

## JOURNAL OF THE HOUSE

## Fifty-third Legislative Assembly

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Bismarck, April 20, 1993

The House convened at 8:00 a.m., with Speaker R. Berg presiding.

The prayer was offered by Rep. Barbara Pyle.

The roll was called and all members were present except Representatives Henegar, Mahoney, and St. Aubyn.

A quorum was declared by the Speaker.

## ANNOUNCEMENT BY THE SPEAKER

**SPEAKER R. BERG** ANNOUNCED that the House would stand in recess until 1:00 p.m.

## MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

**MR. SPEAKER:** The President has signed: HB 1515.

## MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2014.

## MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

**MR. SPEAKER:** The Senate has amended and subsequently passed: HCR 3072.

## SENATE AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3072

Page 1, line 2, after "rules" insert "and the effects of Indian gaming on charitable gaming in this state"

Page 1, line 9, after the semicolon insert "and"

Page 1, after line 9, insert:

"WHEREAS, the federal Indian Gaming Regulatory Act has resulted in an increase in the types of gaming permitted on tribal lands in this state; and

WHEREAS, the impact of Indian gaming operations on the charitable gaming industry is unknown;"

Page 1, line 14, after "appropriate" insert "and the effects of Indian gaming on charitable gaming in this state"

Renumber accordingly

## MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

**MR. SPEAKER:** The President announced that Sen. Tallackson will replace Sen. Yockim on the conference committee on HB 1017.

**THE HOUSE RECONVENED** pursuant to recess taken, with Speaker R. Berg presiding.

## REPORT OF STANDING COMMITTEE

**HB 1516: Finance and Taxation Committee (Rep. Timm, Chairman)** A MAJORITY of your committee (Reps. Timm, Grosz, Belter, A. Carlson, Freier, Martin, Nicholas, A. Olson, Rennerfeldt, Wardner) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new chapter to title 57 of the North Dakota Century Code, relating to a tax on the net operating revenue of certain care facilities; to amend and reenact section 53-06.1-12.2, subsection 1 of section 57-36-25, subsection 1 of section 57-36-26, subsection 1 of section 57-36-28, and section 57-36-32 of the North Dakota Century Code, relating to games of chance taxes and tobacco products taxes; to provide a penalty; and to provide an effective date.

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

**SECTION 1. AMENDMENT.** Section 53-06.1-12.2 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**53-06.1-12.2. Charitable gaming tickets excise tax in lieu of sales and use taxes.** In addition to any other tax provided by law and in lieu of sales or use taxes, there is imposed a tax of ~~two~~ four and one-half percent on the gross receipts from the sale at retail of charitable gaming tickets to a final user. A sale at retail for purposes of this section includes charitable gaming tickets sold and charitable gaming tickets given in return for another charitable gaming ticket as authorized under this chapter. Gross receipts for purposes of this section includes the face value of all charitable gaming tickets sold or given in return for another charitable gaming ticket. The tax imposed by this section must be paid to the attorney general at the time returns are made and taxes are paid by the eligible organization under section 53-06.1-12.

**SECTION 2. AMENDMENT.** Subsection 1 of section 57-36-25 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. There is hereby levied and assessed upon all cigars, snuff, and other tobacco products sold in this state an excise tax at the rate of ~~twenty-two~~ twenty-eight percent of the wholesale purchase price at which such cigars, snuff, and other tobacco products are purchased by distributors. For the purposes of this section, the term "wholesale purchase price" shall mean the established price for which a manufacturer sells cigars, snuff, or other tobacco products to a distributor exclusive of any discount or other reduction. The proceeds of such tax, together with such forms of return and in accordance with such rules and regulations as the tax commissioner may prescribe, shall be remitted to the tax commissioner by the distributor on a calendar quarterly basis on or before the tenth day of the month following the quarterly period for which paid. The tax commissioner shall, however, have authority to prescribe monthly returns upon the request of the licensee distributor and such returns accompanied with remittance shall be filed before the tenth day of the month following the month for which the returns are filed.

**SECTION 3. AMENDMENT.** Subsection 1 of section 57-36-26 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. There is hereby levied and assessed upon all cigars, snuff, and other tobacco products, purchased in another state and brought into this state by a dealer for the purpose of sale at retail, an excise tax at the rate of ~~twenty-two~~ twenty-eight percent of the wholesale purchase price at the time the products were brought into this state. For the purposes of this section, the term "wholesale purchase price"

means the established price for which a manufacturer sells cigars, snuff, or other tobacco products to a distributor exclusive of any discount or other reduction. However, the dealer may elect to report and remit the tax on the cost price of the products to the dealer rather than on the wholesale purchase price. The proceeds of the tax, together with the forms of return and in accordance with any rules and regulations the tax commissioner may prescribe, must be remitted to the tax commissioner by the dealer on a monthly basis on or before the fifteenth day of the month following the monthly period for which it is paid. The tax commissioner shall have the authority to place any dealer on an annual remittance basis when in the judgment of the tax commissioner the operations of the dealer merit that remittance period. In addition, the tax commissioner shall have the authority to permit the consolidation of the filing of a dealer's return when the dealer has more than one location and thereby would be required to file more than one return.

**SECTION 4. AMENDMENT.** Subsection 1 of section 57-36-28 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. A tax is hereby imposed upon the use or storage by consumers of cigars, snuff, and other tobacco products in this state, and upon those consumers, at the rate of ~~twenty-two~~ twenty-eight percent of the cost to the consumer of those products.

**SECTION 5. AMENDMENT.** Section 57-36-32 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**57-36-32. Separate and additional tax on the sale of cigarettes - Collection - Allocation of revenue - Tax avoidance prohibited.** There is hereby levied and assessed and there shall be collected by the state tax commissioner and paid to the state treasurer, upon all cigarettes sold in this state, an additional tax, separate and apart from all other taxes, of ~~nine~~ thirteen and one-half mills on each cigarette, to be collected as existing taxes on cigarettes sold are, or hereafter may be, collected, by use of appropriate stamps and under similar accounting procedures. No person, firm, or corporation shall transport or bring or cause to be shipped into the state of North Dakota any cigarettes as provided herein, other than for delivery to wholesalers in this state, without first paying the tax thereon to the state tax commissioner. All of the moneys collected by the state treasurer under this section shall be credited to the state general fund.

**SECTION 6.** A new chapter to title 57 of the North Dakota Century Code is created and enacted as follows:

Definitions. As used in this chapter:

1. "Commissioner" means the state tax commissioner.
2. "Facility" means intermediate care facility for the mentally retarded.
3. "Intermediate care facility for the mentally retarded" has the meaning given that term in 42 U.S.C. 1396d(d) and also means a facility that furnishes similar services, in a community-based group home for the mentally retarded, under a waiver under section 1915(c) of the Social Security Act [42 U.S.C. 1396n(c)].



4. "Net operating revenue" means gross charges, reduced by bad debts, charity care, and payor discounts, for rendering health-related or habilitation-related services to a patient or resident, whether provided on an inpatient or outpatient basis, including routine services such as room, board, general nursing, and home health services; other nursing services; professional services such as physician's care, laboratory, pharmacy, and renal dialysis; and maintenance or rental fees; but not including:
- a. Other operating revenue from:
    - (1) Services, other than health care services or habilitation care services, provided to patients or residents;
    - (2) Sales or services to persons who are neither patients nor residents;
    - (3) Gifts, grants, or endowments restricted to charity care;
    - (4) Gifts and grants for research programs;
    - (5) Rental of facility space;
    - (6) Educational program; or
    - (7) Medical transcription fees; and
  - b. Gains and losses resulting from peripheral or incidental transactions such as:
    - (1) Contributions and endowments not restricted to charity care;
    - (2) Tax support or subsidy;
    - (3) Returns on investment; and
    - (4) Sale of all or part of a facility.

Imposition of tax - Basis of tax. A tax is imposed on every facility operating within this state. Each facility shall pay a tax computed at the rate of six percent of the net operating revenue generated by the facility during each calendar month.

Reports - Extension.

- 1. On or before the last day of the next succeeding month, each facility required to pay a tax under this chapter shall make out a return for the preceding month in the form and manner prescribed by the commissioner, showing the net operating revenues, the amount of the tax for the period covered by the return, and any further information the commissioner may require to enable the commissioner to correctly compute the tax levied by this chapter.
- 2. Upon request by any facility and a proper showing of the necessity therefor, the commissioner may grant to the facility an extension of time not exceeding thirty days for making a return. If an extension is granted, the time the facility is required to make payment of the tax liability must be extended for the same period, but interest must be charged upon the amount of the deferred payment at the rate



of twelve percent per annum from the date the tax would have been due if the extension had not been granted to the date the tax is paid.

3. Returns must be signed by a duly authorized agent of the facility and must contain a written declaration that they are made and subscribed under the penalties of this chapter.

Payment of tax. The tax levied and assessed under this chapter must be paid on a monthly basis and is due and payable on the last day of the next succeeding month, except tax paid with respect to May in each odd-numbered year is due and payable on or before the twenty-second day of June of that year.

#### Penalties - Offenses.

1. If any facility fails to file a return or corrected return or to pay the tax within the time required by this chapter or, if upon audit, is found to owe additional tax, the facility is subject to a penalty of five percent of the amount of tax due, plus interest of one percent of the tax for each month of delay or fraction thereof, excepting the first month after the tax became due. If satisfied that the delay was excusable, the commissioner may waive and, if paid, refund all or any part of the penalty and interest. The penalty and interest must be paid to the commissioner and disposed of in the same manner as other receipts under this chapter. Unpaid penalties and interest may be enforced in the same manner as the tax imposed under this chapter.
2. Any person failing to comply with this chapter or failing to remit the tax provided by this chapter to the commissioner on a timely basis is guilty of a class A misdemeanor.

Records required. A facility required to pay the tax under this chapter shall preserve the records of net operating revenues as the commissioner may require. The facility shall preserve the records for a period of three years and one month. The records are open to examination at any time by the commissioner or any of the commissioner's duly authorized agents.

Corporate officer liability. If a corporation that owns or operates a facility fails for any reason to file the required returns or to pay the tax due, any of its officers having control, or supervision of, or charged with the responsibility for making such returns and payments is personally liable for such failure. The dissolution of a corporation does not discharge an officer's liability for a prior failure of the corporation to make a return or remit the tax due. The sum due for a liability may be assessed and collected pursuant to the provisions of this chapter for the assessment and collection of other liabilities.

Commissioner to administer chapter. The commissioner shall administer this chapter and the tax imposed by this chapter. The commissioner may adopt all rules, policies, and practices, consistent with this chapter, necessary and advisable for its detailed administration and to effectuate its purposes. The provisions of chapter 57-39.2, pertaining to the administration of the retail sales tax, including provisions for refund and credit, not in conflict with the provisions of this chapter, govern the administration of the tax levied by this chapter.

Lien of tax - Collection - Action authorized.

1. When any taxpayer liable to pay a tax or penalty imposed refuses or neglects to pay the same, the amount, including any interest, penalty, or addition to the tax, together with the costs that may accrue in addition thereto, is a lien in favor of the state of North Dakota upon all property and rights to property belonging to the taxpayer. In the case of property where a deceased taxpayer held an interest with right of survivorship at the time of the taxpayer's death, the lien continues as a lien against the property in the hands of the survivor or survivors to the extent of the deceased taxpayer's interest therein. The deceased taxpayer's interest must be determined by dividing the value of the entire property at the time of the taxpayer's death by the number of joint tenants or persons interested therein.
2. The lien attaches at the time the tax becomes due and payable and continues until the liability for the amount is satisfied. For the purposes of this subsection, "due" and "due and payable" mean the first instant the tax becomes due.
3. In order to preserve the lien against subsequent mortgagees, purchasers, or judgment creditors, for value and without notice of the lien, on any property situated in a county, the commissioner shall file with the register of deeds of the county in which the property is located a notice of said lien.
4. The register of deeds of each county shall prepare and keep a book known as "Index of Tax Liens", so ruled as to show in appropriate columns all of the following data, under the names of taxpayers, arranged alphabetically:
  - a. The name of the taxpayer.
  - b. The name "State of North Dakota" as claimant.
  - c. The time notice of lien was received.
  - d. The date of notice.
  - e. The amount of lien when due.
  - f. When the lien is satisfied.

The register of deeds shall endorse on each notice of lien the day, hour, and minute when received and preserve the notice and immediately index it in the index book. The lien is effective from the time of the indexing.
5. The commissioner is exempt from the payment of the filing fees as otherwise provided by law for the filing of the lien or for its satisfaction.
6. Upon the payment of a tax as to which the commissioner has filed notice with the register of deeds, the commissioner shall file with the register of deeds a satisfaction of the tax, and the register of deeds shall enter the satisfaction on the notice on file and so indicate in the index of tax liens.
7. The attorney general, upon the request of the commissioner, shall bring an action without bond, to enforce payment of any taxes and any penalties, or to foreclose the lien therefor in the manner provided for mortgages on real or personal

property. The state's attorney of the county in which the action is pending shall assist the attorney general.

8. The remedies of the state are cumulative. An action taken by the commissioner or attorney general may not be construed to be an election on the part of the state or any of its officers to pursue any remedy to the exclusion of any other remedy provided by law.

Taxes deposited in general fund. The commissioner shall deposit moneys collected under this chapter in the general fund.

**SECTION 7. EFFECTIVE DATE.** Section 6 of this Act is effective for taxable events occurring after July 31, 1993."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1516: Finance and Taxation Committee (Rep. Timm, Chairman)** A MINORITY of your committee (Reps. J. Berg, Dobrinski, Glassheim, Hokana, Nelson) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**.

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 57-38.4 of the North Dakota Century Code, relating to the imposition and rate of tax on corporations electing the water's edge method; to amend and reenact section 57-38-30 of the North Dakota Century Code, relating to the imposition and rate of tax on corporations; to repeal subdivision c of subsection 1 of section 57-38-01.3 of the North Dakota Century Code, relating to the federal income tax deduction for corporations; and to provide an effective date.

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

**SECTION 1. AMENDMENT.** Section 57-38-30 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**57-38-30. Imposition and rate of tax on corporations.** A For corporations not electing to report income under chapter 57-38.4, a tax is hereby imposed upon the taxable income of every domestic and foreign corporation received from the sources described in sections 57-38-12, 57-38-13, and 57-38-14, which must be levied, collected, and paid annually as in this chapter provided:

1. a. For the first three thousand dollars of taxable income, at the rate of three percent.
- b. On all taxable income above three thousand dollars and not in excess of eight thousand dollars, at the rate of four and one-half percent.
- c. On all taxable income above eight thousand dollars and not in excess of twenty thousand dollars, at the rate of six percent.
- d. On all taxable income above twenty thousand dollars, and not in excess of thirty thousand dollars, at the rate of seven and one-half percent.
- e. On all taxable income above thirty thousand dollars, ~~and not in excess of fifty thousand dollars,~~ at the rate of ~~nine~~ eight and one-half percent.



~~f. On all taxable income above fifty thousand dollars, at the rate of ten and one-half percent.~~

2. A corporation that has paid North Dakota alternative minimum tax in years beginning before January 1, 1991, may carry over any alternative minimum tax credit remaining to the extent of the regular income tax liability of the corporation for a period not to exceed four taxable years.

**SECTION 2.** A new section to chapter 57-38.4 of the North Dakota Century Code is created and enacted as follows:

Imposition and rate of tax. For corporations electing to apportion income under this chapter, a tax is hereby imposed on the taxable income of the corporation received from the sources described in sections 57-38-12, 57-38-13, and 57-38-14 as follows:

1.
  - a. For the first three thousand dollars of taxable income, at the rate of three percent.
  - b. On all taxable income above three thousand dollars and not in excess of eight thousand dollars, at the rate of four and one-half percent.
  - c. On all taxable income above eight thousand dollars and not in excess of twenty thousand dollars, at the rate of six percent.
  - d. On all taxable income above twenty thousand dollars, and not in excess of thirty thousand dollars, at the rate of seven and one-half percent.
  - e. On all taxable income above thirty thousand dollars, and not in excess of fifty thousand dollars, at the rate of nine percent.
  - f. On all taxable income above fifty thousand dollars, at the rate of ten and one-half percent.
2. The provisions of chapter 57-38 not in conflict with this chapter govern the payment, collection, and administration of the tax imposed by this section.

**SECTION 3. REPEAL.** Subdivision c of subsection 1 of section 57-38-01.3 of the 1991 Supplement to the North Dakota Century Code is repealed.

**SECTION 4. EFFECTIVE DATE.** This Act is effective for taxable years beginning after December 31, 1992."

Renumber accordingly

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

#### SIXTH ORDER OF BUSINESS

HB 1516: REP. TIMM (Finance and Taxation Committee) MOVED that the proposed amendments of the Majority Report be adopted and then be placed on the Eleventh order with DO PASS.

#### RULING BY THE SPEAKER

SPEAKER R. BERG RULED that in accordance with House Rule 602, paragraph 2, the Majority Report must be placed on the calendar for consideration before consideration of any minority reports.

## REQUEST

REP. RING REQUESTED that the question of the adoption of the proposed Majority Report amendments to HB 1516 be divided to have the sections voted on separately in the following manner, which request was granted.

## RULING BY THE SPEAKER

SPEAKER R. BERG RULED that in accordance with House Rule 603, any member may have the amendments divided into separate divisions and the question of the adoption of the amendments must be taken separately on each amendment.

## DIVISION A

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new chapter to title 57 of the North Dakota Century Code, relating to a tax on the net operating revenue of certain care facilities; to amend and reenact section 53-06.1-12.2, subsection 1 of section 57-36-25, subsection 1 of section 57-36-26, subsection 1 of section 57-36-28, and section 57-36-32 of the North Dakota Century Code, relating to games of chance taxes and tobacco products taxes; to provide a penalty; and to provide an effective date.

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

SECTION 6. A new chapter to title 57 of the North Dakota Century Code is created and enacted as follows:

Definitions. As used in this chapter:

1. "Commissioner" means the state tax commissioner.
2. "Facility" means intermediate care facility for the mentally retarded.
3. "Intermediate care facility for the mentally retarded" has the meaning given that term in 42 U.S.C. 1396d(d) and also means a facility that furnishes similar services, in a community-based group home for the mentally retarded, under a waiver under section 1915(c) of the Social Security Act [42 U.S.C. 1396n(c)].
4. "Net operating revenue" means gross charges, reduced by bad debts, charity care, and payor discounts, for rendering health-related or habilitation-related services to a patient or resident, whether provided on an inpatient or outpatient basis, including routine services such as room, board, general nursing, and home health services; other nursing services; professional services such as physician's care, laboratory, pharmacy, and renal dialysis; and maintenance or rental fees; but not including:
  - a. Other operating revenue from:
    - (1) Services, other than health care services or habilitation care services, provided to patients or residents;
    - (2) Sales or services to persons who are neither patients nor residents;
    - (3) Gifts, grants, or endowments restricted to charity care;
    - (4) Gifts and grants for research programs;
    - (5) Rental of facility space;

- (6) Educational program; or
- (7) Medical transcription fees; and
- b. Gains and losses resulting from peripheral or incidental transactions such as:
  - (1) Contributions and endowments not restricted to charity care;
  - (2) Tax support or subsidy;
  - (3) Returns on investment; and
  - (4) Sale of all or part of a facility.

Imposition of tax - Basis of tax. A tax is imposed on every facility operating within this state. Each facility shall pay a tax computed at the rate of six percent of the net operating revenue generated by the facility during each calendar month.

Reports - Extension.

1. On or before the last day of the next succeeding month, each facility required to pay a tax under this chapter shall make out a return for the preceding month in the form and manner prescribed by the commissioner, showing the net operating revenues, the amount of the tax for the period covered by the return, and any further information the commissioner may require to enable the commissioner to correctly compute the tax levied by this chapter.
2. Upon request by any facility and a proper showing of the necessity therefor, the commissioner may grant to the facility an extension of time not exceeding thirty days for making a return. If an extension is granted, the time the facility is required to make payment of the tax liability must be extended for the same period, but interest must be charged upon the amount of the deferred payment at the rate of twelve percent per annum from the date the tax would have been due if the extension had not been granted to the date the tax is paid.
3. Returns must be signed by a duly authorized agent of the facility and must contain a written declaration that they are made and subscribed under the penalties of this chapter.

Payment of tax. The tax levied and assessed under this chapter must be paid on a monthly basis and is due and payable on the last day of the next succeeding month, except tax paid with respect to May in each odd-numbered year is due and payable on or before the twenty-second day of June of that year.

Penalties - Offenses.

1. If any facility fails to file a return or corrected return or to pay the tax within the time required by this chapter or, if upon audit, is found to owe additional tax, the facility is subject to a penalty of five percent of the amount of tax due, plus interest of one percent of the tax for each month of delay or fraction thereof, excepting the first month after the tax became due. If satisfied that the delay was excusable, the commissioner may waive and, if paid, refund all or any part of the penalty and interest. The penalty and interest must be paid to the commissioner and disposed of in



the same manner as other receipts under this chapter. Unpaid penalties and interest may be enforced in the same manner as the tax imposed under this chapter.

2. Any person failing to comply with this chapter or failing to remit the tax provided by this chapter to the commissioner on a timely basis is guilty of a class A misdemeanor.

Records required. A facility required to pay the tax under this chapter shall preserve the records of net operating revenues as the commissioner may require. The facility shall preserve the records for a period of three years and one month. The records are open to examination at any time by the commissioner or any of the commissioner's duly authorized agents.

Corporate officer liability. If a corporation that owns or operates a facility fails for any reason to file the required returns or to pay the tax due, any of its officers having control, or supervision of, or charged with the responsibility for making such returns and payments is personally liable for such failure. The dissolution of a corporation does not discharge an officer's liability for a prior failure of the corporation to make a return or remit the tax due. The sum due for a liability may be assessed and collected pursuant to the provisions of this chapter for the assessment and collection of other liabilities.

Commissioner to administer chapter. The commissioner shall administer this chapter and the tax imposed by this chapter. The commissioner may adopt all rules, policies, and practices, consistent with this chapter, necessary and advisable for its detailed administration and to effectuate its purposes. The provisions of chapter 57-39.2, pertaining to the administration of the retail sales tax, including provisions for refund and credit, not in conflict with the provisions of this chapter, govern the administration of the tax levied by this chapter.

#### Lien of tax - Collection - Action authorized.

1. When any taxpayer liable to pay a tax or penalty imposed refuses or neglects to pay the same, the amount, including any interest, penalty, or addition to the tax, together with the costs that may accrue in addition thereto, is a lien in favor of the state of North Dakota upon all property and rights to property belonging to the taxpayer. In the case of property where a deceased taxpayer held an interest with right of survivorship at the time of the taxpayer's death, the lien continues as a lien against the property in the hands of the survivor or survivors to the extent of the deceased taxpayer's interest therein. The deceased taxpayer's interest must be determined by dividing the value of the entire property at the time of the taxpayer's death by the number of joint tenants or persons interested therein.
2. The lien attaches at the time the tax becomes due and payable and continues until the liability for the amount is satisfied. For the purposes of this subsection, "due" and "due and payable" mean the first instant the tax becomes due.
3. In order to preserve the lien against subsequent mortgagees, purchasers, or judgment creditors, for value and without notice of the lien, on any property situated in a county, the commissioner shall file with the register of deeds of the county in which the property is located a notice of said lien.

4. The register of deeds of each county shall prepare and keep a book known as "Index of Tax Liens", so ruled as to show in appropriate columns all of the following data, under the names of taxpayers, arranged alphabetically:
- a. The name of the taxpayer.
  - b. The name "State of North Dakota" as claimant.
  - c. The time notice of lien was received.
  - d. The date of notice.
  - e. The amount of lien when due.
  - f. When the lien is satisfied.

The register of deeds shall endorse on each notice of lien the day, hour, and minute when received and preserve the notice and immediately index it in the index book. The lien is effective from the time of the indexing.

5. The commissioner is exempt from the payment of the filing fees as otherwise provided by law for the filing of the lien or for its satisfaction.
6. Upon the payment of a tax as to which the commissioner has filed notice with the register of deeds, the commissioner shall file with the register of deeds a satisfaction of the tax, and the register of deeds shall enter the satisfaction on the notice on file and so indicate in the index of tax liens.
7. The attorney general, upon the request of the commissioner, shall bring an action without bond, to enforce payment of any taxes and any penalties, or to foreclose the lien therefor in the manner provided for mortgages on real or personal property. The state's attorney of the county in which the action is pending shall assist the attorney general.
8. The remedies of the state are cumulative. An action taken by the commissioner or attorney general may not be construed to be an election on the part of the state or any of its officers to pursue any remedy to the exclusion of any other remedy provided by law.

Taxes deposited in general fund. The commissioner shall deposit moneys collected under this chapter in the general fund.

**SECTION 7. EFFECTIVE DATE.** Section 6 of this Act is effective for taxable events occurring after July 31, 1993."

Correct the title, revise internal reference, and renumber accordingly

#### REQUEST

REP. KALDOR REQUESTED a recorded roll call vote on Division A of the proposed Majority Report amendments to HB 1516, which request was granted.

#### ROLL CALL

The question being on the adoption of Division A of the proposed Majority Report amendments to HB 1516, the roll was called and there were 62 YEAS, 35 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Austin; Bateman; Belter; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Coats; Dalrymple;



DeWitz; Dorso; Drowdal; Freier; Froseth; Gates; Gerntholz; Gorder; Gorman; Grosz; Hagle; Hausauer; Holm; Howard; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Klein; Kretschmar; Kunkel; Maragos; Martin; Martinson; Monson; Nicholas; Olsen, D.; Olson, A.; Payne; Price; Rennerfeldt; Rydell; Schindler; Shide; Skarphol; Soukup; St. Aubyn; Stenehjelm; Svedjan; Sveen; Timm; Tollefson; Torgerson; Wald; Wardner; Wentz; Speaker R. Berg

**NAYS:** Aarsvold; Allmaras; Berg, J.; Bodine; Boucher; Brodshaug; Cleary; Dobrinski; Glassheim; Goffe; Grumbo; Gulleson; Hanson; Hokana; Huether; Kaldor; Kerzman; Kilichowski; Kroeber; Laughlin; Mahoney; Mutzenberger; Nelson; Ness; Nichols; Oban; Poolman; Porter; Pyle; Ring; Sitz; Stenson; Thorpe; Wanzek; Wilkie

**ABSENT AND NOT VOTING:** Henegar

Division A of the proposed Majority Report amendments to HB 1516 was adopted.

#### DIVISION B

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new chapter to title 57 of the North Dakota Century Code, relating to a tax on the net operating revenue of certain care facilities; to amend and reenact section 53-06.1-12.2, subsection 1 of section 57-36-25, subsection 1 of section 57-36-26, subsection 1 of section 57-36-28, and section 57-36-32 of the North Dakota Century Code, relating to games of chance taxes and tobacco products taxes; to provide a penalty; and to provide an effective date.

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

**SECTION 1. AMENDMENT.** Section 53-06.1-12.2 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**53-06.1-12.2. Charitable gaming tickets excise tax in lieu of sales and use taxes.** In addition to any other tax provided by law and in lieu of sales or use taxes, there is imposed a tax of ~~two~~ four and one-half percent on the gross receipts from the sale at retail of charitable gaming tickets to a final user. A sale at retail for purposes of this section includes charitable gaming tickets sold and charitable gaming tickets given in return for another charitable gaming ticket as authorized under this chapter. Gross receipts for purposes of this section includes the face value of all charitable gaming tickets sold or given in return for another charitable gaming ticket. The tax imposed by this section must be paid to the attorney general at the time returns are made and taxes are paid by the eligible organization under section 53-06.1-12.

**SECTION 2. AMENDMENT.** Subsection 1 of section 57-36-25 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. There is hereby levied and assessed upon all cigars, snuff, and other tobacco products sold in this state an excise tax at the rate of ~~twenty-two~~ twenty-eight percent of the wholesale purchase price at which such cigars, snuff, and other tobacco products are purchased by distributors. For the purposes of this section, the term "wholesale purchase price" shall mean the established price for which a manufacturer sells cigars, snuff, or other tobacco products to a distributor exclusive of any discount or other reduction. The proceeds of such tax, together with such forms of return and in accordance with such rules and regulations as the tax commissioner may prescribe, shall be remitted to the tax commissioner by the distributor on a



calendar quarterly basis on or before the tenth day of the month following the quarterly period for which paid. The tax commissioner shall, however, have authority to prescribe monthly returns upon the request of the licensee distributor and such returns accompanied with remittance shall be filed before the tenth day of the month following the month for which the returns are filed.

**SECTION 3. AMENDMENT.** Subsection 1 of section 57-36-26 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. There is hereby levied and assessed upon all cigars, snuff, and other tobacco products, purchased in another state and brought into this state by a dealer for the purpose of sale at retail, an excise tax at the rate of ~~twenty-two~~ twenty-eight percent of the wholesale purchase price at the time the products were brought into this state. For the purposes of this section, the term "wholesale purchase price" means the established price for which a manufacturer sells cigars, snuff, or other tobacco products to a distributor exclusive of any discount or other reduction. However, the dealer may elect to report and remit the tax on the cost price of the products to the dealer rather than on the wholesale purchase price. The proceeds of the tax, together with the forms of return and in accordance with any rules and regulations the tax commissioner may prescribe, must be remitted to the tax commissioner by the dealer on a monthly basis on or before the fifteenth day of the month following the monthly period for which it is paid. The tax commissioner shall have the authority to place any dealer on an annual remittance basis when in the judgment of the tax commissioner the operations of the dealer merit that remittance period. In addition, the tax commissioner shall have the authority to permit the consolidation of the filing of a dealer's return when the dealer has more than one location and thereby would be required to file more than one return.

**SECTION 4. AMENDMENT.** Subsection 1 of section 57-36-28 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. A tax is hereby imposed upon the use or storage by consumers of cigars, snuff, and other tobacco products in this state, and upon those consumers, at the rate of ~~twenty-two~~ twenty-eight percent of the cost to the consumer of those products.

**SECTION 5. AMENDMENT.** Section 57-36-32 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**57-36-32. Separate and additional tax on the sale of cigarettes - Collection - Allocation of revenue - Tax avoidance prohibited.** There is hereby levied and assessed and there shall be collected by the state tax commissioner and paid to the state treasurer, upon all cigarettes sold in this state, an additional tax, separate and apart from all other taxes, of ~~nine~~ thirteen and one-half mills on each cigarette, to be collected as existing taxes on cigarettes sold are, or hereafter may be, collected, by use of appropriate stamps and under similar accounting procedures. No person, firm, or corporation shall transport or bring or cause to be shipped into the state of North Dakota any cigarettes as provided herein, other than for delivery to wholesalers in this state, without first paying the tax thereon to the state tax

commissioner. All of the moneys collected by the state treasurer under this section shall be credited to the state general fund."

Correct the title, revise internal references, and renumber accordingly

#### ROLL CALL

The question being on the adoption of Division B of the proposed Majority Report amendments to HB 1516, the roll was called and there were 72 YEAS, 25 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

Division B of the proposed Majority Report amendments to HB 1516 was adopted on a roll call vote.

#### REQUEST

REP. KALDOR REQUESTED a recorded roll call vote on the adoption of the Majority Report amendments, including Divisions A and B, which request was granted.

The question then was on the adoption of the proposed Majority Report amendments to HB 1516, including Divisions A and B, the roll was called and there were 63 YEAS, 34 NAYS, 1 ABSENT AND NOT VOTING.

The Majority Report amendments, including Divisions A and B, were adopted and HB 1516, as amended, was placed on the Eleventh order.

#### SECOND READING OF HOUSE BILL

HB 1516: A BILL for an Act to create and enact a new chapter to title 57 of the North Dakota Century Code, relating to a tax on the net operating revenue of certain care facilities; to amend and reenact section 53-06.1-12.2, subsection 1 of section 57-36-25, subsection 1 of section 57-36-26, subsection 1 of section 57-36-28, and section 57-36-32 of the North Dakota Century Code, relating to games of chance taxes and tobacco products taxes; to provide a penalty; 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 53 YEAS, 44 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Austin; Belter; Bernstein; Boehm; Brown; Byerly; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Dalrymple; DeWitz; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Gorman; Grosz; Hagle; Hausauer; Howard; Jacobs; Johnson; Kelsch; Kempenich; Klein; Kretschmar; Kunkel; Maragos; Martin; Martinson; Nicholas; Olsen, D.; Olson, A.; Payne; Poolman; Price; Rennerfeldt; Rydell; Schindler; Shide; Skarphol; Soukup; St. Aubyn; Stenehjelm; Timm; Tollefson; Torgerson; Wald; Wanzek; Speaker R. Berg

NAYS: Aarsvold; Allmaras; Bateman; Berg, J.; Bodine; Boucher; Brodshaug; Carlisle; Cleary; Coats; Dobrinski; Glassheim; Goffe; Gorder; Grumbo; Gulleeson; Hanson; Hokana; Holm; Huether; Kaldor; Keiser; Kerzman; Kilichowski; Kroeber; Laughlin; Mahoney; Monson; Mutzenberger; Nelson; Ness; Nichols; Oban; Porter; Pyle; Ring; Sitz; Stenson; Svedjan; Sveen; Thorpe; Wardner; Wentz; Wilkie

ABSENT AND NOT VOTING: Henegar

HB 1516 passed and the title was agreed to.

REP. MARTINSON MOVED that the vote by which HB 1516 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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## MOTION

REP. MARTINSON MOVED that the House message HB 1516 immediately to the Senate, which motion prevailed.

## ANNOUNCEMENT BY THE SPEAKER

SPEAKER R. BERG ANNOUNCED that the House would stand in recess until 5:00 p.m.

## COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

April 20, 1993

This is to inform you that on April 20, 1993, I signed the following: HB 1120, HB 1274, HB 1349, HB 1383, and HB 1393.

## COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

April 20, 1993

This is to inform you that on April 19, 1993, I signed the following: HB 1104, HB 1126, HB 1178, HB 1188, HB 1230, and HB 1463.

## REPORT OF CONFERENCE COMMITTEE

SB 2014, as engrossed: Your conference committee (Sens. Redlin, Lindaas, Goetz and Reps. Gerntholz, Howard, Laughlin) recommends that the HOUSE RECEDE from the House amendments on HJ pages 1379-1381, adopt amendments as follows, and place SB 2014 on the Seventh order:

That the House recede from its amendments as printed on pages 1244-1246 of the Senate Journal and pages 1379-1381 of the House Journal and that Engrossed Senate Bill No. 2014 be amended as follows:

Page 1, line 13, replace "73,794,462" with "72,420,188"

Page 1, line 14, replace "3,622,100" with "3,197,140"

Page 1, line 15, replace "56,564,582" with "56,080,839"

Page 1, line 16, replace "6,894,408" with "6,494,408"

Page 1, line 17, replace "330,561,200" with "269,061,200"

Page 1, line 21, replace "485,558,452" with "421,375,475"

Page 2, line 3, replace "2,399,384" with "2,389,372"

Page 2, line 4, replace "755,382" with "728,944"

Page 2, line 7, replace "5,778,262" with "5,741,812"

Page 2, line 10, replace "1,523,024" with "1,509,780"

Page 2, line 11, replace "210,000" with "202,650"

Page 2, line 12, replace "8,000,152" with "7,550,152"

Page 2, line 13, replace "10,535,600" with "10,135,600"

Page 2, line 14, replace "20,268,776" with "19,398,182"

Page 2, line 15, replace "511,605,490" with "446,515,469"

Page 2, after line 24, insert:

**"SECTION 4. INDIRECT COST ALLOCATION PAYMENTS - CONTINGENCY.**

The office of management and budget may charge the department of transportation for indirect costs for the biennium beginning July 1, 1993, and ending June 30, 1995, pursuant to section 54-44.1-15 only if



the fifty-third legislative assembly approves a motor vehicle fuel tax increase or a contingent motor vehicle fuel tax increase."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 802 - DOT-TRANSPORTATION OPERATION

CONFERENCE COMMITTEE - This amendment makes the following changes:

The salaries and wages line item is decreased by \$874,274, \$183,389 of which is federal funds to reflect the state employee salary increase provisions of House Bill No. 1018.

The salaries and wages line item is reduced by \$500,000 from the highway fund relating to a reduction of five FTE undesignated positions and projected position vacancies during the 1993-95 biennium.

The information services line item is reduced by \$424,960 from the highway fund in accordance with provisions of House Bill No. 1018.

The operating expenses line item is increased by \$116,257 from the highway fund for indirect cost allocation payments to the Office of Management and Budget. This change provides a total of \$483,235 from the highway fund for indirect cost allocation payments. A section is added providing that the Office of Management and Budget may charge indirect costs to the Department of Transportation only if a motor vehicle fuel tax increase or a contingent motor vehicle fuel tax increase is approved by the 1993 Legislative Assembly.

The operating expenses line item is reduced by \$600,000, \$400,000 of which is federal funds. Of the reduction, \$100,000 relates to postage and \$500,000, \$400,000 of which is federal funds, relates to consulting engineers.

The equipment line item is reduced by \$400,000 from the highway fund to delay certain equipment purchases until the 1995-97 biennium.

The capital improvements line item is decreased by \$2,000,000 from the highway fund for highway maintenance.

The capital improvements line item is also reduced by \$59,500,000, \$47,600,000 of which is federal funds, relating to highway construction projects. Funding for highway construction projects is provided at a level that is \$12,000,000 more than recommended by Governor Schafer, \$9,600,000 of this amount is federal funds. It is the intent of the Legislative Assembly that this reduction of federal and state funds relates to the additional motor vehicle fuel tax and federal fund collections which may become available pursuant to the provisions of House Bill No. 1399. It is not the intent of this amendment to limit the Emergency Commission's authority to accept and approve the expenditure of federal funds because of unanticipated state or local matching funds that may become available.

Funding provided for highway construction projects reflected in this amendment is based on estimated funding available pursuant to 1991-93 motor vehicle fuel tax rates. House Bill No. 1399, which includes an increase of motor vehicle fuel tax rates of up to three cents based on federal highway construction funds available to North Dakota for the 1993-95 biennium, also contains an appropriation of up to \$65,500,000 for additional highway construction projects. A one cent motor vehicle fuel tax increase is estimated to generate \$7.5 million to the highway tax distribution fund for the first biennium the increase is effective.

In total, this amendment reduces funding for DOT-Transportation Operation by \$64,182,977, \$48,183,389 of which is federal funds and \$15,999,588 of which is from the highway fund. Authorized FTE positions are reduced by five from

Governor Schafer's recommendation and the Senate version, from 1,013.73 to 1,008.73 FTE positions. Governor Sinner recommended 1,021.73 FTE positions, 13 FTE positions more than the 1,008.73 authorized by the provisions of this amendment.

#### DEPARTMENT 803 - DOT-MOTOR VEHICLE

CONFERENCE COMMITTEE - The salaries and wages line item is decreased by \$10,012 from special funds to reflect the state employee salary increase provisions of House Bill No. 1018.

The information services line item is reduced by \$26,438 from special funds in accordance with provisions of House Bill No. 1018.

In total, this amendment reduces funding for DOT-Motor Vehicle by \$36,450 from special funds.

#### DEPARTMENT 804 - DOT-FLEET SERVICES

CONFERENCE COMMITTEE - The salaries and wages line item is decreased by \$13,244 from special funds to reflect the state employee salary increase provisions of House Bill No. 1018.

The information services line item is reduced by \$7,350 of special funds in accordance with provisions of House Bill No. 1018.

The operating expenses line item is decreased by \$450,000 from special funds to reflect a reduction in buildings and vehicle maintenance supplies provided for the 1993-95 biennium.

The equipment line item is decreased by \$400,000 from the highway fund to reflect a reduction of funding provided for vehicle purchases during the 1993-95 biennium.

In total, this amendment reduces funding for DOT-Fleet Services by \$870,594 from special funds.

Engrossed SB 2014 was placed on the Seventh order of business on the calendar.

#### MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1516.

#### REPORT OF CONFERENCE COMMITTEE

HB 1416, as engrossed: Your conference committee (Sens. Marks, W. Stenehjem, Andrist and Reps. Kelsch, Kretschmar, Allmaras) recommends that the SENATE RECEDE from the Senate amendments on HJ pages 1493-1516, adopt amendments as follows, and place HB 1416 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1493-1516 of the House Journal and pages 1296-1319 and page 1328 of the Senate Journal and that Engrossed House Bill No. 1416 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 53-06.1-01, subsection 1 of section 53-06.1-01.1, sections 53-06.1-01.2, 53-06.1-02, 53-06.1-02.1, 53-06.1-03, 53-06.1-03.3, 53-06.1-05, 53-06.1-05.1, 53-06.1-06, 53-06.1-07, 53-06.1-07.1, 53-06.1-07.2, 53-06.1-07.3, 53-06.1-07.4, 53-06.1-08, 53-06.1-08.1, 53-06.1-09, 53-06.1-10, 53-06.1-10.1, 53-06.1-11, 53-06.1-12, 53-06.1-12.2, 53-06.1-13, 53-06.1-13.1, 53-06.1-14, 53-06.1-15, 53-06.1-15.1, 53-06.1-15.4, 53-06.1-16, 53-06.1-16.1, 53-06.1-16.2, 53-06.1-17, and subsection 5 of section 53-06.2-11 of the North Dakota Century Code, relating to games of chance and the gaming commission.



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

SECTION 1. AMENDMENT. Section 53-06.1-01 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

53-06.1-01. Definitions. As used in this chapter:

1. "Adjusted gross proceeds" means, ~~except in the case of the~~ for games of draw poker and stud poker authorized under section 53-06.1-07.2, gross proceeds less cash prizes ~~or and~~ the price of merchandise prizes ~~and, less the charitable gaming tickets pull tab excise tax imposed by section 53-06.1-12.2, and less the amount of federal excise tax and interest imposed under section 4401 of the Internal Revenue Code [26 U.S.C. 4401].~~ In the games of draw poker and stud poker, "adjusted gross proceeds" means the time buy-ins or tournament fees collected by the eligible licensed organization.
2. ~~"Bona fide guest" means a person who is not a member of an eligible organization, but who is allowed to use the facilities of the organization when invited by a member or the organization in accordance with the eligible organization's bylaws, articles of incorporation, charter, rules, or other written statement.~~
3. ~~"Charitable gaming ticket" means the game piece used in pull tab games or jar ticket games.~~
4. "Charitable organization" means ~~any nonprofit an organization operated incorporated as a nonprofit corporation whose primary purpose is for the relief of poverty, distress poor, distressed, underprivileged, diseased, elderly, or abused persons, prevention of cruelty to children or animals, or other condition of public concern within this state, which has been so engaged actively fulfilling its primary purpose within this state for the two immediately preceding years.~~
- 5- 3. "Civic and service ~~club~~ organization" means any branch, lodge, or chapter of a nonprofit national or state organization which is authorized by its written constitution, charter, articles of incorporation, or bylaws to engage in a civic or service purpose within this state, ~~and which shall have existed in~~ has been actively fulfilling its primary purpose within this state for the two immediately preceding years. ~~"Civic and service club"~~ The term also means a similar local nonprofit organization, including a booster club, convention and visitors bureau, community betterment, civic, economic development, tourism, recreation, or similar organization, not affiliated with a state or national organization, which is recognized by resolution adopted by the governing body of the city in which the organization conducts its principal activities, or by the governing body of a county if such the organization conducts its principal activities outside the limits of a city but within a county. Such club shall organization must have existed in been actively fulfilling its primary purpose within this state for the two immediately preceding years.
- 6- 4. "Commission" means the state gaming commission.
- 7- 5. "Distributor" means a person, ~~firm, corporation, association, or organization which that~~ sells, markets, or



otherwise distributes raffle tickets, bingo gaming equipment, or any other implements of gambling usable in the lawful conduct of games of chance under this chapter. "Distributor" The term does not include a resident printer who prints raffle tickets at the request of a licensed or authorized organization or an organization that has been issued a local permit, and who sells or otherwise distributes such raffle tickets to such the organization.

8- 6. "Educational, charitable, patriotic, fraternal, religious, or other public-spirited uses" are:

- a. ~~To the extent used for purposes enumerated in subdivisions c through l, uses benefiting those organizations that are exempt from federal taxation under section 501(c)(3) of the Internal Revenue Code. Uses for stimulating and promoting state and community-based economic development programs within the state which improve the quality of life of community residents.~~
- b. ~~To the extent used for purposes enumerated in subdivisions c through l, uses benefiting an organization registered with the North Dakota secretary of state under chapter 50-22. Uses for developing, promoting, and supporting tourism within a city or the state.~~
- c. Uses benefiting an indefinite number of persons by bringing them under the influence of education, cultural programs, or religion which include disbursements to provide:
  - (1) Scholarships for students, if the disbursement is deposited in a scholarship fund for defraying the cost of education to students and the scholarships are awarded through an open and fair selection process.
  - (2) Supplementary assistance to a public or private nonprofit educational institution registered with or accredited by any state.
  - (3) Assistance to libraries and museums.
  - (4) Assistance for the performing arts and humanities.
  - (5) Preservation of cultural heritage.
  - (6) Youth community and athletic activities.
  - (7) Adult amateur athletic activities within the state, such as softball, including uniforms and equipment.
  - (8) Maintenance of places of public worship or support of a body of communicants, gathered in common membership for mutual support and edification in piety, worship, or religious observances.
  - (9) Scientific research.
- d. Uses benefiting an indefinite number of persons by relieving them of disease, suffering, or constraint which include disbursements to provide:
  - (1) Relief to an individual or family suffering from poverty or homelessness.

- (2) Encouragement and enhancement of the active participation of the elderly in our society.
  - (3) Services to the abused.
  - (4) Services to persons with an addicted behavior toward alcohol, gambling, or drugs.
  - (5) Funds to combat juvenile delinquency and rehabilitate ex-offenders.
  - (6) Relief for the sick, diseased, and terminally ill and their physical well-being.
  - (7) Funds for emergency relief and volunteer services.
  - (8) Funds to nonprofit nursing homes and other nonprofit medical facilities.
  - (9) Social services and education programs aimed at aiding the emotionally and physically distressed, handicapped, elderly, and underprivileged persons.
  - (10) Funds for crime prevention, fire protection and prevention, and public safety.
- e. (1) Fraternal uses, consistent with uses ~~and priorities~~ enumerated in subdivisions ~~e a through i~~ and ~~section 53-06.1-02 m~~, specified by an organization's constitution, charter, articles of incorporation, or bylaws and not of direct benefit to the eligible organization.
- (2) Fraternal uses or disbursements to perpetuate the memory and history of the dead.
- f. Uses increasing comprehension of and devotion to the principles upon which the nation was founded, not of direct benefit to the eligible organization or any member thereof which include disbursements to aid in teaching the principles of liberty, truth, justice, and equality. However, beauty pageants are excluded from receiving ~~charitable gaming funds net proceeds~~ under this subdivision or any other provision of this chapter.
- g. The erection or maintenance of public buildings or works, public utilities, or public waterworks.
- h. Uses otherwise lessening the burden of government which include disbursements to any entity that is normally funded by the city, county, state, or United States government and disbursements directly to a city, county, state, or the United States government, or any agency, political subdivision, or instrumentality thereof.
- i. Uses benefiting a definite number of persons who are the victims of loss of home or household possessions through explosion, fire, flood, or storm and the losses uncompensated by insurance.
- j. Uses benefiting a definite number of persons suffering from a seriously disabling disease or injury causing severe loss of income or incurring extraordinary medical expense which is uncompensated by insurance.

- k. Uses, for community service projects, by chambers of commerce exempt from federal income tax under section 501(c)(6) of the Internal Revenue Code. A project qualifies as a community service project if it promotes the common good, enhances the social welfare of the community, and benefits an indefinite number of persons. The specific goals of a community service project may be to develop or promote public services in areas such as education, housing, transportation, recreation, crime prevention, fire protection and prevention, safety, and health. Uses that directly benefit a chamber of commerce do not qualify.
- l. Uses for or of benefit to efforts in support of the health, comfort, or well-being of the community which include disbursements to provide:
  - (1) Funds for adult bands, including drum and bugle corps.
  - (2) Funds for trade shows and conventions conducted in this state.
  - (3) Funds for nonprofit organizations that operate a humane society, zoo, or fish or wildlife propagation and habitat enhancement program.
  - (4) Funds for public transportation and recreation.

m. To the extent the net proceeds are used toward the primary purpose of a charitable, educational, religious, or public-spirited organization, that has obtained a final determination from the internal revenue service as qualifying for exemption from federal income tax under section 501(c)(3) of the Internal Revenue Code, the organization may establish a special trust fund as a contingency for funding or maintaining the organization's future program services should the organization discontinue conducting games of chance or dissolve. The commission may adopt rules for the establishment of special trust funds.

Such uses do not include the erection, acquisition, improvement, maintenance, or repair of real, personal, or mixed property owned or leased by an organization unless it is used exclusively for one or more of the stated eligible uses. Eligible Except for uses related to an eligible organization's primary purpose, eligible uses do not include any activities consisting of attempts to influence legislation, or promote or oppose referendums or initiatives, or. Eligible uses do not include participation in any political campaign on behalf of any active official or person who is or has been a candidate for public office. In addition, the licensing authority commission may adopt rules to limit or restrict eligible use disbursements to ensure that funds net proceeds are best utilized for educational, charitable, fraternal, religious, patriotic, or other public-spirited purposes.

9- 7. "Educational organization" means any nonprofit public or private elementary or secondary school, two-year or four-year college, or university in this state which has been in existence active for the two immediately preceding years.



- ~~10- 8.~~ "Eligible organization" means bona fide nonprofit veterans, charitable, educational, religious, and fraternal organizations, civic and service clubs, public safety, and other public-spirited organizations as defined by this chapter section, which may be licensed by the attorney general or authorized issued a local permit by the governing body of a city or county to conduct games of chance under this chapter.
- ~~11.~~ ~~"Entire net proceeds" or "net proceeds" means the adjusted gross proceeds less such expenses and taxes as are specifically authorized under this chapter.~~
- ~~12- 9.~~ "Fraternal organization" means ~~a nonprofit~~ an organization within this state, except college and high school fraternities, which is incorporated as a nonprofit corporation and which is a branch, lodge, or chapter of a national or state organization and exists for the common business, brotherhood, or other interests of its members. Such The organization shall must have existed been actively fulfilling its primary purpose within this state for the two immediately preceding years, and must have obtained an advance ruling or final determination from the internal revenue service as qualifying for exemption from federal income tax under section 501(c)(8) or 501(c)(10) of the Internal Revenue Code. However, if the organization's gross receipts in each tax year are normally not more than twenty-five thousand dollars, the organization is not required to have obtained an advance ruling or final determination from the internal revenue service.
- ~~13- 10.~~ "Gross proceeds" means all moneys collected or received from conducting games of chance and from games of chance admissions thereto.
- ~~14- 11.~~ "Licensee" "Licensed organization" means an eligible organization licensed under this chapter by the attorney general to conduct bingo, raffles, calcuttas, pull tabs, punchboards, twenty-one, poker, and sports pools.
- ~~15- 12.~~ ~~"Licensing authority" means the attorney general. "Local permit" means a permit issued to a nonprofit organization recognized as a public-spirited organization by a governing body of a city or county that authorizes the organization to conduct only bingo, raffles, and sports pools in that city or county.~~
- ~~16- 13.~~ "Manufacturer" means a person who designs, assembles, fabricates, produces, constructs, or who otherwise prepares a product or a component part of a product of any implement of gambling usable in the lawful conduct of games of chance under this chapter. ~~"Manufacturer"~~ The term does not include a resident printer who prints raffle tickets at the request of a licensed or authorized organization or an organization that has been issued a local permit, and who sells or otherwise distributes such raffle tickets to such an the organization.
- ~~14.~~ "Manufacturer's distributor" means a wholesaler of a manufacturer of electronic-mechanical pull tab dispensing devices and associated equipment who maintains a parts inventory, who sells at wholesale dispensing devices and associated equipment directly to a licensed distributor, and who does not sell or otherwise provide these items to a licensed organization.

- ~~17-~~ 15. "Member" means a person who has qualified for and been admitted to membership in an eligible organization pursuant to its bylaws, articles of incorporation, charter, rules, or other written statement, and who pays regular monthly, annual, or other periodic dues or is a fully paid life member of the eligible organization. "Member" includes auxiliary members, but excludes social and honorary members.
- ~~18-~~ ~~"Other public spirited organization" means a nonprofit organization which has been in existence within this state for two years and is recognized by the governing body of a city or county by resolution as public spirited and eligible to conduct games of chance under this chapter.~~
16. "Net proceeds" means the adjusted gross proceeds less such expenses and taxes as are specifically authorized under this chapter.
- ~~19-~~ 17. "Person" means any person, firm, partnership, corporation, association, or organization.
18. "Public safety organization" means an organization incorporated as a nonprofit corporation whose primary purpose is to actively engage in firefighting, ambulance service, or similar disaster assistance, which has been actively fulfilling its primary purpose within this state for the two immediately preceding years.
19. "Public-spirited organization" means an organization incorporated as a nonprofit corporation whose primary purpose is for scientific research, amateur sports competition, safety, arts, agriculture, preservation of cultural heritage, educational activities, educational public service, youth, or similar organization, and which does not meet the definition of veterans, fraternal, charitable, educational, religious, civic and service, or public safety organization, which has been actively fulfilling its primary purpose within this state for the two immediately preceding years and is recognized by the governing body of a city or county by resolution as public spirited. However, a nonprofit organization recognized as a public-spirited organization by a governing body of a city or county for obtaining a local permit does not need to meet this definition.
20. "Pull tab" means the game piece used in deals of pull tabs.
- ~~20-~~ 21. "Religious organization" means any nonprofit organization, church, body of communicants, or group gathered in common membership incorporated as a nonprofit corporation whose primary purpose is for advancement of religion, mutual support and edification in piety, worship, and religious observances which has been actively so gathered or united in this state for the two immediately preceding years.
- ~~21-~~ 22. "Veterans organization" means any congressionally chartered organization within this state, or any branch or lodge or chapter of a nonprofit national or state organization within this state, the membership of which consists of individuals who were members of the armed services or forces of the United States. Such organizations shall The organization must have been in existence actively fulfilling its primary purpose in this state for the two immediately preceding years and must have obtained an advance ruling or final determination from the internal revenue service as qualifying



for exemption from federal income tax under section 501(c)(19) of the Internal Revenue Code. However, if the organization's gross receipts in each tax year are normally not more than twenty-five thousand dollars, the organization is not required to have obtained an advance ruling or final determination from the internal revenue service.

**SECTION 2. AMENDMENT.** Subsection 1 of section 53-06.1-01.1 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. The state gaming commission consists of the chairman and four other members appointed by the governor, with the consent of the senate. The members serve three-year terms and until a successor is appointed and qualified. If the senate is not in session when the term of a member expires, the governor may make an interim appointment, and the interim appointee holds office until the senate confirms or rejects the appointment. A member appointed to fill a vacancy arising from other than the natural expiration of a term serves only for the unexpired portion of the term. The terms of the commissioners must be staggered so that one term expires each July first.

**SECTION 3. AMENDMENT.** Section 53-06.1-01.2 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**53-06.1-01.2. Duty of attorney general to participate in certain hearings - Employment of private counsel by commission.** The attorney general shall represent the state in all hearings before the commission and shall prosecute all criminal proceedings arising from violations of ~~chapters 53-06.1 and 53-06.2~~ this chapter. The commission may employ private counsel ~~for adoption of rules and to ensure that its hearings are conducted fairly.~~

**SECTION 4. AMENDMENT.** Section 53-06.1-02 of the North Dakota Century Code is amended and reenacted as follows:

**53-06.1-02. Organizations eligible under chapter - Use of net proceeds.** Nonprofit veterans, charitable, educational, religious, and fraternal organizations, civic and service clubs, public safety, and public-spirited organizations, as those terms are defined by this chapter, are eligible to conduct games of chance under the conditions of this chapter. The entire net proceeds of such games of chance are ~~to must~~ be devoted to educational, charitable, patriotic, fraternal, religious, or other public-spirited uses as defined by this chapter. Notwithstanding any other provision of this chapter, an eligible organization, ~~which is not required to be licensed by the attorney general, that has been issued a local permit~~ may use the net proceeds of such games of chance to directly benefit the eligible organization.

**SECTION 5. AMENDMENT.** Section 53-06.1-02.1 of the North Dakota Century Code is amended and reenacted as follows:

**53-06.1-02.1. Waiver of two-year existence active requirement - Local permit.** An organization that has not been in existence actively fulfilling its primary purpose within this state for the two immediately preceding years becomes an eligible ~~may be recognized as a public-spirited~~ organization for purposes of this section upon approval by the governing body of the city, if the organization will conduct games of chance ~~only~~ within that city, or upon approval by the board of county commissioners, if the organization will conduct games of chance within the county. An organization that ~~becomes an eligible~~ is recognized as a public-spirited organization under this section is not



eligible for licensure by the attorney general until it has ~~been in~~ existence actively fulfilled its primary purpose within this state for the two immediately preceding years and may only conduct games of chance under a local authorization permit as provided in subsection 1 of section 53-06.1-03 until it ~~becomes an eligible organization as otherwise provided in this chapter.~~

**SECTION 6. AMENDMENT.** Section 53-06.1-03 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**53-06.1-03. Licensure**—~~Exceptions for raffles, sports pools, and bingo - City and county authorization~~ local permits and site authorizations - Licensure by attorney general - Fees - Suspension and revocation.

1. ~~Except as otherwise provided in this section, eligible organizations desiring to conduct games of chance shall apply annually for a license from the attorney general before July first on forms provided by the attorney general and shall include with the application a one hundred fifty dollar license fee, except for those organizations whose average annual gross proceeds do not exceed twenty five thousand dollars, for which the fee is one hundred dollars.~~
2. A nonprofit organization may obtain a local permit as follows:
  - a. ~~Any~~ A nonprofit organization recognized as public spirited a public-spirited organization by the governing body of a city or county may obtain a local authorization permit to conduct only raffles or bingo in which the primary prize does not exceed one thousand dollars, and the aggregate ~~does~~ prizes do not exceed six thousand dollars annually, ~~or~~ and to conduct sports pools, for professional sports only, in which the total wagers do not exceed five hundred dollars for each pool.
  - b. A nonprofit organization that conducts a city or county festival or celebration may be recognized as a public-spirited organization by the governing body of a city or county and may obtain a local authorization permit to conduct raffles in which the primary prize does not exceed one thousand dollars and the aggregate ~~does~~ prizes do not exceed two thousand dollars. For purposes of this subdivision, a "city or county festival or celebration" means an event:
    - (1) In celebration of local heritage, anniversary of establishment of the political subdivision, or other significant local event recognized as public spirited by the governing body of the city or county; and
    - (2) Supported by significant community participation.
  - c. To obtain a local authorization permit, the nonprofit organization shall apply directly to the governing body of the city in which ~~it conducts its principal activities the site is located where the raffle, sports pool, or bingo activity will be conducted or, if its principal activities are conducted the raffle, sports pool, or bingo activity is conducted at a site located in a county but outside the limits of a city, it~~ the organization shall apply to the board of county commissioners. ~~Applications~~ Application for the ~~conduct~~

~~of games of chance subject to authorization by a city or county a local permit~~ must be made on forms provided by the attorney general. The governing body may by ordinance or resolution establish ~~authorization fees a~~ local permit fee not to exceed twenty-five dollars for each ~~authorization local permit~~.

- d. For purposes of ~~this subsection~~ issuing a local permit, the determination of what is a ~~"public spirited" organization~~ "public-spirited organization" is within the sole discretion of the governing body of the city or county.
2. Except as otherwise provided in this section, an eligible organization desiring to be licensed to conduct lawful games of chance shall apply annually for a license from the attorney general before July first on forms provided by the attorney general and shall include with the application a one hundred fifty dollar license fee, except the fee is one hundred dollars for an organization whose average annual gross proceeds do not exceed twenty-five thousand dollars. An organization shall provide clear and convincing evidence that the organization qualifies as an eligible organization. If a licensed organization amends its primary purpose as stated in its articles of incorporation or changes its basic character in a material manner, the organization shall reapply for licensure with the attorney general.
3. The attorney general ~~shall~~ may license eligible organizations that conform to the requirements of this chapter by issuing licenses as follows:
  - a. A class A license to an eligible organization that is ~~prohibited because of its nature or purpose for existence from expending charitable gaming net proceeds for the organization's own purposes or benefit and is, therefore, required to disburse its net proceeds to beneficiaries for educational, charitable, patriotic, fraternal, religious, or other public spirited uses a~~ fraternal, veterans, or civic and service organization.
  - b. A class B license to an eligible organization that is ~~permitted because of its nature or purpose for existence to expend charitable gaming proceeds for its own educational, charitable, patriotic, fraternal, religious, or other public spirited uses a~~ charitable, religious, educational, public-spirited, or public safety organization. The attorney general may deny a class B license to an otherwise eligible organization if the organization is connected, directly or indirectly, to the holder of a North Dakota retail alcoholic beverage license. An eligible organization that qualifies for a class A license ~~may~~ not also be issued a class B license.
  - c. A ~~class C license to an eligible organization that conducts games of chance on not more than two occasions per year.~~
  - d. The attorney general ~~shall~~ commission may establish by rule no more than two additional classes of licenses based on the frequency of gaming, the types of games of chance conducted by the eligible licensed organization, and the adjusted gross proceeds collected or expected to be collected by the eligible licensed organization.



4. ~~Games~~ A licensed organization may conduct games of chance ~~may be operated or conducted only on premises or sites an~~ authorized site set forth in the application as follows:
  - a. ~~License applicants~~ A licensed organization shall first secure approval of the proposed site or sites on at which it intends to conduct lawful games of chance under this chapter from the governing body of the city, if within city limits, or the county, if outside city limits, where the site or sites are is located. This approval or permit, which may be granted at the discretion of the governing body, must be recorded on a site authorization form which is to accompany the license application to the attorney general for final approval. The governing body may charge a one hundred dollar fee for this permit the site authorization.
  - b. Rented premises are subject to rules adopted by the attorney general commission.
  - c. Only one eligible licensed organization or organization that has been issued a local permit at a time may be authorized to conduct games of chance at a specific location authorized site, except that a raffle drawing may be conducted for special occasions when one of the following conditions are met:
    - (1) When the area for the raffle drawing is physically separated from the area where gaming is conducted by the regular licensee.
    - (2) Upon request of the regular licensee, the licensee's license is suspended for that specific day by the attorney general or commission.
  - d. Licenses, rules of conduct and play, state gaming stamps, and state identification devices registration stamps must be displayed on forms and in the manner specified in rules adopted by the attorney general commission.
  - e. No licensed organization or closely connected licensed organizations as a unit may have more than thirty authorized sites unless granted a waiver by the attorney general. However, after June 30, 1995, no licensed organization or closely connected licensed organizations as a unit may have more than twenty-five authorized sites unless granted a waiver by the attorney general. If the attorney general finds that there is no other licensed organization willing to conduct gaming at a site for which a waiver is being sought, the attorney general may approve the waiver. The attorney general may not grant a licensed organization a waiver for more than five sites. Closely connected licensed organizations are two or more organizations which have unitary characteristics that may include common primary purposes, members on boards of directors, officers, management, employees, bookkeepers, program services, integrations of gaming activities, and shared facilities.
5. The attorney general may, by motion based on reasonable ground or upon written complaint, suspend, deny, or revoke under chapter 28-32, any license granted under this chapter for violations by the licensee, or any officer, director, agent, member, or employee of the licensee, of this chapter



or any rule adopted under this chapter. Notwithstanding section 5-02-02, an eligible organization that possesses a license issued under chapter 5-02 may not have that license suspended, revoked, or denied in consequence of action taken under this subsection unless that organization conducts gaming determined to be in violation of chapter 12.1-28 or subsection 1 of section 53-06.1-07.

6. The attorney general ~~or the commission~~ may impose monetary fines on licensed organizations, distributors, manufacturers' distributors, and manufacturers for failure to comply with ~~any provision of this chapter or any rule adopted under this chapter.~~ The monetary fine for each violation by an organization is a minimum of twenty-five dollars and may not exceed two percent of the organization's average quarterly gross proceeds, or five thousand dollars, whichever is greater. The monetary fine for each violation by a distributor or ~~manufacturer~~ manufacturer's distributor is a minimum of one hundred dollars and may not exceed five thousand dollars. The monetary fine for each violation by a manufacturer is a minimum of five hundred dollars and may not exceed two hundred fifty thousand dollars. This fine may be in addition to or in lieu of ~~a license suspensions~~ suspension or revocations ~~revocation~~.

**SECTION 7. AMENDMENT.** Section 53-06.1-03.3 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**53-06.1-03.3. ~~Charitable gaming ticket~~ Pull tab sites - Limit on rent.** For all purposes associated with the privilege of conducting games of chance at a site other than a site where bingo is the primary game of chance conducted, the monthly rent may not exceed:

1. If the game of twenty-one is conducted on the site, in addition to the rent allowable for the game of twenty-one, one hundred twenty-five dollars.
2. If the game of twenty-one is not conducted on the site, two hundred twenty-five dollars.

**SECTION 8. AMENDMENT.** Section 53-06.1-05 of the North Dakota Century Code is amended and reenacted as follows:

**53-06.1-05. Local ~~approval~~ permit for educational organizations, college fraternities, and sororities for raffles, sports pools, and bingo.** An educational organization, college fraternity, or sorority shall apply in writing to the governing body of the city in which it is located, or to the board of county commissioners if the educational organization or the college is located outside ~~the geographical limits of a city~~ limits, for ~~permission~~ a local permit to conduct raffles, sports pools, or bingo at least thirty days ~~prior to~~ before each occasion. The application must state the time, place, and educational, charitable, patriotic, fraternal, religious, or other public-spirited uses to which the ~~net~~ proceeds will be devoted. An applicant fraternity or sorority shall include a signed acknowledgment by the administration of the college or university that the applicant is a recognized fraternity or sorority. The governing body ~~may~~ at its ~~own~~ discretion by ordinance or resolution, and upon application, ~~grant permission~~ may issue a local permit for raffles, sports pools, and bingo to be held at specifically designated times and places for specific uses covering a one-year period. The governing body ~~may~~ by ordinance or resolution may establish ~~authorization fees~~ a local permit fee not to exceed twenty-five dollars for each ~~authorization~~. ~~If the governing body, at its own discretion, chooses to authorize~~

~~raffles, sports pools, or bingo pursuant to this chapter, the governing body may do so by resolution local permit.~~

**SECTION 9. AMENDMENT.** Section 53-06.1-05.1 of the North Dakota Century Code is amended and reenacted as follows:

**53-06.1-05.1.** Regulation by city or county of number of twenty-one tables per site and number of sites per ~~eligible licensed~~ organization. Cities, for sites ~~or locations~~ within city limits, or counties, for sites ~~or locations~~ outside city limits, may establish by ordinance or resolution a maximum number of tables for twenty-one per site and a maximum number of sites upon which ~~an eligible a licensed~~ organization may conduct games of chance within the city or county.

**SECTION 10. AMENDMENT.** Section 53-06.1-06 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**53-06.1-06.** Persons permitted to conduct games of chance - ~~Premises~~ Gaming site - Equipment - Compensation.

1. No person, except a member or employee of ~~an eligible a licensed~~ organization or ~~an organization that has been issued a local permit or~~ a member of an organization auxiliary to ~~an eligible a licensed organization or an organization that has been issued a local permit,~~ may assist in the holding, operating, or conducting of any game of chance under this chapter. In the conduct of pull tabs ~~through an electronic-mechanical dispensing device,~~ the attorney general may allow employees of licensed alcoholic beverage establishments to provide limited assistance to ~~an authorized a class B license holding eligible licensed~~ organization the ~~whose~~ adjusted gross proceeds of ~~which do~~ does not exceed ~~sixty eighty~~ sixty thousand dollars per quarterly reporting period of operation or to any class A ~~license holding eligible licensed~~ organization. However, a volunteer of an eligible organization may sell raffle tickets.
2. Except when authorized by the attorney general, no games of chance may be conducted with any gaming equipment other than gaming equipment owned by an eligible organization or rented at a reasonable rate by an eligible organization from a licensed distributor.
3. The governing board of an eligible organization is primarily responsible ~~and may be held accountable~~ for the proper determination and distribution of the ~~entire~~ net proceeds of ~~any game games~~ of chance ~~held in accordance with this chapter.~~
4. The ~~premises gaming site~~ where any game of chance is being held, operated, or conducted, or where it is intended that the game will be held, must be open to inspection by the attorney general, ~~the attorney general's agents and employees, by representatives of the governing body authorizing games of chance, and by peace officers of any political subdivision law enforcement officials~~ of this state.
5. When any merchandise prize is awarded in a game of chance, its value is its current retail price.



6. Equipment, prizes, and supplies for games of chance may not be purchased or sold at prices in excess of the usual price thereof.
7. The A class A organization must devote the entire net proceeds derived from the holding of conducting games of chance must be devoted within three months from the date end of the quarter in which such proceeds were earned to the eligible uses permitted by this chapter. Any A class A organization desiring to hold the net proceeds of games of chance for a period longer than three months from the date such proceeds were earned must shall apply to the licensing authority or governing body, as the case may be, attorney general for special permission, and upon good cause shown, the licensing authority or governing body attorney general may grant the request.
8. No person who has pled guilty to or been found guilty of a felony may sell or distribute equipment, or conduct or assist in games of chance under this chapter for five years from the date of the conviction or release from incarceration, parole, or probation, whichever is the latter. No person determined by the attorney general to have participated in organized crime or unlawful gambling, may be permitted to sell or distribute equipment, or conduct or assist in games of chance under this chapter for a period determined by the attorney general.
9. Any person involved with the conduct of games of chance must be:
  - a. A person of good character, honesty, and integrity.
  - b. A person whose prior activities, criminal record, reputation, habits, and associations do not pose a threat to the public interest of this state or to the effective regulation and control of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of gaming or the carrying on of the business and financial arrangements incidental to the conduct of gaming.
10. The attorney general or commission may prohibit a person from playing games of chance if the person violates any provision of this chapter or any rule adopted under this chapter.
11. The attorney general or commission may require a licensed organization to pay a bingo or raffle prize to a player based on a factual determination, after opportunity for the parties to be heard, by the attorney general or commission.
12. If bingo is the primary game of chance conducted at an authorized site, no licensed organization may pay bingo prizes in which the aggregate of the bingo prizes for a quarter exceeds the total bingo gross proceeds for the quarter at that site. However, a bingo prize that equals or exceeds ten thousand dollars is excluded from the computation of the aggregate of the bingo prizes.

**SECTION 11. AMENDMENT.** Section 53-06.1-07 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**53-06.1-07. Games of chance allowed.**



1. ~~Eligible~~ Only eligible organizations licensed by the attorney general ~~shall be permitted to~~ may conduct bingo, raffles, calcuttas, ~~charitable gaming tickets pull tabs, punchboards, twenty-one, paddlewheels, poker, and sports pools for professional sports only.~~ These games may only be conducted and played at gaming sites authorized by a local governing body and approved by the attorney general.
2. ~~College fraternities or sororities may conduct raffles, sports pools, and bingo.~~
3. ~~Eligible organizations shall be permitted to conduct draw poker in accordance with section 53-06.1-07.2.~~
4. ~~In electronic video gaming device play of any game of chance permitted by this section, the maximum prize per play is five hundred dollars.~~
5. ~~Any~~ The game using ~~charitable gaming tickets of pull tabs~~ may be conducted only through use of commingled games after June 30, 1991.

**SECTION 12. AMENDMENT.** Section 53-06.1-07.1 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**53-06.1-07.1. Limitations on hours and participation in games of chance.** A person under twenty-one years of age may not ~~participate in placing a wager in the~~ directly or indirectly play games of ~~charitable gaming tickets pull tabs, punchboards, twenty-one, calcuttas, sports pools, paddlewheels, or poker.~~ A person under eighteen years of age ~~not accompanied by an adult may not participate in directly or indirectly play the game of bingo unless the person is accompanied by an adult, the bingo game is locally authorized under section 53-06.1-03~~ conducted by an organization that has been issued a local permit, or the game's prize structure does not exceed those that allowed under subsection 1 of section 53-06.1-03 for locally authorized games local permits. The games of ~~charitable gaming tickets pull tabs, punchboards, twenty-one, paddlewheels, or and~~ sports pools may be conducted only during the hours when alcoholic beverages may be dispensed in accordance with applicable regulations of the state or the ~~political subdivision~~ county or city.

**SECTION 13. AMENDMENT.** Section 53-06.1-07.2 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**53-06.1-07.2. Draw poker and stud poker - Limited authorization.** ~~An eligible~~ A licensed organization may conduct the game of draw poker on not more than ~~two~~ twelve occasions per year as follows:

1. The eligible organization may supply the dealer.
2. The maximum single bet is ~~one dollar~~ three dollars.
3. Not more than three raises, of not more than ~~one dollar~~ three dollars each, may be made among all the players in each round of bets. Otherwise the normal rules of draw poker and stud poker apply.
4. The ~~eligible~~ organization shall assess each player a fee not to exceed two dollars per half hour of playing time by that person, collected in advance. A fee may be charged each player for entry into a tournament for prizes which fee may

be in lieu of or in addition to the fee assessable at one-half hour intervals.

**SECTION 14. AMENDMENT.** Section 53-06.1-07.3 of the North Dakota Century Code is amended and reenacted as follows:

**53-06.1-07.3. Calcuttas.** ~~An eligible~~ A licensed organization may allow the playing of ~~conduct~~ a calcutta ~~on the authorized site.~~ Calcuttas are allowed for professional or amateur sporting events held in this state, but not for elementary, secondary, or postsecondary education sports events. The eligible organization shall post at the gaming site all rules affecting the conduct and play of calcuttas ~~or requirements of participants.~~ ~~An eligible~~ The organization may not have an interest in the outcome of the calcutta. ~~A participant who places player must place~~ a wager in the calcutta auction pool ~~must be~~ at the authorized site. No more than one wager per competitor may be allowed in any calcutta pool. The amounts paid to calcutta pool ~~participants~~ players in prizes may not exceed ninety percent of the gross proceeds. No competitor in a calcutta pool may be under eighteen years of age.

**SECTION 15. AMENDMENT.** Section 53-06.1-07.4 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**53-06.1-07.4. Paddlewheels.** ~~An eligible~~ A licensed organization may ~~conduct the game of paddlewheels on the authorized site.~~ The eligible organization shall post at the site all rules affecting the conduct of paddlewheels and requirements of players. A paddlewheel is a mechanical vertical wheel marked off into equally spaced sections that contain numbers or symbols, and which after being spun, uses a pointer or marker to indicate the winning number or symbol. The maximum price per paddlewheel ticket may not exceed two dollars. No money may be allowed on the playing table. A table must be used to register a player's wagered paddlewheel ticket when a cash prize is a variable multiple of the price of the paddlewheel ticket. No player may place ~~more than ten~~ paddlewheel tickets valued at more than twenty dollars on each spin of the paddlewheel. Cash, chips, or merchandise prizes may be awarded. No single cash prize, value of chips, or the current retail price of the merchandise prize to be awarded for a winning paddlewheel ticket may exceed one hundred dollars. The monthly rent for each paddlewheel playing table may not exceed the amount authorized by law for a twenty-one table.

**SECTION 16. AMENDMENT.** Section 53-06.1-08 of the North Dakota Century Code is amended and reenacted as follows:

**53-06.1-08. Punchboards and ~~charitable gaming tickets~~ pull tabs - Sale of chances - Maximum price per ticket pull tab.** Unless all of the highest denomination of winners top tier winning pull tabs or punchboard punches have been sold redeemed, or unless otherwise permitted by the attorney general, ~~a no~~ a person or organization engaged in the selling of chances from conducting games of ~~charitable gaming tickets pull tabs or punchboards under this chapter may not discard the chances from any close the game of charitable gaming ticket or punchboard once the contents of that game of charitable gaming ticket or punchboard are have been~~ offered for sale to eligible participants players. The maximum sales price per ~~charitable gaming ticket pull tab and punchboard punch~~ may not exceed two dollars.

**SECTION 17. AMENDMENT.** Section 53-06.1-08.1 of the North Dakota Century Code is amended and reenacted as follows:

**53-06.1-08.1. Limitation on ~~charitable gaming ticket~~ pull tab prizes.** ~~An eligible~~ A licensed organization may not conduct a game of



~~charitable gaming tickets pull tabs in which the highest denomination winner prize value of the top tier winning pull tab exceeds five hundred dollars.~~

**SECTION 18. AMENDMENT.** Section 53-06.1-09 of the North Dakota Century Code is amended and reenacted as follows:

**53-06.1-09. Sports pools - Control by licensee - Rules posted - Limitation on prizes.** ~~An eligible A licensed organization or organization that has been issued a local permit may allow the playing of conduct sports pools on the premises or authorized site. Sports pools are allowed for professional sports only. If sports pools are allowed, they must be conducted and controlled by the eligible organization. The eligible licensed organization or organization that has been issued a local permit shall clearly post any rules affecting the conduct of sports pools or requirements of participants players. The maximum wager on any sports pool is five dollars. The amounts paid to sports pool participants players in prizes may not exceed ninety percent of the gross proceeds.~~

**SECTION 19. AMENDMENT.** Section 53-06.1-10 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**53-06.1-10. Twenty-one - Sale of chips - Redemption - Wager - Limit - Rules of play - Tips.** ~~Any licensee A licensed organization may conduct and shall control the playing of the card game twenty-one on the its authorized site of the licensee, but at no other location. No money may be allowed on the table. The licensee organization shall provide playing chips of various denominations to the participants players. Chips must be redeemed by the licensee for their full value. The maximum limit per wager may be set by the licensee or eligible organization at not more than five dollars and wagers in increments of one dollar must be accepted up to the maximum limit. A player may not play more than two hands at the same time. Only the player actually playing a hand may place a wager on any hand. Twenty-one is a card game played by a maximum of seven players and one dealer. The dealer must be a representative of the eligible organization sponsoring the game of chance. Each player plays the player's hand against the dealer's hand. In order to remain in the hand being dealt, neither the player nor the dealer may play a hand with a count greater than twenty-one. A count of twenty-one obtained with two cards is termed a natural twenty-one and is an automatic payout except in case of a tie count with the dealer. Players may double down on a natural twenty-one. In the case of matching or tie count between the player and the dealer, no winner is declared and the player keeps the player's wager. A licensee may allow the pooling of tips received by dealers at an authorized site. Any requirement to pool tips is within the sole discretion of each licensee and may not be imposed or encouraged by the licensing authority attorney general or commission. Each licensee conducting twenty-one shall post rules relating to the conduct of the game in a conspicuous location near where the game is played. After December 31, 1993, except for an organization's authorized site that has twenty-one gross proceeds averaging less than ten thousand dollars per quarter, no organization may conduct twenty-one at an authorized site with wagers exceeding two dollars unless the organization has first installed video surveillance equipment as required by rules adopted by the commission and the equipment is approved by the attorney general. The commission may delay the requirements for surveillance required by this section for good cause shown if the commission specifically finds that the delay would allow the installation of video surveillance equipment of superior technological capability and enhanced enforcement value. In no event may the delay extend beyond July 1, 1994.~~



**SECTION 20. AMENDMENT.** Section 53-06.1-10.1 of the North Dakota Century Code is amended and reenacted as follows:

**53-06.1-10.1. Raffles - Limitation - Prizes.** Prizes for raffles may include any property which may be legally owned and possessed, but may not include real estate. Cash prizes may be awarded in raffles ~~conducted under this chapter~~ provided the value of no single cash prize exceeds one thousand dollars, and provided ~~further that no eligible organization may award total cash prizes totaling more than~~ do not exceed three thousand dollars in the aggregate during any one day.

**SECTION 21. AMENDMENT.** Section 53-06.1-11 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**53-06.1-11. Statement of receipts - Expenses.**

1. All moneys collected or received from games of chance and admissions thereto, except cash prizes of one hundred dollars or less paid immediately, must be deposited in a special account of the eligible licensed organization which contains only that money. Cash prizes of an amount to be determined by the attorney general, ~~the and~~ purchase prices of merchandise prizes, ~~and all expenses for such games of chance~~ must be withdrawn from such account by consecutively numbered checks duly signed by a specified officer or officers of the eligible organization and payable to a specific person or organization. There must also be written on the check the nature of the ~~expense or~~ prize for which the check is drawn. No check may be drawn to "cash" or a fictitious payee. In the case of a cash prize of more than one hundred dollars, the prize may also be issued by an accountable receipt or nonnegotiable instrument approved by the attorney general.
2. No part of the net proceeds after they have been ~~given over~~ devoted to another organization an eligible use recipient may be used by the donee ~~organization~~ to pay any person for services rendered or materials purchased in connection with the ~~conducting~~ conduct of games of chance by the donor organization.
3. Subject to the limitations of this subsection, expenses incurred for games of chance may be deducted from adjusted gross proceeds, to the extent that total expenses for games of chance do not exceed fifty percent of the first two hundred thousand dollars of adjusted gross proceeds per quarter and forty-five percent of the adjusted gross proceeds in excess of two hundred thousand dollars per quarter. However, for an authorized site at which the game pull tabs is the only game of chance conducted and the conduct of pull tabs is through an electronic-mechanical dispensing device, expenses incurred for this game of chance may be deducted from adjusted gross proceeds, based on the average adjusted gross proceeds of all of an organization's authorized sites at which the game of pull tabs is conducted through electronic-mechanical dispensing devices, according to the following:
  - a. On average adjusted gross proceeds not exceeding eight thousand dollars per quarter, an expense limitation of fifty percent.

- b. On average adjusted gross proceeds exceeding eight thousand dollars per quarter, but not exceeding twelve thousand dollars per quarter, an expense limitation of forty-five percent.
- c. On average adjusted gross proceeds exceeding twelve thousand dollars per quarter, but not exceeding sixteen thousand dollars per quarter, an expense limitation of forty percent.
- d. On average adjusted gross proceeds exceeding sixteen thousand dollars per quarter, an expense limitation of thirty-five percent.

After December 31, 1989, cash shorts incurred in games of chance are classified as expenses toward the expense limitation. Notwithstanding the limitations of this subsection, in addition to the expenses allowed to be deducted from adjusted gross proceeds, an eligible a licensed organization may deduct as an expense federal excise taxes and interest imposed under section 4401 of the Internal Revenue Code [26 U.S.C. 4401] and incurred or paid by the organization for the period beginning January 1, 1986, and ending as of July 1, 1991 capital expenditures for security or video surveillance equipment used for controlling games of chance if the equipment is required by section 53-06.1-10 or rules adopted by the commission and the equipment is approved by the attorney general. The figure used for adjusted gross proceeds is as determined in subsection 1 of section 53-06.1-01 before any reduction for taxes. This subsection does not authorize violations of the rent limitations contained in this chapter.

**SECTION 22. AMENDMENT.** Section 53-06.1-12 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**53-06.1-12. Tax based on adjusted gross proceeds.** A tax as provided in this section upon the total adjusted gross proceeds received by a licensed eligible organization must be paid to the attorney general on a quarterly basis in the manner and upon the tax return forms as prescribed by the attorney general by rule. The figure used for adjusted gross proceeds is as determined in subsection 1 of section 53-06.1-01 before any reduction for expenses. The amount of this tax must be paid from adjusted gross proceeds and may not be charged against the percentage limitation of expenses. The tax is hereby imposed upon every eligible licensed organization, to be levied, collected, and paid quarterly with respect to the adjusted gross proceeds of the eligible organization as provided in this section, computed at the following rates:

1. On adjusted gross proceeds not in excess of two hundred thousand dollars per quarter, a tax of five percent.
2. On adjusted gross proceeds in excess of two hundred thousand dollars per quarter but not in excess of four hundred thousand dollars per quarter, a tax of ten percent.
3. On adjusted gross proceeds in excess of four hundred thousand dollars per quarter but not in excess of six hundred thousand dollars per quarter, a tax of fifteen percent.
4. On adjusted gross proceeds in excess of six hundred thousand dollars per quarter, a tax of twenty percent.



**SECTION 23. AMENDMENT.** Section 53-06.1-12.2 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**53-06.1-12.2. ~~Charitable gaming tickets~~ Pull tabs excise tax** in lieu of sales and use taxes. In addition to any other tax provided by law and in lieu of sales or use taxes, there is imposed a tax of two percent on the gross receipts ~~proceeds~~ from the sale at retail of ~~charitable gaming tickets pull tabs~~ to a final user. A Gross proceeds and a sale at retail for purposes of this section includes charitable gaming tickets include pull tabs sold and charitable gaming tickets given pull tabs provided a player in return exchange for another charitable gaming ticket as authorized under this chapter. Gross receipts for purposes of this section includes the face value of all charitable gaming tickets sold or given in return for another charitable gaming ticket redeemed winning pull tabs. The tax imposed by this section must be paid to the attorney general at the time tax returns are made filed and taxes are paid by the eligible licensed organization under section 53-06.1-12.

**SECTION 24. AMENDMENT.** Section 53-06.1-13 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**53-06.1-13. Examination of books and records.** The attorney general and ~~the attorney general's agents,~~ and representatives of the governing body of a city or county with respect to ~~eligible organizations authorized a licensed organization or organization that has been issued a local permit~~ by that governing body, may examine or cause to be examined the books and records of any eligible licensed organization licensed or authorized organization that has been issued a local permit to conduct games of chance under this chapter to the extent that such books and records may directly or indirectly relate to any transaction connected with holding, operating, or conducting any game of chance.

**SECTION 25. AMENDMENT.** Section 53-06.1-13.1 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**53-06.1-13.1. Financial statements.** ~~Every eligible~~ A licensed organization receiving gaming gross proceeds of two hundred thousand dollars or more in the organization's annual accounting period shall file with the attorney general on or before the fifteenth day of the fifth month following the end of the accounting period a financial statement, including accompanying notes and footnotes, and a copy of the internal revenue service's form 990 titled return of organization exempt from income tax required to be filed under section 501(c) of the Internal Revenue Code. The financial statement must at least include a schedule of the sources of total revenue, total expenses, listing of the names of nongaming and gaming employees who received any form of compensation amounting to thirty thousand dollars or more during the accounting period, including specific sources of the compensation paid to each employee, and any information as required by the attorney general.

**SECTION 26. AMENDMENT.** Section 53-06.1-14 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**53-06.1-14. Distributors and manufacturers - Licensure.**

1. ~~Every~~ A manufacturer of ~~charitable gaming tickets pull tabs,~~ every manufacturer of paper bingo cards, manufacturer of electronic-mechanical pull tab dispensing devices,



manufacturer's distributor of electronic-mechanical pull tab dispensing devices, and every distributor shall apply annually for a license upon a form prescribed by the attorney general before the first day of April in each year and shall submit the appropriate license fee. Each applicant shall provide such necessary and reasonable information as the attorney general may require. The license fee for a distributor is one thousand five hundred dollars, and the license fee for a manufacturer's distributor is five hundred dollars. The license fee for a manufacturer of electronic-mechanical pull tab dispensing devices, manufacturer of charitable gaming tickets pull tabs, paper bingo cards, or both a manufacturer of pull tabs and paper bingo cards, is two thousand dollars.

2. No distributor may sell, market, or otherwise distribute raffle tickets or equipment for games of chance except to other licensed distributors, licensed manufacturers' distributors, licensed organizations, organizations that have been issued a local permit, gaming schools, or other persons authorized by the attorney general. A manufacturer of charitable gaming tickets pull tabs or paper bingo cards may not sell, market, or otherwise distribute charitable gaming tickets pull tabs or paper bingo cards, other than to a licensed distributor. A distributor of charitable gaming tickets pull tabs or paper bingo cards must purchase or otherwise receive charitable gaming tickets pull tabs or paper bingo cards only from a licensed manufacturer or licensed distributor. A manufacturer of electronic-mechanical pull tab dispensing devices may not sell, market, or otherwise distribute pull tab dispensing devices other than to a licensed distributor or a licensed manufacturer's distributor. A licensed distributor and licensed manufacturer's distributor of electronic-mechanical pull tab dispensing devices may purchase or otherwise receive pull tab dispensing devices only from a licensed manufacturer, licensed manufacturer's distributor, or licensed distributor.
3. Every eligible organization shall acquire all raffle tickets or equipment for games of chance from a distributor licensed under this chapter, unless the raffle tickets or equipment for games of chance are printed, manufactured, or constructed by the eligible organization or unless the raffle tickets are obtained from a resident printer who has printed the raffle tickets at the request of the organization. No game of charitable gaming tickets pull tabs, punchboards, sports pool boards, calcutta boards, or a series of paddlewheel ticket cards may be sold without a North Dakota gaming stamp being affixed to them. North Dakota licensed distributors shall purchase the North Dakota gaming stamps from the attorney general's office and the cost for each stamp may not exceed twenty-five cents.
4. No licensed ~~or authorized~~ eligible organization or organization that has been issued a local permit may be a distributor. No North Dakota wholesaler of liquor or alcoholic beverages may be a North Dakota distributor. No North Dakota licensed manufacturer may be a North Dakota distributor or have any financial interest in a North Dakota distributor. No North Dakota distributor may have any financial interest in a North Dakota licensed manufacturer.
5. The attorney general ~~or commission~~ may, ~~by motion~~ based on reasonable grounds or on written complaint, suspend or

revoke a an organization's local permit or an organization's, distributor's, or manufacturer's license for violation, by the licensee organization, distributor, or manufacturer or any officer, director, agent, member, or employee of the licensee organization, distributor, or manufacturer, of this chapter or any rule adopted under this chapter.

6. In addition to the basic license fee, the attorney general may require payment of any additional fee necessary to defray the actual costs of a background investigation of applicants. The attorney general may require payment of the estimated additional fee in advance as a condition precedent to beginning the investigation. The attorney general shall notify the applicant as soon as possible after a determination is made that the additional fee is necessary and shall also notify the applicant of the attorney general's best estimate of the amount of the additional license fee. Any applicant may then withdraw the application in lieu of paying the additional cost. The estimated cost must be placed into the attorney general's refund fund for use to defray the actual expenses of the background investigation. The remainder of such funds must be returned to the applicant within thirty days of the conclusion of the investigation.

**SECTION 27. AMENDMENT.** Section 53-06.1-15 of the North Dakota Century Code is amended and reenacted as follows:

**53-06.1-15. Form and display of license and local permit.** Each ~~license or authorization required under this chapter and local permit~~ must contain ~~a statement of~~ the name and address of the ~~licensee or authorized eligible~~ licensed organization or organization that has been issued a local permit and such other information as the ~~licensing attorney general or authorizing authority~~ local governing body may designate require.

~~Each license or resolution issued for the conduct of any game or games of chance and local permit must be conspicuously displayed at the place where the same is to be conducted at all times during gaming site when any game of chance is conducted and for at least thirty minutes thereafter. The sale of a raffle ticket does not require the display of the license or authorizing resolution local permit.~~

**SECTION 28. AMENDMENT.** Section 53-06.1-15.1 of the North Dakota Century Code is amended and reenacted as follows:

**53-06.1-15.1. Powers and duties of the attorney general.** The attorney general ~~or the agents of the attorney general~~ may:

1. Inspect and examine all premises in which gaming is conducted or gaming devices or equipment are manufactured, sold, or distributed.
2. Inspect all equipment and supplies in, upon, or about such premises.
3. Seize and remove from such premises and impound any gaming related equipment, supplies, games of chance, or books and records for the purpose of examination and inspection. When books or records are seized, the attorney general shall provide copies of those records or books within twenty-four hours of a specific request by the organization for a copy of the books or records seized.



4. Demand access to and inspect, examine, photocopy, and audit all books and records of applicants, licensees, lessors, manufacturers, and distributors, including any affiliated companies on their premises and in the presence of the applicants, licensees, lessors, manufacturers, distributors, or agents concerning any income or expense resulting from any gaming business, and require verification of income or expense, and all other matters affecting the enforcement of the policy and provisions of this chapter.
5. Audit and inspect any other books and records of eligible organizations conducting games of chance for the purpose of determining compliance with applicable statutes, rules, and constitutional provisions regarding distribution devotion of net proceeds from games of chance.
6. Enter into a reciprocal agreement with the commissioner of the internal revenue service of the United States for exchange of information for state tax administration purposes.

**SECTION 29. AMENDMENT.** Section 53-06.1-15.4 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**53-06.1-15.4. Conditional license - Issuance.** The attorney general, upon application and at the attorney general's discretion, may issue a conditional license to conduct games of chance to an eligible organization whose regularly issued license has been suspended or revoked for a violation of this chapter or rules adopted under this chapter. The attorney general shall designate the time period for which the conditional license is valid and may impose any conditions for issuance of the license as the attorney general determines necessary. Section 53-06.1-16.2 does not apply to an eligible organization to whom a conditional license is issued pursuant to this section.

**SECTION 30. AMENDMENT.** Section 53-06.1-16 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**53-06.1-16. Violation of chapter or rule - Misdemeanor - Forfeiture of licensure - Ineligibility.** Any person who knowingly makes a false statement in any application for a local permit, license, or authorizing resolution or in any statement annexed thereto, or who fails to keep sufficient books and records to substantiate the receipts, gross proceeds, prizes, expenses, or uses devotion of net proceeds resulting from games of chance conducted under this chapter, or who falsifies any books or records so far as they relate to any transaction connected with the holding, operating, and conducting of any game of chance, or who violates ~~any of the provisions of this chapter~~, any rule adopted under this chapter, or of any term of a local permit or license is guilty of a class A misdemeanor. If convicted, the person forfeits any license or ~~authorizing resolution~~ local permit issued to it pursuant to this chapter and is ineligible to reapply for a license or ~~authorization~~ local permit for a period of time ~~to be determined by the attorney general or commission~~. Notwithstanding section 5-02-02, an eligible organization that possesses a license issued under chapter 5-02 may not have that license suspended, revoked, or denied in consequence of action taken under this section.

**SECTION 31. AMENDMENT.** Section 53-06.1-16.1 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:



**53-06.1-16.1. Bogus chips, marked cards, cheating devices, or fraudulent schemes unlawful - Penalty.** It is unlawful for any person playing or conducting any authorized game of chance conducted by a licensed organization:

1. To use bogus or counterfeit chips or ~~charitable gaming tickets pull tabs~~, or to substitute or use any game, cards, or ~~charitable gaming tickets pull tabs~~, or game piece that have been marked or tampered with.
2. To employ or have on one's person any cheating device to facilitate cheating in any game of chance.
3. To willfully use any fraudulent scheme or technique, including when an operator or player of games of ~~charitable gaming tickets pull tabs~~ directly or indirectly solicits, provides, or receives inside information of the status of a game for the benefit of either person.
4. To alter or counterfeit a site authorization, gaming license, or North Dakota gaming stamp.
5. To knowingly cause, aid, abet, or conspire with another person or to cause any person to violate ~~any provision of~~ this chapter or any rule adopted under this chapter.

A person violating this section is guilty of a class A misdemeanor unless the amount gained through the use of these items, schemes, or techniques resulted in a person obtaining over five hundred dollars, then the offense is a class C felony. However, if a person uses a fraudulent scheme regarding soliciting, providing, or receiving inside information involving the game of pull tabs or uses a fraudulent scheme or technique to cheat or skim involving the games of twenty-one or bingo, regardless of the amount gained, then the offense is a class C felony.

**SECTION 32. AMENDMENT.** Section 53-06.1-16.2 of the North Dakota Century Code is amended and reenacted as follows:

**53-06.1-16.2. License suspension or revocation by attorney general or commission - Ineligibility for local authorization permit.** Any person whose class A or class B A licensed organization that has its license ~~is~~ suspended or revoked by the attorney general or commission or a licensed organization that has not devoted its net proceeds is ineligible for a local authorization permit to conduct raffles, sports pools, or bingo during the period of suspension or revocation.

**SECTION 33. AMENDMENT.** Section 53-06.1-17 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**53-06.1-17. Rules.** The commission shall adopt rules in accordance with chapter 28-32, relating to, but not limited to, methods of play, conduct, and promotion of games of chance; methods, procedures, and minimum standards for accounting and recordkeeping; requiring reports by ~~licensees and authorized licensed~~ organizations; methods of competition and doing business by distributors, manufacturers, and manufacturers' distributors; marking or identification of raffle tickets, ~~charitable gaming tickets pull tabs~~, bingo equipment, ~~ticket pull tab~~ receptacles, punchboards, or any other implements of gambling used or distributed in this state to implement or effectuate the provisions and purpose of this chapter; quality standards for the manufacture of ~~charitable gaming tickets~~

pull tabs, pull tab dispensing devices, and paper bingo cards; to ensure that the entire net proceeds of games of chance are devoted to educational, charitable, patriotic, fraternal, religious, or other public-spirited uses as defined by this chapter; to protect and promote the public interest; to ensure fair and honest games of chance; to ensure that fees and taxes are paid; to impose monetary fines and establish appeal procedures; and to seek to prevent or detect unlawful gambling activity.

**SECTION 34. AMENDMENT.** Subsection 5 of section 53-06.2-11 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

5. A licensee may not use any of the portion deducted for expenses under subsections 1 and 2 for expenses not directly incurred by the licensee in conducting parimutuel racing under the certificate system. After paying qualifying expenses, the licensee shall use the remainder of the amount so withheld only for eligible uses allowed to charitable gambling organizations under subsection ~~7~~ 6 of section 53-06.1-01."

Renumber accordingly

Engrossed HB 1416 was placed on the Seventh order of business on the calendar.

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

#### SIXTH ORDER OF BUSINESS

HB 1519: REP. DALRYMPLE (Appropriations Committee) MOVED that the amendments on HJ pages 1879-1882 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1519: A BILL for an Act to provide an appropriation for defraying the expenses of the North Dakota university system and the various institutions of higher learning under the supervision of the state board of higher education and to provide an exemption to the provisions of section 54-44.1-11.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 71 YEAS, 24 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Allmaras; Austin; Belter; Bernstein; Brown; Byerly; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Dalrymple; Dewitz; Freier; Froseth; Gates; Gerntholz; Glassheim; Gorder; Gorman; Grumbo; Guleson; Hagle; Hausauer; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Kelsch; Klein; Kretschmar; Kroeber; Kunkel; Mahoney; Maragos; Martin; Martinson; Monson; Nicholas; Nichols; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

**NAYS:** Bateman; Berg, J.; Bodine; Boehm; Boucher; Brodshaug; Carlisle; Coats; Drovdal; Goffe; Grosz; Hanson; Keiser; Kempenich; Kerzman; Kilichowski; Laughlin; Mutzenberger; Nelson; Ness; Oban; Pyle; Skarphol; Torgerson

**ABSENT AND NOT VOTING:** Dobrinski; Dorso; Henegar

HB 1519 passed and the title was agreed to.



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## RECONSIDERATION OF VETOED MEASURE

HB 1023: A BILL for an Act to authorize the state to purchase oil put options; to provide an appropriation; and to provide an expiration date.

## ROLL CALL

The question being on the final passage of the bill, as enrolled over the Governor's veto, which has been read, the roll was called and there were 43 YEAS, 53 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Berg, J.; Bodine; Boucher; Brodshaug; Carlisle; Cleary; Coats; Dalrymple; Gates; Gerntholz; Glassheim; Goffe; Grumbo; Gulleeson; Hagle; Hanson; Hokana; Huether; Kaldor; Kerzman; Kilichowski; Kretschmar; Kroeber; Laughlin; Mahoney; Maragos; Mutzenberger; Nelson; Ness; Nichols; Oban; Pyle; Ring; Sitz; St. Aubyn; Stenson; Sveen; Thorpe; Wardner; Wentz; Wilkie

NAYS: Austin; Bateman; Belter; Bernstein; Boehm; Brown; Byerly; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; DeWitz; Dorso; Drovdal; Freier; Froseth; Gorder; Gorman; Grosz; Hausauer; Holm; Howard; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Klein; Kunkel; Martin; Martinson; Monson; Nicholas; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Rennerfeldt; Rydell; Schindler; Shide; Skarphol; Soukup; Stenehjerm; Svedjan; Timm; Tollefson; Torgerson; Wald; Wanzek; Speaker R. Berg

ABSENT AND NOT VOTING: Dobrinski; Henegar

The House sustained the Governor's veto on HB 1023.

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## RECONSIDERATION OF VETOED MEASURE

HB 1286: A BILL for an Act to amend and reenact section 27-05-27 and subsection 3 of section 29-15-21 of the North Dakota Century Code, relating to a demand for change of judge.

## ROLL CALL

The question being on the final passage of the bill, as enrolled over the Governor's veto, which has been read, the roll was called and there were 32 YEAS, 64 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Allmaras; Berg, J.; Bodine; Brodshaug; Carlisle; Clayburgh; Cleary; Coats; Gates; Gerntholz; Goffe; Grumbo; Gulleeson; Hagle; Hanson; Hokana; Kelsch; Kerzman; Kilichowski; Kroeber; Mahoney; Maragos; Nelson; Ness; Nichols; Pyle; St. Aubyn; Sveen; Thorpe; Timm; Wardner; Wentz

NAYS: Aarsvold; Austin; Bateman; Belter; Bernstein; Boehm; Boucher; Brown; Byerly; Carlson, A.; Carlson, C.; Christopherson; Dalrymple; DeWitz; Dorso; Drovdal; Freier; Froseth; Glassheim; Gorder; Gorman; Grosz; Hausauer; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kempenich; Klein; Kretschmar; Kunkel; Laughlin; Martin; Martinson; Monson; Mutzenberger; Nicholas; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; Stenehjerm; Stenson; Svedjan; Tollefson; Torgerson; Wald; Wanzek; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Dobrinski; Henegar

The House sustained the Governor's veto on HB 1286.

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## MOTIONS

REP. MARTINSON MOVED that the House clinch HB 1519, which motion prevailed.

REP. MARTINSON MOVED that HB 1519 be messaged to the Senate immediately, which motion prevailed.

## RECONSIDERATION OF VETOED MEASURE

HB 1304: A BILL for an Act to establish a board of electrology and to provide for the licensure of electrologists; to repeal chapter 43-38 of the North Dakota Century Code, relating to electrologists and electronic hair removal technicians; to provide a penalty; and to provide an effective date.

## ROLL CALL

The question being on the final passage of the bill, as enrolled over the Governor's veto, which has been read, the roll was called and there were 49 YEAS, 47 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Berg, J.; Bodine; Boucher; Brodshaug; Carlisle; Christopherson; Cleary; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grumbo; Gulleson; Hagle; Hanson; Hokana; Holm; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Ness; Nicholas; Nichols; Price; Pyle; Ring; Rydell; Schindler; Sitz; Skarphol; Stenehjem; Stenson; Svedjan; Thorpe; Wald; Wardner

NAYS: Allmaras; Bateman; Belter; Bernstein; Boehm; Brown; Byerly; Carlson, A.; Carlson, C.; Clayburgh; Coats; Dalrymple; DeWitz; Dorso; Drovdal; Freier; Grosz; Hausauer; Howard; Huether; Jacobs; Johnson; Klein; Kretschmar; Martin; Martinson; Monson; Mutzenberger; Nelson; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Rennerfeldt; Shide; Soukup; St. Aubyn; Sveen; Timm; Tollefson; Torgerson; Wanzek; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Dobrinski; Henegar

The House sustained the Governor's veto on HB 1304.

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## SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3073: A concurrent resolution directing the Legislative Council to study the need for consolidation and simplification of statutes governing requirements in the bidding and letting of public contracts, except highway project contracts.

The question being on the final passage of the resolution, which has been read, and has committee recommendation of DO NOT PASS.

HCR 3073 was declared lost on a verification vote.

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## HOUSE ENGROSSING AND ENROLLING REPORT

The following bill was engrossed: HB 1519.

## MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1519.

## SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4077: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of adopting and implementing a universal health care program in the state.



The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS.

#### REQUEST

REP. KERZMAN REQUESTED a recorded roll call vote on the adoption of SCR 4077, which request was granted.

The question being on the final adoption of SCR 4077. The roll was called and there were 38 YEAS, 58 NAYS, 2 ABSENT AND NOT VOTING.

Engrossed SCR 4077 was declared lost on a roll call vote.

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#### ANNOUNCEMENT BY THE SPEAKER

SPEAKER R. BERG ANNOUNCED that the list of physicians that participated in the "Doctor of the Day" program would be printed in the Journal.

The following physicians have volunteered their professional services under the North Dakota Medical Association Doctor of the Day Program during the Fifty-third Legislative Assembly:

#### PARTICIPANTS IN THE NORTH DAKOTA MEDICAL ASSOCIATION DOCTOR OF THE DAY PROGRAM FOR THE 1993 LEGISLATIVE ASSEMBLY

William Cleary, M.D.	Bismarck
Matthew Layman, M.D.	Bismarck
Robert Grossman, M.D.	Hettinger
Kermit Leonard, M.D.	Garrison
Paul Knudson, M.D.	Bismarck
Ralph Kilzer, M.D.	Bismarck
Guy Tangedahl, M.D.	Bismarck
Dennis Wolf, M.D.	Dickinson
Abel Tello, M.D.	Bismarck
Herbert Wilson, M.D.	New Town
Charlotte Fowler, D.O.	Fargo
Robert McBane, M.D.	Devils Lake
Dale Moquist, M.D.	Grand Forks
Paul Ahlness, M.D.	Bowman
Art Raymond, M.D.	Minot
Heidi Bittner, M.D.	Minot
Howard McCracken, M.D.	Minot
J.J. Cogan, M.D.	Minot
William Henry, M.D.	Minot
Milton Smith, M.D.	Minot
Jerome Olson, M.D.	Williston
Ronald Wick, M.D.	Valley City
Clayton Jensen, M.D.	Fargo
Dean Rosen, M.D.	Devils Lake
Jack Crary, M.D.	Fargo
Russell Emery, M.D.	Bismarck
Delbert Hlavinka, M.D.	Mayville
Glenn Thoreson, M.D.	Mayville
Robert Migliorino, D.O.	Garrison
Ronald Wiisanen, M.D.	Fargo
Allan Luistro, M.D.	Bismarck
Arthur Rillo, M.D.	Bismarck
John Baird, M.D.	Fargo
Harold Evans, M.D.	Grand Forks
Julie Ebeling, M.D.	Fargo
Gigi Goven, M.D.	Fargo
Fred Mitzel, M.D.	Velva
Jeff Peterson, M.D.	Fargo
Craig Fabel, M.D.	Fargo
Robert Arusell, M.D.	Fargo

Roger Schauer, M.D.  
 Bipin Amin, M.D.  
 Brad Buell, M.D.  
 Robert Ostmo, M.D.  
 Charles Breen, M.D.  
 Louise Murphy, M.D.

Grand Forks  
 Bismarck  
 Bismarck  
 Wahpeton  
 Bismarck  
 Bismarck

Supplies and equipment were furnished by the University of North Dakota Family Practice Center, Bismarck.

Nonprescription medications were supplied by the North Dakota Pharmaceutical Association.

#### REPORT OF CONFERENCE COMMITTEE

REP. TOLLEFSON MOVED that the conference committee report on SCR 4038 as printed on HJ pages 2002-2003 be adopted, which motion prevailed.

SCR 4038, as amended, was placed on the Fourteenth order of business on the calendar.

#### SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4038: A concurrent resolution directing the Legislative Council to study the workers' compensation system including the cost and delivery of medical care, the cost of rehabilitation, legal fees, previous legislation, premium structure, alternate insurance concepts and the impact on the fund of those concepts, administration and staffing of the bureau, the number of injured workers receiving social service benefits, and employer and employee fraud.

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

SCR 4038 was declared adopted on a voice vote.

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#### REPORT OF CONFERENCE COMMITTEE

REP. WALD MOVED that the conference committee report on Engrossed HB 1012 as printed on HJ pages 1893-1894 be adopted, which motion prevailed.

Engrossed HB 1012, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

HB 1012: A BILL for an Act making an appropriation for defraying the expenses of the state game and fish department; and to create and enact a new subsection to section 20.1-03-12 of the North Dakota Century Code, relating to fees for game and fish licenses and permits.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulletson; Hagley; Hanson; Hausauer; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn;



Stenehjelm; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

**ABSENT AND NOT VOTING:** Dobrinski; Henegar

Engrossed HB 1012 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

**REP. WALD MOVED** that the conference committee report on Engrossed HB 1013 as printed on HJ pages 1887-1888 be adopted, which motion prevailed.

Engrossed HB 1013, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

**HB 1013:** A BILL for an Act to provide an appropriation for defraying the expenses of the state historical society.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 93 YEAS, 3 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Allmaras; Austin; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjelm; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

**NAYS:** Bateman; DeWitz; Schindler

**ABSENT AND NOT VOTING:** Dobrinski; Henegar

Engrossed HB 1013 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

**REP. WALD MOVED** that the conference committee report on Engrossed HB 1015 as printed on HJ pages 1890-1893 be adopted, which motion prevailed.

Engrossed HB 1015, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

**HB 1015:** A BILL for an Act to provide an appropriation for defraying the expenses of the various divisions of the state water commission, the soil conservation committee, and the centennial trees commission.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 95 YEAS, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

**NAYS:** Schindler

**ABSENT AND NOT VOTING:** Dobrinski; Henegar

Engrossed HB 1015 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

**REP. KUNKEL MOVED** that the conference committee report on Engrossed HB 1065 as printed on HJ pages 2003-2004 be adopted, which motion prevailed.

Engrossed HB 1065, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

**HB 1065:** A BILL for an Act making an appropriation for defraying the expenses of various agricultural boards, councils, and commissions.

#### ROLL CALL

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

**YEAS:** Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Dalrymple; DeWitz; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

**NAYS:** Coats; Oban

**ABSENT AND NOT VOTING:** Dobrinski; Henegar

Engrossed HB 1065 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

**REP. DALRYMPLE MOVED** that the conference committee report on HB 1208 as printed on HJ page 1772 be adopted, which motion prevailed.



HB 1208, as amended, was placed on the Eleventh order of business on the calendar.

### SECOND READING OF HOUSE BILL

HB 1208: A BILL for an Act to repeal chapter 54-27.2 of the North Dakota Century Code, relating to the budget stabilization fund; and to provide for a transfer.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 37 YEAS, 59 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Berg, J.; Bodine; Boucher; Brodshaug; Cleary; Coats; Glassheim; Goffe; Grumbo; Gulleson; Hanson; Hausauer; Hokana; Huether; Kaldor; Kelsch; Kerzman; Kilichowski; Kroeber; Laughlin; Mahoney; Maragos; Mutzenberger; Nelson; Ness; Nichols; Oban; Pyle; Ring; Sitz; Stenson; Sveen; Thorpe; Wentz; Wilkie

NAYS: Austin; Bateman; Belter; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Dalrymple; DeWitz; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Gorder; Gorman; Grosz; Hagle; Holm; Howard; Jacobs; Johnson; Keiser; Kempenich; Klein; Kretschmar; Kunkel; Martin; Martinson; Monson; Nicholas; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Rennerfeldt; Rydell; Schindler; Shide; Skarphol; Soukup; St. Aubyn; Stenehjem; Svedjan; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Speaker R. Berg

ABSENT AND NOT VOTING: Dobrinski; Henegar

HB 1208 was declared lost.

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### REPORT OF SELECT COMMITTEE

MR. SPEAKER: Your Delayed Bills Committee (Rep. Martinson, Chairman) has examined and has cast a unanimous ballot in favor of a concurrent resolution authorizing the retention of certain employees of the House and Senate to allow for the completion of legislative work after the close of the session.

The resolution will be HCR 3074.

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

### REPORT OF SELECT COMMITTEE

MR. SPEAKER: Your Delayed Bills Committee (Rep. Martinson, Chairman) has examined and has cast a unanimous ballot in favor of a concurrent memorial resolution in memory of South Dakota Governor George Mickelson.

The resolution will be HCMR 7501.

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

### MOTION

REP. MARTINSON MOVED that the House be on the Ninth order of business to allow for the introduction of HCMR 7501 and HCR 3074, which motion prevailed.

### MOTION

REP. MARTINSON MOVED that the rules be suspended, that HCMR 7501 not be printed, not be referred to committee, be read in its entirety and be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

Reps. Freier, Oban and Sens. Wogsland, Nelson, Goetz introduced:

**HOUSE CONCURRENT MEMORIAL RESOLUTION NO. 7501**

A concurrent memorial resolution in memory of South Dakota Governor George Mickelson.

WHEREAS, Almighty God in His infinite wisdom has called from our midst an outstanding citizen of the state of South Dakota, George Mickelson, the Governor of the state of South Dakota; and

WHEREAS, Governor Mickelson has served his country and state as a member of the United States Armed Forces and Assistant State Attorney General; and

WHEREAS, Governor Mickelson's devoted service to his state included three terms in the South Dakota House of Representatives, one of which he served as Speaker, and two terms as South Dakota Governor, the second of which he was serving at the time of his passing; and

WHEREAS, Governor Mickelson was a friend and good neighbor to North Dakota, as well as a confidant of past and present governors of this state; and

WHEREAS, Governor Mickelson's keen understanding of history and the fundamental principles of state government resulted in a respect for, and appreciation of, the role of the executive, legislative, and judicial branches of government which was evident to all members of each branch and which was evidenced by acts of assistance and courtesy to the citizens of North Dakota;

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

That the Fifty-third Legislative Assembly of the state of North Dakota expresses its keen and personal sorrow over the passing of Governor George Mickelson, and on behalf of the citizens of the state express its deepest appreciation for the outstanding contributions made to this state, the state of South Dakota, and the nation made by Governor George Mickelson; and

BE IT FURTHER RESOLVED, that the Secretary of State forward an enrolled copy of this resolution to the family of South Dakota Governor George Mickelson.

**SECOND READING OF HOUSE CONCURRENT MEMORIAL RESOLUTION**

HCMR 7501: A concurrent memorial resolution in memory of South Dakota Governor George Mickelson.

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

HCMR 7501 was declared adopted on a voice vote.

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**MOTION**

REP. MARTINSON MOVED that the rules be suspended, that HCR 3074 not be printed, not be referred to committee, not be read in its entirety, be printed in the Journal, and placed on tomorrow's calendar for second reading and final passage, which motion prevailed.

Employment Committee introduced:  
(Approved by the Delayed Bills Committee)

**HOUSE CONCURRENT RESOLUTION NO. 3074**

A concurrent resolution authorizing the retention of certain employees of the House and Senate to allow for the completion of legislative work after the close of the session.

WHEREAS, it is necessary to complete and close work of the regular session of the Fifty-third Legislative Assembly; and

WHEREAS, certain legislative employees should be retained to complete and close this work;

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

That the following named positions may be retained by the House of Representatives and the Senate after the adjournment of the regular session:

#### HOUSE POSITIONS

Chief Clerk

Assistant Chief Clerk

Desk Reporter

Bill Clerk

Sergeant-at-Arms

Assistant Sergeant-at-Arms

Chief Page and Bill Book Clerk

Assistant Chief Page and Bill Room Clerk

Chief Stenographer and Payroll Clerk

Bill and Journal Room Clerk

Chief Committee Clerk

Appropriations Committee Clerk

Assistant Appropriations Committee Clerks

Secretary to Speaker

Secretary to Majority Leader

Staff Assistant to Majority Leader

Secretary to Minority Leader

Staff Assistant to Minority Leader

Desk Pages

Chief Telephone Attendant

#### SENATE POSITIONS

Secretary of the Senate

Assistant Secretary of the Senate

Desk Reporter

Bill Clerk



Sergeant-at-Arms

Deputy Sergeant-at-Arms

Chief Page and Bill Book Clerk

Pages

Chief Stenographer and Payroll Clerk

Stenographer

Chief Committee Clerk

Appropriations Committee Clerk

Industry, Business and Labor Committee Clerk

Education Committee Clerk

Judiciary Committee Clerk

Secretary to Majority Leader

Staff Assistant to Majority Leader

Secretary to Minority Leader

Staff Assistant to Minority Leader

Chief Bill and Journal Room Clerk

Journal Room Clerk

Supply Room Coordinator

BE IT FURTHER RESOLVED, that the above-listed House and Senate employees shall serve at the request of, and under the supervision of, the Chief Clerk of the House and the Secretary of the Senate, and that all of the listed employees, including the Chief Clerk of the House and the Secretary of the Senate, may not be employed for more than 200 days in the aggregate. The Chief Clerk of the House and the Secretary of the Senate shall assign work among the available House and Senate employees, respectively, in the appropriate manner. The Chief Clerk of the House and the Secretary of the Senate shall coordinate the work assignments in their respective houses in such a manner that the total number of days utilized does not exceed the aggregate limit on days authorized by this resolution. The Chief Clerk of the House and the Secretary of the Senate shall minimize the days spent in completion of legislative business to the extent consistent with the completion; and

BE IT FURTHER RESOLVED, that the employees in the the above-named positions be paid their regular rates of pay as specified in Senate Concurrent Resolution No. 4019 for work pursuant to this resolution, and all of these sums are to be paid out of the appropriation to the Fifty-third and Fifty-fourth Legislative Assemblies, and after completion of the work, provided that each above-listed employee must be paid on a pro rata basis if the total number of days exceeds the aggregate limit.

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#### MOTION

REP. MARTINSON MOVED HCMR 7051 be messaged to the Senate immediately, which motion prevailed.

**REPORT OF CONFERENCE COMMITTEE**

REP. BOEHM MOVED that the conference committee report on Engrossed HB 1219 as printed on HJ page 1770 be adopted, which motion prevailed.

Engrossed HB 1219, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF HOUSE BILL**

HB 1219: A BILL for an Act to amend and reenact subsection 2 of section 39-06.1-06 of the North Dakota Century Code, relating to statutory fees for failure to yield the right of way to a pedestrian.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 84 YEAS, 11 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Byerly; Carlisle; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Drovda; Freier; Gates; Gertholz; Glassheim; Goffe; Gordner; Grumbo; Gullerson; Hagle; Hanson; Hausauer; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

NAYS: Brown; Carlson, A.; Dorso; Froseth; Grosz; Klein; Olson, A.; Payne; Poolman; Thorpe; Timm

ABSENT AND NOT VOTING: Dobrinski; Gorman; Henegar

Engrossed HB 1219 passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

REP. PRICE MOVED that the conference committee report on Engrossed HB 1504 as printed on HJ pages 1894-1898 be adopted, which motion prevailed.

Engrossed HB 1504, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF HOUSE BILL**

HB 1504: A BILL for an Act relating to group health care coverage and small employer employee health insurance coverage; to create and enact two new sections to chapter 26.1-36 of the North Dakota Century Code, relating to copayments, prenatal and children's preventive health services, and loss ratios; to amend and reenact section 26.1-36-37.1 of the North Dakota Century Code, relating to a standard health insurance proof of loss form; and to repeal chapter 26.1-36.2 of the North Dakota Century Code, relating to small employer employee health insurance coverage.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 95 YEAS, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple;

DeWitz; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

**NAYS:** Bateman

**ABSENT AND NOT VOTING:** Dobrinski; Henegar

Engrossed HB 1504 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

**REP. STENEHJEM MOVED** that the conference committee report on HB 1511 as printed on HJ page 1773 be adopted, which motion prevailed.

HB 1511, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

**HB 1511:** A BILL for an Act to amend and reenact subsection 8 of section 26.1-38.1-02 of the North Dakota Century Code, relating to including nonprofit health service corporations in the definition of member insurer under the life and health guaranty association.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 90 YEAS, 6 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boucher; Brodshaug; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dorso; Drovdal; Freier; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wanzek; Wentz; Wilkie; Speaker R. Berg

**NAYS:** Boehm; Brown; Froseth; Grosz; Wald; Wardner

**ABSENT AND NOT VOTING:** Dobrinski; Henegar

HB 1511 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

**REP. BATEMAN MOVED** that the conference committee report on Engrossed SB 2004 as printed on HJ page 1882 be adopted, which motion prevailed.

Engrossed SB 2004, as amended, was placed on the Fourteenth order of business on the calendar.



## SECOND READING OF SENATE BILL

SB 2004: A BILL for an Act making an appropriation for defraying the expenses of the upper great plains transportation institute.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dorso; Drovda; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gullerson; Hagle; Hanson; Hausauer; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzen; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Dobrinski; Henegar

Engrossed SB 2004 passed and the title was agreed to.

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## REPORT OF CONFERENCE COMMITTEE

REP. ST. AUBYN MOVED that the conference committee report on Engrossed SB 2006 as printed on HJ pages 1991-1999 be adopted, which motion prevailed.

Engrossed SB 2006, as amended, was placed on the Fourteenth order of business on the calendar.

## SECOND READING OF SENATE BILL

SB 2006: A BILL for an Act to provide an appropriation for defraying the expenses of the state department of health and consolidated laboratories; to provide a statement regarding the disbursement of domestic violence prevention grants; to provide for appropriations from the abandoned motor vehicle disposal fund, solid waste management fund, environment and rangeland protection fund, and domestic violence fund; to create and enact nine new subsections to section 23-09-01 of the North Dakota Century Code, relating to food establishments, hotels, lodginghouses, restaurants, and boardinghouses; to amend and reenact subsection 1 of section 19-02.1-24, sections 23-09-11, 23-09-17, 23-09-18, 23-09-19, 23-09.1-03, 23-10-05, and 61-28.2-01 of the North Dakota Century Code, relating to license fees and inspections by the department of health and consolidated laboratories and to the water pollution control revolving loan fund program; and to provide for a legislative council study.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dorso; Drovda; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gullerson; Hagle; Hanson; Hausauer; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein;

Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

**ABSENT AND NOT VOTING:** Dobrinski; Henegar

Engrossed SB 2006 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

**REP. BYERLY MOVED** that the conference committee report on SB 2007 as printed on HJ pages 1882-1883 be adopted, which motion prevailed.

SB 2007, as amended, was placed on the Fourteenth order of business on the calendar.

#### SECOND READING OF SENATE BILL

**SB 2007:** A BILL for an Act to provide an appropriation for defraying the expenses of the Indian affairs commission.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

**ABSENT AND NOT VOTING:** Dobrinski; Henegar

Engrossed SB 2007 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

**REP. HOWARD MOVED** that the conference committee report on Engrossed SB 2008 as printed on HJ pages 1883-1884 be adopted, which motion prevailed.

Engrossed SB 2008, as amended, was placed on the Fourteenth order of business on the calendar.

#### SECOND READING OF SENATE BILL

**SB 2008:** A BILL for an Act making an appropriation for defraying the expenses of the aeronautics commission.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjelm; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Dobrinski; Henegar

Engrossed SB 2008 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

REP. CLAYBURGH MOVED that the conference committee report on SB 2010 as printed on HJ pages 2007-2008 be adopted, which motion prevailed.

SB 2010, as amended, was placed on the Fourteenth order of business on the calendar.

#### SECOND READING OF SENATE BILL

SB 2010: A BILL for an Act to provide an appropriation for defraying the expenses of the department of banking and financial institutions.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 94 YEAS, 1 NAY, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjelm; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

NAYS: Ring

ABSENT AND NOT VOTING: Dobrinski; Henegar; Hokana

SB 2010 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

REP. CARLISLE MOVED that the conference committee report on Engrossed SB 2013 as printed on HJ pages 1884-1885 be adopted, which motion prevailed.

Engrossed SB 2013, as amended, was placed on the Fourteenth order of business on the calendar.



## SECOND READING OF SENATE BILL

**SB 2013:** A BILL for an Act to provide 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, the roll was called and there were 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gullerson; Hagle; Hanson; Hausauer; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

**ABSENT AND NOT VOTING:** Dobrinski; Henegar

Engrossed SB 2013 passed and the title was agreed to.

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## REPORT OF CONFERENCE COMMITTEE

**REP. WALD MOVED** that the conference committee report on Engrossed SB 2015 as printed on HJ pages 2008-2009 be adopted, which motion prevailed.

Engrossed SB 2015, as amended, was placed on the Fourteenth order of business on the calendar.

## SECOND READING OF SENATE BILL

**SB 2015:** A BILL for an Act to provide an appropriation for defraying the expenses of the commissioner of university and school lands.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 95 YEAS, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gullerson; Hagle; Hanson; Hausauer; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

**NAYS:** Ring

**ABSENT AND NOT VOTING:** Dobrinski; Henegar

Engrossed SB 2015 passed and the title was agreed to.

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## REPORT OF CONFERENCE COMMITTEE

REP. ST. AUBYN MOVED that the conference committee report on Engrossed SB 2016 as printed on HJ pages 2009-2010 be adopted, which motion prevailed.

Engrossed SB 2016, as amended, was placed on the Fourteenth order of business on the calendar.

## SECOND READING OF SENATE BILL

SB 2016: A BILL for an Act making an appropriation for defraying the expenses of the children's services coordinating committee; and to provide an appropriation to the legislative council.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 95 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Drovda; Freier; Froseth; Gates; Gerntol; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Dobrinski; Dorso; Henegar

Engrossed SB 2016 passed and the title was agreed to.

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## REPORT OF CONFERENCE COMMITTEE

REP. CARLISLE MOVED that the conference committee report on Engrossed SB 2019 as printed on HJ pages 1999-2000 be adopted, which motion prevailed.

Engrossed SB 2019, as amended, was placed on the Fourteenth order of business on the calendar.

## SECOND READING OF SENATE BILL

SB 2019: A BILL for an Act to provide an appropriation for defraying the expenses of job service North Dakota; and to declare an emergency.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 95 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Drovda; Freier; Froseth; Gates; Gerntol; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt;

Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjerm; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

**ABSENT AND NOT VOTING:** Dobrinski; Dorso; Henegar

Engrossed SB 2019 passed, the title was agreed to, and the emergency clause was declared carried.

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#### REPORT OF CONFERENCE COMMITTEE

REP. DORSO MOVED that the conference committee report on SB 2384 as printed on HJ pages 2001-2002 be adopted, which motion prevailed.

SB 2384, as amended, was placed on the Fourteenth order of business on the calendar.

#### SECOND READING OF SENATE BILL

**SB 2384:** A BILL for an Act to define what constitutes insurance fraud, facilitate the detection of insurance fraud, allow reporting of suspected insurance fraud, grant immunity for reporting suspected insurance fraud, and require the restitution of fraudulently obtained insurance benefits; and to provide a penalty.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 94 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleon; Hagle; Hanson; Hausauer; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjerm; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

**ABSENT AND NOT VOTING:** Dobrinski; Dorso; Henegar; Nicholas

SB 2384 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

REP. DALRYMPLE MOVED that the conference committee report on Engrossed HB 1018 as printed on HJ pages 1774-1776 be adopted, which motion prevailed.

Engrossed HB 1018, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

**HB 1018:** A BILL for an Act to provide an appropriation for defraying the expenses of various state retirement and investment agencies and to provide for transfers between line items and statements of intent regarding state employee salary increases and state agencies' information services line items.



## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 85 YEAS, 9 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Belter; Berg, J.; Bernstein; Bodine; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dorso; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Hokana; Holm; Howard; Huether; Johnson; Kaldor; Keiser; Kelsch; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Monson; Mutzenberger; Nelson; Ness; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Shide; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

NAYS: Bateman; Boehm; Drovdal; Grosz; Jacobs; Kempenich; Schindler; Sitz; Skarphol

ABSENT AND NOT VOTING: Dobrinski; Henegar; Martinson; Nicholas

Engrossed HB 1018 passed and the title was agreed to.

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## MOTIONS

REP. MARTINSON MOVED that the House clinch all legislative action taken today, which motion prevailed.

REP. MARTINSON MOVED that the House message to the Senate immediately all legislative action taken today, which motion prevailed.

## MOTION

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

## MOTION

REP. FREIER MOVED that the House stand adjourned until 8:00 a.m., Wednesday, April 21, 1993, which motion prevailed.

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

ROY GILBREATH, Chief Clerk