fuel dispensing facilities.

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

SB 2526: A BILL for an Act to amend and reenact subsection 3 of section 40-05-06 of the North Dakota Century Code, relating to the penalty for the violation of city ordinances enforcing United States environmental protection agency regulations.

Was read the first time and referred to the Committee on Political Subdivisions.

SB 2530: A BILL for an Act to amend and reenact sections 24-09-05 and 39-10-43 of the North Dakota Century Code, relating to exemptions from required stops at railroad grade crossings.

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

SB 2557: A BILL for an Act to amend and reenact section 39-21-41.2 of the North Dakota Century Code, relating to the required use of child restraint devices in motor vehicles.

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

SB 2558: A BILL for an Act to amend and reenact subsection 2 of section 39-06.1-06 and subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to penalty for failure to stop at a railroad crossing.

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

SB 2569: A BILL for an Act to amend and reenact section 44-08-21 of the North Dakota Century Code, relating to recall petitions.
Was read the first time and referred to the Committee on Political Subdivisions.

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

ROY GILBREATH, Chief Clerk