

JOURNAL OF THE HOUSE

Fiftieth Legislative Assembly

* * * * *

THIRTY-SECOND DAY

Bismarck, February 18, 1987

The House convened at 1:00 p.m., with Speaker Kloubec presiding.

The prayer was offered by Lyle Miller, Good Shepherd United Methodist Church, Mandan, North Dakota.

ROLL CALL

The roll was called and all Representatives were present, except Representatives Flaagan, Graba, R. Hausauer, Kent, and Strinden.

A quorum was declared by the Speaker.

REQUEST

REP. MERTENS REQUESTED that the record show that Rep. Flaagan was absent as he was attending a funeral, which request was granted.

CORRECTION AND REVISION OF THE JOURNAL

MR. SPEAKER: Your Committee on Correction and Revision of the Journal has carefully examined the Journal of the Thirty-first Day and finds the same to be correct.

REP. THOMPSON, Chairman

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

MESSAGE FROM THE SENATE
SENATE CHAMBER

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

SB 2128, SB 2304, SB 2328, SB 2400, SB 2422, SB 2444,
SB 2445, SB 2450, SB 2455, SB 2484, SB 2493, SB 2495,
SB 2505, SB 2510, SB 2511, SB 2530, SB 2533, SCR 4006,
SCR 4022

PERRY GROTEBERG, Secretary

MESSAGE TO THE SENATE
HOUSE CHAMBER

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

HB 1460, HB 1506, HB 1568, HB 1579, HB 1596, HB 1601,
HB 1608, HB 1671, HB 1672

ROY GILBREATH, Chief Clerk

SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to HB 1007 as recommended by the Committee on Appropriations as printed on pages 1047-1048 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1007 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. PETERSON MOVED that the amendments to HB 1009 as recommended by the Committee on Appropriations as printed on pages 1049-1051 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1009 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MOTION

REP. GOETZ MOVED that HB 1010, HB 1011, HB 1013, HB 1015, HB 1016, HB 1019, and HB 1021, which are on the Sixth order, be laid over one legislative day, which motion prevailed.

SIXTH ORDER OF BUSINESS

REP. A. HAUSAUER MOVED that the amendments to HB 1064 as recommended by the Committee on Finance and Taxation as printed on pages 1061-1063 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1064 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. MARTINSON MOVED that the amendments to HB 1078 as recommended by the Committee on State and Federal Government as printed on pages 1063-1064 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1078 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. WHALEN MOVED that the amendments to HB 1079 as recommended by the Committee on Industry, Business and Labor as printed on page 1064 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1079 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. ANDERSON MOVED that the amendments to HB 1123 as recommended by the Committee on Transportation as printed on

page 1065 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1123 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. KRETSCHMAR MOVED that the amendments to HB 1151 as recommended by the **Committee on Judiciary** as printed on page 1066 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1151 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. ANDERSON MOVED that the amendments to HB 1188 as recommended by the **Committee on Transportation** as printed on page 1066 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed on a verification vote.

HB 1188 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. A. HAUSAUER MOVED that the amendments to HB 1192 as recommended by the **Committee on Finance and Taxation** as printed on page 1067 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1192 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. HAUGLAND MOVED that the amendments to HB 1272 as recommended by the **Committee on Human Services and Veterans Affairs** as printed on page 1067 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1272 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. HAUGLAND MOVED that the amendments to HB 1296 as recommended by the **Committee on Human Services and Veterans Affairs** as printed on page 1068 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1296 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. A. HAUSAUER MOVED that the amendments to HB 1319 as recommended by the **Committee on Finance and Taxation** as printed on page 1068 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1319 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. ANDERSON MOVED that the amendments to HB 1326 as recommended by eight members of the **Committee on Transportation** as printed on pages 1069-1072 of the House Journal be adopted, and when so adopted, recommends the same **DO PASS**.

REQUEST

REP. MERTENS REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to HB 1326, which request was granted.

ROLL CALL

The question being on the motion to adopt the amendments to HB 1326, the roll was called and there were 44 YEAS, 59 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson; Christman; DeMers, J.; Frey; Gates; Gerntholz; Goetz; Gorman; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Hill; Kelly; Knell; Knudson; Koland; Kretschmar; Lang; Larson; Lindgren; Moore; Murphy; Oban; Olson, V.; O'Shea; Payne; Scherber; Schneider; Solberg; Sorensen; Strinden; Thompson; Tokach; Tomac; Ulmer; Wald; Whalen; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Almlie; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Dalrymple; DeMers, P.; Dorso; Dotzenrod; Enget; Hamerlik; Haugland; Hausauer, A.; Hoffner; Hokana; Kent; Kingsbury; Klundt; Kolbo; Kuchera; Laughlin; Lautenschlager; Linderman; Marks; Martin; Martinson; Melby; Mertens; Meyer; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; O'Connell; Olsen, D.; Olson, A.; Opedahl; Peterson; Rice; Riehl; Rydell; Schindler; Shaft; Shaw; Shide; Shockman; Skjerven; Smette; Starke; Stofferahn; Tollefson; Trautman; Vander Vorst; Watne; Wentz; Wilkie; Williams, A.

ABSENT AND NOT VOTING: Flaagan; Graba; Hausauer, R.

The motion to adopt the amendments to HB 1326 failed to pass.

MOTION

REP. STRINDEN MOVED that the rules be suspended and that HB 1326 be placed on the Eleventh order, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1326: A BILL for an Act to amend and reenact sections 57-43.1-02 and 57-43.2-02 of the North Dakota Century Code, relating to taxes on motor vehicle fuels and special fuels containing alcohol; and to repeal section 2 of chapter 646 of the 1985 Session Laws of North Dakota, relating to severability of provisions of the fuel tax reduction for certain fuels containing alcohol.

Which has been read.

MOTION

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

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 26 YEAS, 76 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Anderson; Belter; Berg, R.; Dorso; Gates; Gerntholz; Goetz; Gorman; Halmrast; Kelly; Knudson; Koland; Kretschmar; Larson; Lindgren; Moore; Oban; Olson, V.; O'Shea; Payne; Scherber; Schneider; Shaft; Sorensen; Williams, C.; Speaker Kloubec

NAYS: Aas; Almie; Berg, G.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dotzenrod; Enget; Frey; Gunsch; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hill; Hoffner; Hokana; Kent; Kingsbury; Klundt; Knell; Kolbo; Kuchera; Lang; Laughlin; Lautenschlager; Linderman; Marks; Martin; Martinson; Melby; Mertens; Meyer; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; O'Connell; Olsen, D.; Olson, A.; Opedahl; Peterson; Rice; Riehl; Rydell; Schindler; Shaw; Shide; Shockman; Skjerven; Smette; Solberg; Starke; Stofferahn; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Winkelman

ABSENT AND NOT VOTING: Flaagan; Graba; Hausauer, R.; Wald

HB 1326 was declared lost.

RECOGNITIONS

THE SPEAKER ANNOUNCED that a former Representative was in the chambers, and requested that the House recognize former Representative Aloha Eagles, and Representative Eagles was thereupon introduced to the House.

THE SPEAKER ANNOUNCED that a former Representative was in the chambers, and requested that the House recognize former Representative Herman Larson, and Representative Larson was thereupon introduced to the House.

SIXTH ORDER OF BUSINESS

REP. WHALEN MOVED that the amendments to HB 1338 as recommended by the Committee on Industry, Business and Labor as printed on pages 1072-1073 of the House Journal be adopted, and when so adopted, recommends the same DO NOT PASS, which motion prevailed.

HB 1338 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MOTION

REP. GOETZ MOVED that HB 1346, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

SIXTH ORDER OF BUSINESS

REP. ANDERSON MOVED that the amendments to HB 1389 as recommended by the Committee on Transportation as printed on page 1081 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1389 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. HAUGLAND MOVED that the amendments to HB 1421 as recommended by the Committee on Human Services and Veterans Affairs as printed on page 1081 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1421 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. HAUGLAND MOVED that the amendments to HB 1448 as recommended by the Committee on Human Services and Veterans Affairs as printed on page 1082 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1448 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. WHALEN MOVED that the amendments to HB 1450 as recommended by the Committee on Industry, Business and Labor as printed on page 1082 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1450 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. WHALEN MOVED that the amendments to HB 1454 as recommended by the Committee on Industry, Business and Labor as printed on pages 1082-1083 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1454 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. NICHOLAS MOVED that the amendments to HB 1468 as recommended by the Committee on Agriculture as printed on page 1083 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1468 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. NICHOLAS MOVED that the amendments to HB 1495 as recommended by the Committee on Agriculture as printed on page 1083 of the House Journal be adopted, and when so adopted, recommends the same DO NOT PASS, which motion prevailed.

HB 1495 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. A. HAUSAUER MOVED that the amendments to HB 1530 as recommended by the Committee on Finance and Taxation as printed on page 1084 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1530 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. NICHOLAS MOVED that the amendments to HB 1545 as recommended by the Committee on Agriculture as printed on page 1085 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1545 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. HAUGLAND MOVED that the amendments to HB 1550 as recommended by the Committee on Human Services and Veterans Affairs as printed on page 1085 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1550 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. NICHOLAS MOVED that the amendments to HB 1554 as recommended by the Committee on Agriculture as printed on pages 1085-1086 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1554 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. KRETSCHMAR MOVED that the amendments to HB 1567 as recommended by the Committee on Judiciary as printed on page 1086 of the House Journal be adopted, and when so adopted, recommends the same DO NOT PASS, which motion prevailed.

HB 1567 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. KRETSCHMAR MOVED that the amendments to HB 1571 as recommended by a majority of your Committee on Judiciary as printed

on pages 1086-1091 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

REQUEST

REP. WALD REQUESTED a recorded roll call vote on the motion to adopt the proposed majority amendments to HB 1571, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed majority amendments to HB 1571, the roll was called and there were 78 YEAS, 27 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, R.; Brokaw; Christman; Dalrymple; DeMers, J.; Dorso; Dotzenrod; Flaagan; Gates; Gerntholz; Goetz; Gorman; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Kent; Kingsbury; Klundt; Knell; Knudson; Koland; Kolbo; Lang; Larson; Lautenschlager; Linderman; Marks; Martin; Martinson; Melby; Moore; Murphy; Myrdal; Nelson, J.; Nicholas; Nowatzki; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Peterson; Rice; Rydell; Schindler; Shaw; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Starke; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Vander Vorst; Wald; Whalen; Williams, A.; Williams, C.; Winkelman; Speaker Kloubec

NAYS: Berg, G.; Cleveland; DeMers, P.; Enget; Frey; Hamerlik; Hoffner; Hokana; Kelly; Kretschmar; Kuchera; Laughlin; Lindgren; Mertens; Meyer; Nelson, C.; Oban; Riehl; Scherber; Schneider; Shaft; Stofferahn; Ulmer; Watne; Wentz; Wilkie; Williams, W.

ABSENT AND NOT VOTING: Graba

The motion to adopt the proposed majority amendments to HB 1571 passed. Pursuant to Rule 602, paragraph 4, if the majority report is adopted, the issue is determined, thus making it unnecessary to vote on the report of the minority.

MOTIONS

REP. STRINDEN MOVED that the rules be suspended and that HB 1571 be deemed properly engrossed and be placed on the Eleventh order, as amended, for second reading and final passage, which motion prevailed.

REP. STRINDEN MOVED that the House stand in recess for fifteen minutes, which motion prevailed.

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

SPECIAL ORDER OF BUSINESS

REP. STRINDEN MOVED that the House be on a Special Order of Business, which motion prevailed.

REP. STRINDEN INTRODUCED to the Assembly the following people who had been inducted into the North Dakota Entrepreneurial Hall of Fame:

Andrew Freeman
Harold Schafer
Clifford Melroe
Herb Melroe
Evie Melroe Dahl
Former Representative Gene Dahl

REP. STRINDEN MOVED that the House be on a Special Order of Business, which motion prevailed.

REP. STRINDEN MOVED that a committee of two be appointed to escort Maureen Reagan, daughter of President Ronald Reagan to the rostrum, which motion prevailed.

SPEAKER KLOUBEC APPOINTED Reps. A. Olson and Wentz to such committee and Maureen Reagan was escorted to the rostrum.

SIXTH ORDER OF BUSINESS

REP. HAUGLAND MOVED that the amendments to HB 1593 as recommended by the Committee on Human Services and Veterans Affairs as printed on page 1096 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1593 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. ANDERSON MOVED that the amendments to HB 1597 as recommended by the Committee on Transportation as printed on page 1096 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1597 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. ANDERSON MOVED that the amendments to HB 1598 as recommended by the Committee on Transportation as printed on page 1097 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1598 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MOTION

REP. GOETZ MOVED that HB 1600, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

SIXTH ORDER OF BUSINESS

REP. WHALEN MOVED that the amendments to HB 1622 as recommended by the Committee on Industry, Business and Labor as printed on pages 1098-1099 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1622 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. WHALEN MOVED that the amendments to HB 1630 as recommended by the Committee on Agriculture as printed on page 1099 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1630 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. A. HAUSAUER MOVED that the amendments to HB 1640 as recommended by the Committee on Finance and Taxation as printed on page 1100 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1640 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. KRETSCHMAR MOVED that the amendments to HB 1649 as recommended by the Committee on Judiciary as printed on pages 1100-1101 of the House Journal be adopted, and when so adopted, recommends the same DO NOT PASS, which motion prevailed.

HB 1649 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MOTION

REP. STRINDEN MOVED that HB 1571 be placed at the top of the calendar, which motion prevailed.

REQUEST

REP. WALD REQUESTED that the question on the final passage of Engrossed HB 1571 be divided to have the sections voted on separately in the following manner, which request was granted as per House Rule 316, which states that the Division of the Question must be supported by twelve members.

DIVISION A

Section 15, which reads as follows:

SECTION 15. EXPIRATION DATE - SUSPENSION. This Act is effective through June 30, 1993, and after that date is ineffective. North Dakota Century Code sections 9-10-07 and 32-03-07 are suspended from the effective date of this Act through June 30, 1993. Sections 9-10-07 and 32-03-07

as they existed on the day before the effective date of this Act are in effect on July 1, 1993."

DIVISION B

All of Engrossed HB 1571, except Section 15, which reads as follows:

On page 1, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to provide for comparative fault, several liability, separate finding of damages, reduction for collateral source payments, periodic payments, economic, noneconomic, and exemplary damages; to suspend or to repeal sections 9-10-07 and 32-03-07 of the North Dakota Century Code, relating to comparative negligence and exemplary damages; and to provide an expiration date.

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

SECTION 1. Definition. As used in this Act, "fault" includes acts or omissions that are in any measure negligent or reckless towards the person or property of the actor or others, or that subject a person to tort liability or dram shop liability. The term also includes strict liability for product defect, breach of warranty, negligence or assumption of risk, misuse of a product for which the defendant otherwise would be liable, and failure to exercise reasonable care to avoid an injury or to mitigate damages. Legal requirements of causal relation apply both to fault as the basis for liability and to contributory fault.

SECTION 2. Modified comparative fault. Contributory fault does not bar recovery in an action by any person to recover damages for death or injury to person or property unless the fault was as great as the combined fault of all persons who contribute to the injury, but any damages allowed must be diminished in proportion to the amount of contributing fault attributable to the person recovering. The court may, and when requested by any party, shall direct the jury to find separate special verdicts determining the amount of damages and the percentage of fault attributable to each person, whether or not a party, who contributed to the injury. The court shall then reduce the amount of such damages in proportion to the amount of fault attributable to the person recovering. When two or more parties are found to have contributed to the injury, the liability of each party is several only, and is not joint, and each party is liable only for the amount of damages attributable to the percentage of fault of that party, except that any persons who act in concert in committing a tortious act or aid or encourage the act, or

ratifies or adopts the act for their benefit, are jointly liable for all damages attributable to their combined percentage of fault. Under this section, fault includes negligence, malpractice, absolute liability, dram shop liability, failure to warn, reckless or willful conduct, assumption of risk, misuse of product, and failure to avoid injury. Under this section, fault does not include any product liability, including product liability involving negligence or strict liability or breach of warranty for product defect.

SECTION 3. Pure comparative fault - Product liability actions.

Contributory fault does not bar recovery in an action by any person to recover damages for death or injury to person or property, but any damages allowed must be diminished in proportion to the amount of contributing fault attributable to the person recovering. The court may, and when requested by any party, shall direct the jury to find separate special verdicts determining the amount of damages and the percentage of fault attributable to each person, whether or not a party, who contributed to the injury. The court shall then reduce the amount of such damages in proportion to the amount of fault attributable to the person recovering. When two or more parties are found to have contributed to the injury, the liability of each party is several only, and is not joint, and each party is liable only for the amount of damages attributable to the percentage of fault of that party, except that any persons who act in concert in committing a tortious act or aid or encourage the act, or ratifies or adopts the act for their benefit, are jointly liable for all damages attributable to their combined percentage of fault. Under this section, fault means product liability involving negligence or strict liability or breach of warranty for product defect.

SECTION 4. Economic and noneconomic damages for wrongful death or injury to person. In any civil action for damages for wrongful death or injury to a person and whether arising out of breach of contract or tort, damages may be awarded by the trier of fact as follows:

1. Compensation for economic damages, which are damages arising from medical expenses and medical care, rehabilitation services, custodial care, loss of earnings and earning capacity, loss of income or support, burial costs, cost of substitute domestic services, loss of employment or business or employment opportunities and other monetary losses.
2. Compensation for noneconomic damages, which are damages arising from pain, suffering, inconvenience, physical impairment, disfigurement, mental anguish, emotional

distress, fear of injury, loss or illness, loss of society and companionship, loss of consortium, injury to reputation, humiliation and other nonpecuniary damage.

SECTION 5. Separate finding on damages. In awarding compensation for damages to any party, the trier of fact shall make separate findings which must specify:

1. The amount of compensation for past economic damages.
2. The amount of compensation for future economic damages.
3. The amount of compensation for noneconomic damages.

SECTION 6. Reduction for collateral source payments. After an award of economic damages, the party responsible for the payment thereof is entitled to and may apply to the court for a reduction of the economic damages to the extent that the economic losses presented to the trier of fact are covered by payment from a collateral source. A "collateral source" payment is any sum from any other source paid or to be paid to cover an economic loss which need not be repaid by the party recovering economic damages, but does not include life insurance, other death or retirement benefits, or any insurance or benefit purchased by the party recovering economic damages.

SECTION 7. Pleading of damages. Any pleading for damages for death or injury to a person may pray for economic and noneconomic damages separately. Any prayer for noneconomic damages of less than fifty thousand dollars or for economic damages may be for a specific dollar amount. Any prayer for noneconomic damages for fifty thousand dollars or more must be stated generally as "a reasonable sum but not less than fifty thousand dollars".

SECTION 8. Review of reasonableness of economic damages. In addition to any other remedy provided by law and after a jury award of economic damages, any party responsible for the payment of any part thereof may request a review of the reasonableness of the award by the court as follows:

1. Awards in excess of two hundred fifty thousand dollars before reduction for contributory fault and collateral source payments are subject to review for reasonableness under this Act.
2. The burden is on the moving party to establish that the amount of economic damage awarded was not reasonable in that it does not bear a reasonable relation to the economic damage incurred and to be incurred as proven by the party recovering the award.

3. If the court finds that the jury award of economic damages is unreasonable, the court shall reduce the award to reasonable economic damages.

SECTION 9. Periodic payments for continuing custodial care. If an injured party claims future economic damages for continuing institutional or custodial care that will be required for a period of more than two years, at the discretion of the court any party may request the trier of fact to make a special finding of the total amount awarded for this care, separate from other future economic damages, and if a separate award is made, any party may make periodic payments for this care in an amount approved by the court, provided payment of the total award for this care is adequately secured. The adequacy of the periodic payments within the limit of the total award will be subject to review by the court from time to time, and upon the death of the injured person the obligation to provide for further continuing care shall terminate.

SECTION 10. Nondisclosure of reduction for collateral source payments. The jury may not be informed of the potential for the reduction of economic damages because of payments from collateral sources.

SECTION 11. When court or jury may give exemplary damages. In any action for the breach of an obligation not arising from contract, when the defendant has been guilty by clear and convincing evidence of oppression, fraud, or malice, actual or presumed, the court or jury, in addition to the actual damages, may give damages for the sake of example and by way of punishing the defendant. Upon commencement of the action, the complaint may not seek exemplary damages. After filing the suit, a party may make a motion to amend the pleadings to claim exemplary damages. The motion must allege an applicable legal basis for awarding exemplary damages and must be accompanied by one or more affidavits showing the factual basis for the claim. At the hearing on the motion, if the court finds prima facie evidence in support of the motion, the court shall grant the moving party permission to amend the pleadings to claim exemplary damages. For purposes of tolling the statute of limitations, pleadings amended under this section relate back to the time the action was commenced.

SECTION 12. Post trial review. Motions for periodic payments, reductions of awards for contributory fault and collateral source payments, for review of the reasonableness of an award, and for setting the amount of exemplary damages, must be made to the judge who presided over the trial of the action, unless the judge is unable to act, in which case, the motion must be presented to a judge designated by the presiding judge of the district in which the trial was held. The motion must be made within ten

days of the jury verdict, or order of the court, and if so made, judgment may not be entered until the motion has been ruled on.

SECTION 13. REPEAL. If this Act does not contain an expiration date, North Dakota Century Code sections 9-10-07 and 32-03-07 are hereby repealed.

SECTION 14. APPLICABILITY. This Act applies to claims for relief which accrue after the effective date of this Act.

ROLL CALL

The question being on the motion to adopt Division A of Engrossed HB 1571, the roll was called and there were 65 YEAS, 40 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Aas; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gerntholz; Halmrast; Hamerlik; Haugen; Haugland; Hill; Hoffner; Hokana; Kelly; Klundt; Knudson; Kolbo; Kretschmar; Kuchera; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Mertens; Meyer; Moore; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olson, V.; Opedahl; O'Shea; Riehl; Scherber; Schneider; Shaft; Shaw; Shockman; Skjerven; Smette; Solberg; Starke; Stofferahn; Tollefson; Tomac; Trautman; Vander Vorst; Watne; Wentz; Wilkie; Williams, A.; Williams, C.; Williams, W.

NAYS: Almlie; Anderson; Belter; Dorso; Dotzenrod; Gates; Goetz; Gorman; Gunsch; Hanson, L.; Hanson, O.; Hausauer, A.; Hausauer, R.; Kent; Kingsbury; Knell; Koland; Lang; Larson; Martin; Martinson; Melby; Murphy; Olsen, D.; Olson, A.; Payne; Peterson; Rice; Rydell; Schindler; Shide; Sorensen; Strinden; Thompson; Tokach; Ulmer; Wald; Whalen; Winkelman; Speaker Kloubec

ABSENT AND NOT VOTING: Graba

The motion to adopt Division A of Engrossed HB 1571 prevailed.

REQUEST

REP. ULMER REQUESTED that the record show that he meant to vote "aye" on Division A of Engrossed HB 1571, which request was granted.

ROLL CALL

The question being on the motion to adopt Division B of Engrossed HB 1571, the roll was called and there were 92 YEAS, 12 NAYS, 2 ABSENT AND NOT VOTING.

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

DeMers, P.; Dorso; Dotzenrod; Enget; Frey; Gates; Gerntholz; Goetz; Gorman; Gunsch; Halmrast; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kent; Kingsbury; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Kuchera; Lang; Larson; Lautenschlager; Linderman; Lindgren; Martin; Martinson; Melby; Meyer; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Peterson; Rice; Rydell; Schindler; Shaft; Shaw; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Starke; Stofferahn; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Winkelman; Speaker Kloubec

NAYS: Berg, G.; Hamerlik; Hanson, L.; Kelly; Laughlin; Marks; Mertens; O'Connell; Riehl; Scherber; Schneider; Williams, W.

ABSENT AND NOT VOTING: Flaagan; Graba

The motion to adopt Division B of Engrossed HB 1571 prevailed.

ROLL CALL

The question then was on the final passage of Engrossed HB 1571, including Division A and including Division B, with title amended appropriately and lines, section, and pages renumbered accordingly, the roll was called and there were 97 YEAS, 8 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: Frey; Kelly; Kuchera; Mertens; Scherber; Schneider; Wentz; Williams, W.

ABSENT AND NOT VOTING: Graba

Engrossed HB 1571, including Division A and including Division B, passed and the title was agreed to.

MOTION

REP. A. HAUSAUER MOVED that HB 1239 be returned to the House floor from the Committee on Finance and Taxation for the purpose of withdrawal, which motion prevailed.

REQUEST

REP. A. HAUSAUER REQUESTED the unanimous consent of the House to withdraw HB 1239. There being no objection, it was so ordered by the Speaker.

MOTION

REP. A. HAUSAUER MOVED that HB 1511 be returned to the House floor from the Committee on Finance and Taxation for the purpose of withdrawal, which motion prevailed.

REQUEST

REP. WATNE REQUESTED the unanimous consent of the House to withdraw HB 1511. There being no objection, it was so ordered by the Speaker.

MOTION

REP. WHALEN MOVED that HB 1403 be returned to the House floor from the Committee on Industry, Business and Labor for the purpose of withdrawal, which motion prevailed.

REQUEST

REP. KOLAND REQUESTED the unanimous consent of the House to withdraw HB 1403. There being no objection, it was so ordered by the Speaker.

MOTIONS

REP. KLUNDT MOVED that the House reconsider its action whereby HB 1033 passed, which motion lost on a verification vote.

REP. THOMPSON MOVED that the House reconsider its action whereby HB 1455 failed to pass for want of a Constitutional majority.

REQUEST

REP. D. OLSEN REQUESTED a recorded roll call vote on the motion to reconsider the action whereby HB 1455, failed to pass for want of a Constitutional majority, which request was granted.

ROLL CALL

The question being on the motion to reconsider the action whereby HB 1455 failed to pass for want of a Constitutional majority, the roll was called and there were 49 YEAS, 55 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, R.; Christman; Cleveland; Dotzenrod; Gates; Gertholz; Goetz; Gunsch;

Hamerlik; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Kent; Knell; Koland; Lang; Larson; Lindgren; Martin; Martinson; Melby; Moore; Murphy; Myrdal; Nicholas; Olsen, D.; Olson, A.; Olson, V.; Opedahl; Peterson; Rice; Schindler; Shaft; Shide; Smette; Sorensen; Strinden; Thompson; Tokach; Tollefson; Wald; Wentz; Whalen

NAYS: Berg, G.; Brokaw; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gorman; Halmrast; Hanson, L.; Hill; Hoffner; Hokana; Kelly; Klundt; Knudson; Kolbo; Kretschmar; Kuchera; Laughlin; Lautenschlager; Linderman; Marks; Mertens; Meyer; Nelson, C.; Nelson, J.; Nowatzki; Oban; O'Connell; O'Shea; Payne; Riehl; Rydell; Scherber; Schneider; Shaw; Shockman; Skjerven; Solberg; Starke; Stofferahn; Tomac; Trautman; Ulmer; Vander Vorst; Watne; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

ABSENT AND NOT VOTING: Graba; Kingsbury

So the motion to reconsider the action whereby HB 1455 failed to pass for want of a Constitutional majority failed.

MOTION

REP. BROKAW MOVED that the House reconsider its action whereby HB 1526 failed to pass for want of a Constitutional majority, which motion prevailed on a verification vote.

SECOND READING OF HOUSE BILL

HB 1526: A BILL for an Act to create and enact a new section to chapter 64-04 of the North Dakota Century Code, relating to a requirement that certain tank wagons be equipped to provide metered bulk tickets.

Which has been read.

ROLL CALL

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

YEAS: Berg, G.; Brokaw; Dalrymple; DeMers, J.; DeMers, P.; Dotzenrod; Enget; Flaagan; Frey; Gertholz; Halmrast; Hanson, L.; Haugland; Hill; Hoffner; Hokana; Kelly; Klundt; Knudson; Kolbo; Kuchera; Laughlin; Lautenschlager; Linderman; Marks; Martin; Martinson; Mertens; Meyer; Myrdal; Nelson, C.; Nelson, J.; Nowatzki; Oban; O'Connell; Olson, A.; Opedahl; O'Shea; Riehl; Rydell; Scherber; Schneider; Shockman; Skjerven; Solberg; Starke; Stofferahn; Tomac; Trautman; Ulmer; Watne; Wentz; Wilkie; Williams, A.; Williams, C.; Williams, W.

NAYS: Aas; Almlie; Anderson; Belter; Berg, R.; Christman; Cleveland; Dorso; Gates; Goetz; Gorman; Gunsch; Hamerlik; Hanson, O.; Haugen; Hausauer, A.; Hausauer, R.; Kent; Kingsbury; Knell; Koland; Kretschmar; Lang; Larson; Lindgren; Melby; Moore; Murphy; Nicholas; Olsen, D.; Olson, V.; Payne; Rice; Shaft; Shaw; Shide; Smette; Sorensen; Strinden; Thompson; Tokach; Tollefson; Vander Vorst; Wald; Winkelman; Speaker Kloubec

ABSENT AND NOT VOTING: Graba; Peterson; Schindler; Whalen

HB 1526 passed and the title was agreed to.

MOTION

REP. GOETZ MOVED that the House waive the reading of the titles to all bills for the remainder of the day, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1494: A BILL for an Act to amend and reenact subsection 6 of section 15-39.1-04 and sections 15-39.1-18 and 15-39.1-24 of the North Dakota Century Code, relating to a definition of interest, disability retirement, and purchase of service credit under the teachers' fund for retirement.

Which has been read.

CONFLICT OF INTEREST

REP. SHAW STATED that he had a conflict of interest on HB 1494, and requested permission to vote.

MOTION

REP. STRINDEN MOVED that in accordance with House Rule 318, all members having conflicts of interest shall be allowed to vote, which motion prevailed.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 97 YEAS, 3 NAYS, 6 ABSENT AND NOT VOTING.

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

Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.;
Olson, A.; Olson, V.; Opedahl; O'Shea; Peterson; Rice;
Riehl; Rydell; Scherber; Schindler; Schneider; Shaw;
Shide; Shockman; Skjerven; Smette; Solberg; Sorensen;
Starke; Stofferahn; Strinden; Thompson; Tokach;
Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Watne;
Wentz; Wilkie; Williams, A.; Williams, C.;
Williams, W.; Winkelman; Speaker Kloubec

NAYS: Dorso; Payne; Shaft

ABSENT AND NOT VOTING: Berg, G.; Goetz; Graba;
Hausauer, R.; Wald; Whalen

HB 1494 passed and the title was agreed to.

HB 1559: A BILL for an Act to create and enact a new section to chapter 39-03.1 of the North Dakota Century Code, relating to termination refunds of highway patrolmen and repurchase of prior service credit under the highway patrolmen's retirement system; to amend and reenact sections 39-03.1-01, 39-03.1-05, 39-03.1-07, subsection 1 of section 39-03.1-09, 39-03.1-11, and 39-03.1-18 of the North Dakota Century Code, relating to certain definitions, deposit of moneys, contributions, calculation of benefits, and compulsory retirement under the highway patrolmen's retirement system; to repeal sections 39-03.1-08, 39-03.1-12, 39-03.1-13, 39-03.1-14, 39-03.1-17, and 39-03.1-21 of the North Dakota Century Code, relating to service allowances, retirement allowances, optional retirement allowances, severance allowances, and death benefits under the highway patrolmen's retirement system; and to provide a continuing appropriation.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 76 YEAS, 26 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Almlie; Anderson; Brokaw; Christman; Dalrymple;
DeMers, J.; DeMers, P.; Enget; Flaagan; Frey;
Gerntholz; Gorman; Halmrast; Hamerlik; Hanson, L.;
Haugen; Haugland; Hausauer, A.; Hill; Hoffner; Hokana;
Kelly; Kent; Kingsbury; Klundt; Knudson; Koland; Kolbo;
Kretschmar; Kuchera; Larson; Laughlin; Lautenschlager;
Linderman; Lindgren; Marks; Martin; Martinson; Melby;
Mertens; Meyer; Moore; Myrdal; Nelson, C.; Nelson, J.;
Nicholas; Nowatzki; Oban; O'Connell; Olson, V.;
Opedahl; O'Shea; Payne; Peterson; Riehl; Rydell;
Scherber; Schneider; Shaw; Skjerven; Solberg; Sorensen;
Starke; Stofferahn; Tokach; Tollefson; Tomac; Ulmer;

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

NAYS: Aas; Belter; Berg, R.; Cleveland; Dorso; Dotzenrod;
Gates; Goetz; Gunsch; Hanson, O.; Knell; Lang; Murphy;
Olsen, D.; Olson, A.; Rice; Schindler; Shaft; Shide;
Shockman; Smette; Strinden; Thompson; Trautman; Wald;
Speaker Kloubec

ABSENT AND NOT VOTING: Berg, G.; Graba; Hausauer, R.;
Whalen

HB 1559 passed and the title was agreed to.

HB 1077: A BILL for an Act to amend and reenact section 54-52-02.6, subdivisions a and c of subsection 3, paragraphs 1, 2, and 3 of subdivision a and subdivision d of subsection 4, and subsections 5 and 6 of section 54-52-17 of the North Dakota Century Code, relating to vesting and measuring of benefits under the public employees retirement system; and to declare an emergency.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 94 YEAS, 9 NAYS, 3 ABSENT AND NOT VOTING.

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

NAYS: Aas; Dorso; Gunsch; Hanson, O.; Kingsbury; Knell;
Lang; Murphy; Shaft

ABSENT AND NOT VOTING: Berg, G.; Graba; Hausauer, R.

HB 1077 passed, the title was agreed to, and the emergency clause carried.

HB 1118: A BILL for an Act to amend and reenact section 54-52-19.1 of the North Dakota Century Code, relating to computation of prior service benefits for certain public employees employed under the predecessor to the public employees retirement system.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 99 YEAS, 0 NAYS, 7 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Aas; Berg, G.; Goetz; Graba; Haugen; Hausauer, R.; Wald

HB 1118 passed and the title was agreed to.

HB 1360: A BILL for an Act relating to crediting prior service for certain members of the public employees retirement system.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 57 YEAS, 43 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Almlie; Brokaw; Christman; Cleveland; DeMers, J.; DeMers, P.; Dotzenrod; Flaagan; Frey; Gerntholz; Gorman; Hamerlik; Haugland; Hausauer, A.; Hoffner; Hokana; Kelly; Kent; Kingsbury; Klundt; Kolbo; Kretschmar; Kuchera; Larson; Lindgren; Marks; Martin; Martinson; Mertens; Moore; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, V.; O'Shea; Rydell; Schneider; Shaft; Shaw; Shockman; Skjerven; Smette; Sorensen; Stofferahn; Tokach; Tollefson; Trautman; Ulmer; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Anderson; Belter; Berg, R.; Dalrymple; Dorso; Enget; Gates; Goetz; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Hill; Knell; Knudson; Koland; Lang; Laughlin; Lautenschlager; Linderman; Melby; Meyer; Murphy; Myrdal; Nelson, C.; Nelson, J.; Olson, A.; Opedahl; Payne; Rice; Riehl; Scherber; Schindler; Shide; Solberg; Strinden; Thompson; Tomac; Vander Vorst; Wald; Whalen; Wilkie

ABSENT AND NOT VOTING: Aas; Berg, G.; Graba; Hausauer, R.; Peterson; Starke

HB 1360 passed and the title was agreed to.

HB 1130: A BILL for an Act to amend and reenact subdivision e of subsection 4 of section 54-52-17 of the North Dakota Century Code, relating to the amount of disability retirement benefits under the public employees retirement system.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 40 YEAS, 62 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Brokaw; DeMers, J.; DeMers, P.; Flaagan; Frey; Halmrast; Hanson, L.; Hill; Hoffner; Hokana; Kelly; Klundt; Kolbo; Laughlin; Lautenschlager; Linderman; Marks; Martin; Mertens; Meyer; Nelson, C.; Nelson, J.; Nowatzki; Oban; O'Connell; Olson, V.; O'Shea; Riehl; Scherber; Schneider; Shockman; Skjerven; Solberg; Starke; Stofferahn; Trautman; Ulmer; Williams, A.; Williams, C.; Williams, W.

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

ABSENT AND NOT VOTING: Berg, G.; Graba; Hausauer, R.; Shaft

HB 1130 was declared lost.

HB 1012: A BILL for an Act making an appropriation for defraying the expenses of the livestock sanitary board of the state of North Dakota.

Which has been read.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Berg, G.; Graba; Hausauer, R.; Knudson; Nowatzki; Shaft

HB 1012 passed and the title was agreed to.

HB 1017: A BILL for an Act making an appropriation for defraying the expenses of the highway department of the state of North Dakota.

Which has been read.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Berg, G.; Graba; Hausauer, R.; Myrdal; Nowatzki; Shaw

HB 1017 passed and the title was agreed to.

HB 1018: A BILL for an Act making an appropriation for defraying the expenses of the motor vehicle department of the state of North Dakota.

Which has been read.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Berg, G.; Graba; Hausauer, R.; Nowatzki

HB 1018 passed and the title was agreed to.

HB 1028: A BILL for an Act making an appropriation for defraying the expenses of various departments and institutions of the state of North Dakota; to provide for authorization to accept and expend income; and declaring an emergency.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 99 YEAS, 2 NAYS, 5 ABSENT AND NOT VOTING.

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

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

NAYS: Martin; O'Connell

ABSENT AND NOT VOTING: Berg, G.; Berg, R.; Graba; Murphy; Riehl

HB 1028 passed, the title was agreed to, and the emergency clause carried.

HB 1133: A BILL for an Act to amend and reenact section 38-08-16 of the North Dakota Century Code, relating to civil and criminal penalties for violation of gas and oil resource laws or rules.

Which has been read.

ROLL CALL

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

YEAS: Aas; Brokaw; Christman; Dotzenrod; Gerntholz; Halmrast; Knudson; Koland; Kuchera; Larson; Linderman; Martin; Meyer; Myrdal; Oban; Riehl; Scherber; Tokach; Tollefson; Tomac

NAYS: Almlie; Anderson; Belter; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Goetz; Gorman; Gunsch; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Kingsbury; Klundt; Knell; Kolbo; Kretschmar; Lang; Laughlin; Lautenschlager; Lindgren; Marks; Martinson; Melby; Mertens; Moore; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Rydell; Schindler; Schneider; Shaft; Shaw; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Starke; Stofferahn; Strinden; Thompson; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

ABSENT AND NOT VOTING: Berg, G.; Berg, R.; Graba;
Murphy; Peterson; Rice

HB 1133 was declared lost.

HB 1233: A BILL for an Act to provide a formula for allocating North Dakota's private activity bond ceiling under federal law among the governmental units in North Dakota having authority to issue private activity bonds; and to provide an effective date.

Which has been read.

ROLL CALL

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

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

NAYS: Ulmer

ABSENT AND NOT VOTING: Berg, G.; Gerntholz; Graba;
Strinden

HB 1233 passed and the title was agreed to.

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

the North Dakota Century Code, relating to public service commission regulation of common motor carriers.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 97 YEAS, 0 NAYS, 9 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Berg, G.; Dotzenrod; Graba; Mertens; Nicholas; Olsen, D.; Peterson; Shaft; Strinden

HB 1241 passed and the title was agreed to.

MOTION

REP. NOWATZKI MOVED that the House reconsider its action whereby the amendments to HB 1188 were adopted.

RULING BY SPEAKER

SPEAKER KLOUBEC RULED that the House could not entertain the motion of Rep. Nowatzki to reconsider HB 1188, as the House was not in possession of HB 1188.

MOTION

REP. STRINDEN MOVED that the rules be suspended, that the request for reconsideration of HB 1188 be considered tomorrow, and that that request would be considered as the first request for reconsideration, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1332: A BILL for an Act to amend and reenact subsection 2 of section 32-12.1-03, subsection 3 of section 32-12.1-04, sections 32-12.1-05 and 32-12.1-10 of the North Dakota Century Code, relating to the award of damages against political subdivisions, the liability of political subdivision employees, and the statute of limitations for actions brought against political subdivisions.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 96 YEAS, 3 NAYS, 7 ABSENT AND NOT VOTING.

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

NAYS: Cleveland; Hamerlik; Kuchera

ABSENT AND NOT VOTING: Anderson; Berg, G.; Dotzenrod; Gorman; Graba; Mertens; Ulmer

HB 1332 passed and the title was agreed to.

HB 1412: A BILL for an Act relating to the obligation to pay royalties and provide accounting information, termination of leases for nonpayment of royalties, delay rentals, bonus payments, and title disputes; to repeal section 47-16-39.1 of the North Dakota Century Code, relating to royalty payments; and to provide a penalty.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 17 YEAS, 81 NAYS, 8 ABSENT AND NOT VOTING.

YEAS: Almlie; Anderson; Brokaw; Hanson, O.; Haugen; Hokana; Knudson; Laughlin; Melby; Murphy; O'Connell; O'Shea; Shockman; Tokach; Tomac; Watne; Wilkie

NAYS: Aas; Belter; Berg, R.; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Frey; Gates; Gerntholz; Goetz; Gorman; Gunsch; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Kelly; Kingsbury; Klundt; Knell; Koland; Kolbo; Kretschmar; Kuchera; Lang; Larson; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Meyer; Moore; Myrdal; Nelson, C.; Nelson, J.; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; Opedahl; Payne; Peterson; Rice; Riehl; Rydell; Scherber; Schindler; Schneider; Shaw; Shide; Skjerven; Smette; Solberg; Sorensen; Starke; Stofferahn; Strinden; Thompson; Tollefson; Trautman; Ulmer; Vander Vorst; Wald; Wentz; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

ABSENT AND NOT VOTING: Berg, G.; Flaagan; Graba; Kent; Mertens; Nicholas; Shaft; Whalen

HB 1412 was declared lost.

HB 1447: A BILL for an Act to create and enact a new section to chapter 25-16 of the North Dakota Century Code, relating to employment in treatment or care centers for the developmentally disabled.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 25 YEAS, 75 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Enget; Hanson, L.; Hill; Hoffner; Hokana; Kingsbury; Klundt; Lautenschlager; Linderman; Marks; Melby; Oban; O'Connell; Olsen, D.; Olson, A.; Opedahl; O'Shea; Scherber; Shockman; Skjerven; Starke; Ulmer; Williams, A.; Williams, C.; Williams, W.

NAYS: Aas; Almlie; Anderson; Belter; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Flaagan; Gates; Gerntholz; Goetz; Gorman; Gunsch; Halmrast; Hamerlik;

Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Kelly; Kent; Knell; Knudson; Koland; Kolbo; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lindgren; Martin; Martinson; Mertens; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Olson, V.; Payne; Rice; Riehl; Rydell; Schindler; Schneider; Shaft; Shaw; Shide; Smette; Solberg; Sorensen; Stofferahn; Thompson; Tokach; Tollefson; Tomac; Trautman; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Winkelman; Speaker Kloubec

ABSENT AND NOT VOTING: Berg, G.; Frey; Graba; Meyer; Peterson; Strinden

HB 1447 was declared lost.

HB 1453: A BILL for an Act to establish a North Dakota royalty owners commission; to create and enact three new sections to chapter 57-51 of the North Dakota Century Code, relating to imposition of an additional tax on the royalty owner's share of oil and gas produced within the state, to provide for refund of the tax, and providing for allocation of the additional tax revenue to the royalty owners commission fund; to provide an appropriation; and to provide an effective date.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 23 YEAS, 76 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Almlie; Anderson; Belter; Brokaw; Dalrymple; Enget; Hanson, O.; Haugen; Kingsbury; Knudson; Kolbo; Laughlin; Melby; Murphy; Opedahl; O'Shea; Rice; Schindler; Shockman; Tomac; Vander Vorst; Watne; Whalen

NAYS: Aas; Berg, R.; Christman; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Gunsch; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Klundt; Knell; Koland; Kretschmar; Kuchera; Lang; Larson; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Mertens; Meyer; Moore; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, V.; Payne; Riehl; Rydell; Scherber; Schneider; Shaft; Shaw; Shide; Skjerven; Smette; Solberg; Sorensen; Starke; Stofferahn; Thompson; Tokach; Tollefson; Trautman; Ulmer; Wald; Wentz; Wilkie; Williams, A.; Williams, W.; Winkelman; Speaker Kloubec

ABSENT AND NOT VOTING: Berg, G.; Cleveland; Graba;
Olson, A.; Peterson; Strinden; Williams, C.

HB 1453 was declared lost.

HB 1480: A BILL for an Act to amend and reenact section 24-02-25 of the North Dakota Century Code, relating to payments by the state highway department to contractors.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 16 YEAS, 86 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Almlie; Brokaw; DeMers, J.; Enget; Flaagan; Frey; Kent; Laughlin; Linderman; Marks; Nelson, J.; Riehl; Skjervén; Solberg; Starke; Williams, W.

NAYS: Aas; Anderson; Belter; Berg, R.; Christman; Cleveland; Dalrymple; DeMers, P.; Dorso; Dotzenrod; Gates; Gerntholz; Goetz; Gorman; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kingsbury; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Lang; Larson; Lautenschlager; Lindgren; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nelson, C.; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Peterson; Rice; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shide; Shockman; Smette; Sorensen; Stofferahn; Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Winkelman; Speaker Kloubec

ABSENT AND NOT VOTING: Berg, G.; Graba; Kuchera; Strinden

HB 1480 was declared lost.

HB 1491: A BILL for an Act to create and enact two new sections to chapter 49-21.1 of the North Dakota Century Code, relating to work near high voltage overhead lines; and to amend and reenact sections 49-21.1-01, 49-21.1-04, and 49-21.1-05 of the North Dakota Century Code, relating to work near high voltage overhead lines.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 99 YEAS, 4 NAYS, 3 ABSENT AND NOT VOTING.

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

NAYS: Berg, R.; Hanson, O.; Tokach; Tomac

ABSENT AND NOT VOTING: Berg, G.; Graba; Kuchera

HB 1491 passed and the title was agreed to.

HB 1533: A BILL for an Act to amend and reenact section 5-01-08 of the North Dakota Century Code, relating to minors in possession of certain alcoholic beverages.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 67 YEAS, 37 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Almlie; Belter; Brokaw; Dalrymple; DeMers, J.; DeMers, P.; Dotzenrod; Enget; Flaagan; Frey; Halmrast; Hanson, L.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Kingsbury; Klundt; Knudson; Koland; Kolbo; Kretschmar; Lang; Laughlin; Lautenschlager; Linderman; Marks; Martin; Melby; Mertens; Moore; Myrdal; Nelson, C.; Nicholas; Nowatzki; Oban; O'Connell; Olson, A.; Olson, V.; Opedahl; O'Shea; Peterson; Riehl; Rydell; Scherber; Schindler; Schneider; Shaw; Shockman; Skjerven; Solberg; Sorensen; Starke; Stofferahn; Thompson; Ulmer; Vander Vorst; Watne; Wentz; Whalen;

Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman

NAYS: Aas; Anderson; Berg, R.; Christman; Cleveland; Dorso; Gates; Gertholz; Goetz; Gorman; Gunsch; Hamerlik; Hanson, O.; Haugen; Haugland; Hausauer, A.; Knell; Kuchera; Larson; Lindgren; Martinson; Meyer; Murphy; Nelson, J.; Olsen, D.; Payne; Rice; Shaft; Shide; Smette; Strinden; Tokach; Tollefson; Tomac; Trautman; Wald; Speaker Kloubec

ABSENT AND NOT VOTING: Berg, G.; Graba

HB 1533 passed and the title was agreed to.

MOTIONS

REP. STRINDEN MOVED that House Rule 507 be suspended until the Thirty-third Legislative Day, which motion prevailed.

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

REP. GOETZ MOVED that the House be on the Fifth order of business, and at the conclusion of the Fifth order, the House be on the Ninth order of business, and at the conclusion of the Ninth order, the House be on the Thirteenth order of business, and at the conclusion of the Thirteenth order, the House stand adjourned until 9:00 a.m., Thursday, February 19, 1987, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER: Your Committee on Judiciary to which was referred HB 1045 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. KRETSCHMAR, Chairman

HB 1045 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary to which was rereferred HB 1049 has had the same under consideration and recommends by a vote of 10 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. KRETSCHMAR, Chairman

HB 1049 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary to which was referred HB 1085 has had the same under consideration and recommends by a vote of 8 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING that the same BE

AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

On page 1, line 27, delete the word "two" and insert in lieu thereof the word "five" and delete the word "fifty"

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

HB 1085 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Political Subdivisions to which was referred HB 1184 has had the same under consideration and recommends by a vote of 9 YEAS, 2 NAYS, 4 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

On page 1, line 3, delete the words "; and to"

On page 1, delete lines 4 and 5

On page 1, line 6, delete the words "developmental disability group homes"

On page 1, line 15, after the word "facility" insert the words "funded in whole or in part and"

On page 1, line 16, delete the words "twelve or fewer" and insert in lieu thereof the words "six or fewer eligible persons shall be considered a permitted use in a single family or equivalent least density residential zone, and a residential facility funded in whole or in part and licensed by the department of human services and serving eight or fewer qualified persons shall be considered a permitted use in any area zoned for residential use of greater density than single family use. For purposes of this section, "qualified persons" means persons who are physically disabled, mentally retarded, mentally ill, behaviorally disturbed, or emotionally disturbed."

On page 1, delete lines 17 through 21

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

HB 1184 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor to which was referred HB 1213 has had the same under consideration and recommends by a vote of 12 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. WHALEN, Chairman

HB 1213 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Finance and Taxation to which was referred HB 1238 has had the same under consideration and recommends by a vote of 14 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 1, delete the words "to create and enact a new chapter to title 57 of"

On page 1, delete line 2

On page 1, line 3, delete the words "realty improvement contracts;"

On page 1, line 10, delete the words "; to repeal subsection 12 of"

On page 1, delete lines 11 through 13

On page 1, line 14, delete the words "effective date"

On page 1, delete lines 17 through 28

On page 2, delete lines 1 through 35

On page 3, delete lines 1 through 35

On page 4, delete lines 1 through 34

On page 5, delete lines 1 through 6

On page 5, line 14, delete the words "cable television,"

On page 6, line 26, delete the word "cable"

On page 6, line 27, delete the word "television,"

On page 7, line 19, delete the word "cable"

On page 7, line 20, delete the word "television,"

On page 8, line 2, overstrike the word "subsection" and insert immediately thereafter the word "subsections" and after the numeral "2" insert the word and numeral "and 4"

On page 8, line 18, delete the words "cable television and"

On page 9, line 1, delete the word "electricity services,"

On page 9, line 14, delete the word "five" and insert in lieu thereof the word "two"

On page 9, line 15, delete the words "from the following services enumerated in" and insert in lieu thereof the words "of retailers from all sales at retail of electricity services."

On page 9, delete lines 16 through 29

On page 9, line 34, after the fourth comma, insert the word "and"

On page 9, line 35, delete the words ", and cable television"

On page 11, line 9, after the word "thereof" insert the words ", except that the rate of the tax is two percent of the purchase price for electricity services"

On page 11, line 18, delete the words "such electricity"

On page 11, line 19, delete the word "services,"

On page 11, line 23, after the word "state" insert the words "and at the rate of two percent of the fair market value of electricity services at the time those services were brought into this state"

On page 11, delete lines 29 through 35

On page 12, delete lines 1 through 9

On page 12, delete lines 27 through 34

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

HB 1238 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary to which was referred HB 1309 has had the same under consideration and recommends by a vote of 12 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. KRETSCHMAR, Chairman

HB 1309 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary to which was referred HB 1335 has had the same under consideration and recommends by a vote of 9 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. KRETSCHMAR, Chairman

HB 1335 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Political Subdivisions to which was referred HB 1342 has had the same under consideration and recommends by a vote of 11 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 10, delete the words "If an owner of land" and insert in lieu thereof the words "Any person desiring to lay out a townsite, an addition to a townsite, or a subdivision of land shall cause the land to be surveyed and a plat made of the land."

On page 1, delete lines 11 through 15

On page 1, line 16, delete the words "that division will be recorded." and delete the words "land must be surveyed and the"

On page 4, line 17, after the word "plat" insert the words ", if right-of-way dedication is required,"

On page 8, line 34, delete the numeral "3."

On page 9, line 34, after the word "tenants" insert the words ", only if the leveling or farming does not disturb, remove, or destroy any survey or property reference monument"

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

HB 1342 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Agriculture to which was referred HB 1349 has had the same under consideration and recommends by a vote of 14 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to create and enact a new subsection to section 41-09-42 and a new subsection to section 41-09-46 of the North Dakota Century Code, relating to filing fees and the development and implementation of a central notice system by the secretary of state; to amend and reenact section 41-09-28 of the North Dakota Century Code, relating to protection for buyers of farm products and lenders and security interest protection for federal agencies other than farmers home administration or any agency administered under the farm credit system; and to repeal section 41-09-28.1, subsections 8, 9, 10, and 11 of section 41-09-42, and subsections 3, 4, and 5 of section 41-09-46 of the North Dakota Century Code, relating to the

transition period to the central notice system, filing fees, and the central notice system lists.

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

SECTION 1. AMENDMENT. Section 41-09-28 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

41-09-28. (9-307) Protection of buyers of goods.

1. A buyer in the ordinary course of business (subsection 9 of section 41-01-11) ~~other than a person buying farm products from a person engaged in farming operations~~ takes free of a security interest created by his seller even though the security interest is perfected and even though the buyer knows of its existence. ~~A crop or livestock buyer is a buyer in the ordinary course of business as to security interests and liens if such person qualifies under the provisions of subsection 13. As used in this section, a crop or livestock buyer is a person who buys crops or livestock from, or who sells crops or livestock on a fee or commission for, a person engaged in farming operations.~~
2. In the case of consumer goods, a buyer takes free of a security interest even though perfected if he buys without knowledge of the security interest, for value and for his own personal, family, or household purposes or his own farming operations unless prior to the purchase the secured party has filed a financing statement covering such goods.
3. A buyer other than a buyer in ordinary course of business (subsection 1 of this section) takes free of a security interest to the extent that it secures future advances made after the secured party acquires knowledge of the purchase, or more than forty-five days after the purchase, whichever first occurs, unless made pursuant to a commitment entered into without knowledge of the purchase and before the expiration of the forty-five-day period.
4. ~~Repealed by S-L 1985, ch. 472, § 7.~~
5. ~~Repealed by S-L 1985, ch. 472, § 7.~~
6. ~~Repealed by S-L 1985, ch. 472, § 7.~~

- 7- Repealed by S-L- 1985, ch- 472, § 7-
- 8- Repealed by S-L- 1985, ch- 472, § 7-
- 9- If a secured party, except a secured party who is a federal agency other than the farmers home administration or an agency administered under the farm credit system {Pub- L- 92-181, 85 Stat- 583, 12 U.S.C. 2001 et seq.}; who has perfected a security interest in crops or livestock, or if a lienholder who has created a lien by statute or otherwise, which includes, but is not limited to, liens for threshing, crop production, fertilizer, farm chemicals, and seed, and landlord's lien, intends to impose liability for such security interest or lien against a crop or livestock buyer, the name of the secured party or lienholder must appear on the most current list or lists distributed by the secretary of state pursuant to subsection 4 of section 41-09-46. In order to appear on the list or lists, secured parties or lienholders must file with the secretary of state a form prescribed by him which contains all of the following information-
- a- The name and address of the person engaged in farming operations-
 - b- The county of residence of the person engaged in farming operations-
 - c- The social security number of the person engaged in farming operations-
 - d- The name and address of the secured party or lienholder-
 - e- A description of the crops or livestock and their amount, if known, subject to the security interest or lien-
 - f- The legal description as to the location of the crops or livestock-
- A form filed pursuant to this section is effective for a period of five years. The effectiveness and continuation of the form filed is to be treated as if it were filed as a financing statement-
- 10- A secured party who files the prescribed form with the secretary of state pursuant to subsection 9 shall advise the person engaged in

farming operations of all of the following at the time the loan is made-

- a- That the secured party will be filing such form with the secretary of state-
 - b- Of the information that will be part of the central notice system-
 - c- That the secretary of state will generate a list or lists monthly which will contain such information-
 - d- That a crop or livestock buyer is required to enter on the check or draft the name of secured parties or lienholders and the person engaged in farming operations so long as such information is part of the central notice system with the office of the secretary of state-
 - e- That at any time the debt is repaid, the secured party shall advise the person engaged in farming that the person has the right to demand a release of the debt, that the release must be filed with the appropriate officers by the secured party within thirty days-
- 11- When a crop or livestock buyer issues a check or draft to a person engaged in farming operations in payment for crops or livestock in order to take free of security interests or liens against such crops or livestock, the crop or livestock buyer must issue the check or draft for payment jointly to the person engaged in farming operations and either (a) to those secured parties or lienholders who have a security interest or lien in the crops or livestock sold and whose names appear on the most current list or lists distributed by the secretary of state at the time the check or draft is issued, or (b) to those secured parties who have given written notice pursuant to subsection 5. No civil action may be commenced by a secured party or lienholder against a crop or livestock buyer for a loss incurred as a result of issuing a check or draft after January 1, 1986, which does not include the name of a secured party or lienholder under this section more than eighteen months after the date of the check or draft unless within the eighteen-month period the secured party or lienholder sends a notice as provided herein, but in no event can the action be commenced more than

five years after the date of the check or draft. The notice must do all of the following:

- a- Be sent by certified mail to, or personally served upon, the crop or livestock buyer.
 - b- Name the person engaged in farming operations and the date of the check or draft which gives rise to the claim.
 - c- State the intention of the secured party or lienholder to make a claim.
 - d- State the amount the secured party or lienholder is claiming.
 - e- Give a description of and the amount of crops or livestock upon which the claim is based.
 - f- State that the secured party or lienholder has commenced an action seeking judgment against the person engaged in farming operations or such person has filed or has been placed in bankruptcy or receivership proceedings under chapter 32-10.
- 12- No complaint by a secured party or lienholder shall be filed or served against a crop or livestock buyer for collection of any loss sustained by the secured party or lienholder through any transaction filed or notice sent pursuant to subsection 9 until all of the following have been accomplished and alleged:
- a- That a judgment has been obtained and a good faith effort made to collect that judgment against the person engaged in farming operations, or that proceedings against the person engaged in farming operations were stayed by federal bankruptcy proceedings, or that receivership proceedings have been commenced under chapter 32-10.
 - b- That within eighteen months following the date of the check or draft, the notice required to be sent pursuant to subsection 11 was served upon the crop or livestock buyer and reciting or incorporating by reference all the information contained in that notice.
 - c- List any other collateral taken by the secured party or lienholder as security on the same debt from the person engaged in farming operations, including a statement of

value, status, and plans for application of such collateral to the indebtedness of the person engaged in farming operations.

- 13- A crop or livestock buyer takes free of any security interest created by, or any lien against crops or livestock of, the person engaged in farming operations if any of the following apply-
- a- The crop or livestock buyer has complied with the requirements of subsection 11 of this section-
 - b- No evidence of security interests or liens appear on the most current lists prepared and distributed by the secretary of state pursuant to subsections 3 and 4 of section 41-09-46-
 - c- The name of the person represented to be the seller of the crops or livestock does not appear on the most current lists prepared and distributed pursuant to subsections 3 and 4 of section 41-09-46-

Notwithstanding the provisions of subsection 1 of this section, a buyer who in the ordinary course of business buys a farm product from a seller engaged in farming operations, or a commission merchant or selling agent who sells in the ordinary course of business a farm product for others, shall not be subject to a security interest created by the seller in such farm product even though the security interest is perfected and even though the commission merchant or selling agent knows of the existence of such interest, unless the secured party is protected in its security interest pursuant to the requirements of the provisions of section 1324 of the Food Security Act of 1985 [Pub. L. 99-198; 99 Stat. 1535; 7 U.S.C. 1631].

- 5. For purposes of determining whether a secured party is protected in its security interest pursuant to section 1324 of the Food Security Act of 1985, a secured party shall be deemed to be protected in its security interest if it complies with either the direct notice provisions or the central filing system provisions of that section.
- 6. For purposes of determining whether a secured party is protected in its security interest pursuant to section 1324 of the Food Security Act of 1985, a secured party who is a federal agency

other than the farmers home administration or an agency administered under the farm credit system [Pub. L. 92-181; 85 Stat. 583; 12 U.S.C. 2001 et seq.] shall be deemed to be protected in its security interests only if it complies with the direct notice provisions of that section.

SECTION 2. A new subsection to section 41-09-42 of the 1985 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

The fees for participation in the central filing system established by the secretary of state pursuant to sections 41-09-28 and 41-09-46 shall be as follows:

- a. Not to exceed five dollars for filing any forms with the secretary of state.
- b. Two dollars for furnishing any information on a verbal request.
- c. Five dollars for furnishing any certificate.
- d. Not to exceed eight dollars for furnishing any microfiche list.
- e. Not to exceed twenty-five dollars for furnishing any printed list.

SECTION 3. A new subsection to section 41-09-46 of the 1985 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

The secretary of state shall develop and implement a central notice system pursuant to section 1324 of the Food Security Act of 1985, and any rules and regulations adopted pursuant to it [9 CFR part 205]. The secretary of state may adopt rules to implement the central notice system and the direct notice provisions of section 1324 of the Food Security Act of 1985. The secretary of state may provide for any forms, certificates, and lists required for developing and implementing the central notice system and establish fees for providing forms, certificates, lists, and verbal requests in accordance with section 2 of this Act.

SECTION 4. REPEAL. Section 41-09-28.1, subsections 8, 9, 10, and 11 of section 41-09-42, and subsections 3, 4, and 5 of section 41-09-46 of the 1985 Supplement to the North Dakota Century Code are hereby repealed."

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

HB 1349 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor to which was referred HB 1350 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, delete lines 12 through 20

On page 2, line 32, delete the numeral "6" and insert in lieu thereof the numeral "5"

On page 4, line 12, after the word "Islands" insert the words "and which meets the qualifications for such groups as defined in the federal Product Liability Risk Retention Act of 1981 as amended." and delete the words "to which all of the"

On page 4, delete lines 13 through 35

On page 5, delete lines 1 through 33

On page 6, line 9, after the period insert the following sentence: "Except as otherwise specifically provided in this Act, a risk retention group chartered in this state is not required to submit its rates and forms for approval by the commissioner of insurance." and delete the words "Before it may offer"

On page 6, delete lines 10 through 25

On page 7, line 8, delete the numeral "11" and insert in lieu thereof the numeral "10"

On page 7, delete lines 9 through 19

On page 7, line 24, after the word "commissioner" insert the words "upon the commissioner's request"

On page 8, line 8, delete the numeral "11" and insert in lieu thereof the numeral "10"

On page 8, delete lines 9 through 24

On page 9, delete lines 27 through 29

On page 10, line 2, delete the numeral "5" and insert in lieu thereof the numeral "4"

On page 11, line 7, delete the numeral "10" and insert in lieu thereof the numeral "9"

On page 12, delete lines 19 through 25

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

HB 1350 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary to which was referred HB 1356 has had the same under consideration and recommends by a vote of 11 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 3, delete the first word "and"

On page 1 of the engrossed bill, line 9, after the word "deadlines" insert the words "; and to provide an effective date"

On page 18 of the engrossed bill, after line 6, insert the following new section:

"SECTION 22. EFFECTIVE DATE. This Act becomes effective on July 1, 1988."

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

HB 1356 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor to which was referred HB 1359 has had the same under consideration and recommends by a vote of 11 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. WHALEN, Chairman

HB 1359 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary to which was referred HB 1377 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. KRETSCHMAR, Chairman

HB 1377 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor to which was referred HB 1379 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 1, delete the words "provide for a study of the plan offered by a"

On page 1, delete lines 2 through 4

On page 1, delete lines 10 through 28

On page 2, delete lines 1 through 7

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

HB 1379 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary to which was referred HB 1384 has had the same under consideration and recommends by a vote of 9 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 2, after the word "death" insert the words ", and to provide notice in case of imminent death"

On page 1, line 10, delete the words "The next of kin of the individual must be" and insert in lieu thereof the following new section:

"SECTION 2. Notice to family in case of imminent death. If it appears to a physician who has primary responsibility for the treatment and care of an individual that the death of the individual is imminent, the physician shall make reasonable efforts to notify the individual's next of kin. If after making reasonable efforts the next of kin are not notified, the physician shall document in the medical records of the individual the efforts made to notify the next of kin. If notice is given, the physician shall provide the next of kin with appropriate information regarding the individual's medical condition and available medical therapies. When the next of kin is notified, any decision regarding removal of life support therapies must be made by the family and physician in consultation."

On page 1, delete lines 11 through 18

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

HB 1384 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education to which was referred HB 1424 has had the same under consideration and recommends by a vote of 15 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 4, after the semicolon insert the word "and"

On page 1, line 7, delete the words "; and to provide an effective date"

On page 2, overstrike line 13

On page 2, line 14, overstrike the words "district of residence" and insert immediately thereafter the words "to another school district within North Dakota"

On page 2, line 15, after the second word "the" insert the words "district of residence of the parent or parents. If the child does not have a parent or parents residing in North Dakota, or if parental rights have been terminated, then the tuition due the admitting district must be paid by the"

On page 3, line 21, after the numeral "2" insert the words ". For purposes of applying this section, the school district in which a child resides shall be construed to be the district of residence of such child"

On page 3, line 33, delete the word "The" and insert in lieu thereof the words "For the biennium beginning July 1, 1987, and ending June 30, 1989, the school district of residence is liable to pay the admitting district as part of the cost of educating the student an amount for the school year equal to two and one-half times the state average per-pupil elementary or high school cost, depending on whether the enrollment would be in a grade or high school department; provided, that such payment may not exceed the actual per-pupil cost incurred by the admitting district. The remainder of the actual cost of educating the student not covered by other payments or credits shall be paid from funds provided to the department of public instruction by the legislative assembly for special education."

3. For succeeding bienniums the"

On page 4, line 26, delete the numeral "3." and insert in lieu thereof the numeral "4."

On page 4, line 31, after the word "court" insert the words "at the time the same is ordered", after the underscored period

insert the words "Notification shall be made by the placement agency", and delete the words "The tuition"

On page 4, delete lines 32 through 34

On page 5, delete line 1

On page 5, line 2, delete the words "foundation aid program"

On page 5, after line 2, insert the following subsection:

"5. If the handicapped student does not have a parent residing in North Dakota, or if parental rights have been terminated, the state shall pay the actual cost of educating the handicapped student from funds appropriated by the legislative assembly for the foundation aid program. If the handicapped student has reached the age of majority and continues to receive special education and related services from a public school district, the district of residence of the student remains the same as the student's parent or parents until the special education services are concluded."

On page 5, line 3, delete the numeral "4." and insert in lieu thereof the numeral "6."

On page 5, delete lines 15 and 16

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

HB 1424 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Human Services and Veterans Affairs to which was referred HB 1472 has had the same under consideration and recommends by a vote of 13 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

On page 1, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to create and enact a new section to chapter 26.1-36 of the North Dakota Century Code, relating to deductibles and required provisions in group major medical insurance policies, health service contracts, and health care plans; and to provide an effective date.

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

SECTION 1. A new section to chapter 26.1-36 of the 1985 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

Group major medical insurance policies, health service contracts, and health care plans - Standard plan required - Application.

1. An insurance company, nonprofit health service corporation, or health maintenance organization may not deliver, issue, execute, or renew a group major medical insurance policy, health service contract, or health care plan unless the policy, contract, or plan provides for:
 - a. An annual deductible of one hundred dollars per individual or two hundred dollars per family for all inpatient and outpatient procedures.
 - b. Ten percent copayment by the insured on the first four thousand dollars of all inpatient and outpatient charges in excess of the one hundred dollar deductible per individual or twenty percent copayment by the insured on the first four thousand dollars of all inpatient and outpatient charges in excess of the two hundred dollar deductible per family.
 - c. One hundred percent payment by the insurer for any charges in excess of those described in subdivisions a and b up to a limit of one million dollars per individual and two million dollars per family.
 - d. Maternity benefits.
2. Upon the request of any prospective insured, the insurer shall quote a rate for the plan required under subsection 1.
3. No insurance company, nonprofit health service corporation, or health maintenance organization may offer in this state any group major medical insurance policy, health service contract, or health care plan if the premium for that policy, contract, or plan exceeds the rate quoted for the contract, policy, or plan required under subsection 1 for equivalent insurable risks. However, additional, optional benefits may be offered with a separate, additional charge for those benefits.

4. This section does not apply to any policy issued pursuant to chapter 26.1-08, self-funded employer group policies, or policies based upon union negotiated contracts.

SECTION 2. EFFECTIVE DATE. This Act becomes effective on January 1, 1988."

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

HB 1472 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary to which was referred HB 1473 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. KRETSCHMAR, Chairman

HB 1473 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary to which was referred HB 1498 has had the same under consideration and recommends by a vote of 13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. KRETSCHMAR, Chairman

HB 1498 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education to which was referred HB 1508 has had the same under consideration and recommends by a vote of 11 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

On page 5, line 9, delete the first word "may" and insert in lieu thereof the word "shall" and delete the second word "may" and insert in lieu thereof the word "shall"

On page 8, line 10, delete the words "and is responsible for representing"

On page 8, delete line 11

On page 8, line 13, delete the words "Each higher education employee shall"

On page 8, delete lines 14 through 17

On page 8, line 32, delete the words "Designated representatives must"

On page 8, delete lines 33 through 35

On page 10, line 29, delete the numeral "13" and insert in lieu thereof the numeral "11"

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

HB 1508 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education to which was referred HB 1523 has had the same under consideration and recommends by a vote of 13 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION:

On page 1, line 1, delete the word "five" and insert in lieu thereof the word "four"

On page 1, line 3, delete the word "alternate" and insert in lieu thereof the word "home"

On page 1, line 4, delete the word "alternate" and insert in lieu thereof the word "home"

On page 1, line 5, delete the word "alternate" and insert in lieu thereof the word "home"

On page 1, delete line 6

On page 1, line 7, delete the words "activities by alternate school students,"

On page 1, line 9, delete the word "alternate" and insert in lieu thereof the word "home"

On page 2, line 1, delete the first word "Alternate" and insert in lieu thereof the word "Home" and delete the words "An alternate" and insert in lieu thereof the words "A home"

On page 2, line 2, delete the words "or at the direction"

On page 2, line 3, delete the first word "of" and delete the word "parent" and insert in lieu thereof the word "parents"

On page 2, line 4, delete the first comma and insert in lieu thereof the words "provided that person receives the permission of the court having jurisdiction over the child" and delete the words "stepchild, or ward"

On page 2, line 5, delete the words "A home school shall be"

On page 2, delete line 6

- On page 2, line 11, delete the word "alternate" and insert in lieu thereof the word "home"
- On page 2, line 12, delete the word "alternate" and insert in lieu thereof the word "home"
- On page 2, line 13, delete the words "or at the direction of"
- On page 2, line 14, delete the first underscored comma and insert in lieu thereof the word "or" and delete the words ", or other person having custody of the"
- On page 2, line 15, delete the word "child"
- On page 2, line 28, delete the first word "alternate" and insert in lieu thereof the word "home" and delete the second word "Alternate" and insert in lieu thereof the word "Home"
- On page 2, line 29, delete the word "conclusively"
- On page 2, line 31, delete the words "one of"
- On page 2, line 33, delete the first underscored comma and insert in lieu thereof the word "or" and delete the words ", or other person having custody of"
- On page 2, line 34, delete the words "the child, or the person actually"
- On page 3, line 3, delete the words "given in North Dakota, or" and insert in lieu thereof the words "as prescribed by the superintendent of public instruction."
- On page 3, delete lines 4 and 5
- On page 3, line 14, after the second underscored comma insert the words "social studies, science,"
- On page 3, line 23, delete the word "alternate" and insert in lieu thereof the word "home"
- On page 3, delete line 32
- On page 3, line 33, delete the word "alternate" and insert in lieu thereof the word "home"
- On page 4, line 2, after the period insert the words "This subsection does not require the program to include any concept, topic, or practice in conflict with the parents' religious doctrines or to exclude from its curriculum any concept, topic, or practice consistent with the parents' religious doctrines."
- On page 4, delete lines 3 through 15

On page 4, line 19, delete the word "Alternate" and insert in lieu thereof the word "Home"

On page 4, line 20, after the second word "instruction" insert the words "or his designee" and delete the underscored comma

On page 4, delete line 21

On page 4, line 22, delete the words "of a child enrolled in a defined alternate school,"

On page 4, line 24, after the period insert the words "The parent or guardian is responsible for filing this information with the superintendent of public instruction or his designee by July first of each year."

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

HB 1523 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation to which was referred HB 1542 has had the same under consideration and recommends by a vote of 11 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

On page 1, line 10, after the word "may" insert the words ", by contract only,"

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

HB 1542 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor to which was referred HB 1549 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. WHALEN, Chairman

HB 1549 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary to which was referred HB 1562 has had the same under consideration and recommends by a vote of 14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. KRETSCHMAR, Chairman

HB 1562 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary to which was referred HB 1563 has had the same under consideration and recommends by a vote of 14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2, line 3, delete the words "American medical association" and insert in lieu thereof the words "accreditation council on graduate medical education"

On page 4, line 2, delete the words "Good moral"

On page 4, delete line 3

On page 4, line 4, overstrike the numeral "3."

On page 4, line 14, overstrike the numeral "4." and insert immediately thereafter the numeral "3."

On page 4, line 18, after the word "degree" insert the words "or its equivalent"

On page 4, line 32, delete the numeral "5." and insert in lieu thereof the numeral "4."

On page 5, line 1, delete the numeral "6." and insert in lieu thereof the numeral "5."

On page 5, line 4, delete the numeral "7." and insert in lieu thereof the numeral "6."

On page 8, line 24, delete the third word "or" and insert in lieu thereof the word "for"

On page 9, line 1, after the word "records" insert the words ", except those relating to psychiatric treatment which shall be governed by board rule."

On page 9, delete lines 8 and 9

On page 9, line 15, delete the numerals "43-17-37" and insert in lieu thereof the numerals "43-17-36"

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

HB 1563 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary to which was referred HB 1569 has had the same under consideration and recommends by a

vote of 9 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. KRETSCHMAR, Chairman

HB 1569 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor to which was referred HB 1577 has had the same under consideration and recommends by a vote of 9 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. WHALEN, Chairman

HB 1577 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor to which was referred HB 1583 has had the same under consideration and recommends by a vote of 13 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. WHALEN, Chairman

HB 1583 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Political Subdivisions to which was referred HB 1589 has had the same under consideration and recommends by a vote of 12 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 2, after the word "tax" insert the words "upon voter approval"

On page 1, line 10, after the word "tax" insert the words "-Voter approval", after the period insert the words "Upon approval of a majority of the voters voting on the question any", and delete the word "Any"

On page 1, line 14, after the period insert the words "The maximum rate of sales tax must be plainly stated on the ballot on which the question is presented to the voters."

On page 3, line 18, delete the words "all other political" and insert in lieu thereof the words "townships and cities"

On page 3, line 19, delete the word "subdivisions"

On page 3, line 25, delete the words "other political subdivisions" and insert in lieu thereof the words "townships and cities"

- On page 3, line 28, delete the words "political subdivision" and insert in lieu thereof the words "county, township, or city"
- On page 3, line 30, delete the words "all political" and insert in lieu thereof the words "the county and all townships and cities in the county"
- On page 3, line 31, delete the word "subdivisions"
- On page 3, line 33, delete the words "other political subdivisions" and insert in lieu thereof the words "townships and cities"
- On page 4, line 1, delete the word "political" and insert in lieu thereof the words "the county and cities in the county"
- On page 4, line 2, delete the words "subdivisions"
- On page 4, line 5, delete the words "political subdivision" and insert in lieu thereof the words "county or city"
- On page 4, after line 11, insert the following subsection:

"3. For purposes of per capita distributions under this section the population of any city may not be included in the population of any township or the county for purposes of determining the township's or county's allocation of revenue."

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

HB 1589 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor to which was referred HB 1591 has had the same under consideration and recommends by a vote of 11 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

- On page 1, line 1, delete the words "to create and enact a new subsection to section"
- On page 1, delete line 2
- On page 1, line 3, delete the words "reports of corporations; and"
- On page 2, line 24, after the word "business" insert the words "or industrial purposes" and after the word "corporation" insert the words ", if the corporation claims an industrial

and business purpose exception pursuant to section 10-06-01.3"

On page 2, line 28, after the word "business" insert the words "or industrial purposes"

On page 2, line 31, after the word "completed" insert the words ", if the corporation claims an industrial and business purpose exception pursuant to section 10-06-01.2"

On page 2, delete lines 32 through 34

On page 3, delete lines 1 through 5

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

HB 1591 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor to which was referred HB 1599 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. WHALEN, Chairman

HB 1599 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Human Services and Veterans Affairs to which was referred HB 1602 has had the same under consideration and recommends by a vote of 10 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. HAUGLAND, Chairman

HB 1602 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary to which was referred HB 1603 has had the same under consideration and recommends by a vote of 7 YEAS, 5 NAYS, 3 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. KRETSCHMAR, Chairman

HB 1603 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Agriculture to which was referred HB 1605 has had the same under consideration and recommends by a vote of 9 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

On page 1, line 3, delete the words "to provide an appropriation;"

On page 1, delete lines 26 and 27

On page 2, delete lines 19 through 21

On page 2, line 23, delete the word "coordinator" and insert in lieu thereof the words "farm credit counseling program" and delete the word "shall" and insert in lieu thereof the word "may"

On page 2, line 25, delete the words ". The contract must be awarded"

On page 2, line 27, delete the word "coordinator" and insert in lieu thereof the words "farm credit counseling program"

On page 2, line 32, delete the words "Voluntary mediation" and insert in lieu thereof the word "Mediation" and after the second period insert the following: "1."

On page 2, line 33, after the word "indebtedness" insert the words "at any time"

On page 3, delete line 3

On page 3, line 4, delete the numeral "1." and insert in lieu thereof the numeral "2."

On page 3, line 14, delete the word "shall" and insert in lieu thereof the word "may"

On page 3, line 17, delete the word and numeral "2. A" and insert in lieu thereof the words and numeral "3. If a", after the word "creditor" insert the words "files a request for mediation, the creditor", and after the word "may" insert the word "not"

On page 3, line 18, delete the numeral and word "1 if" and insert in lieu thereof the word and numeral "2 unless"

On page 3, line 24, delete the word "mandatory"

On page 4, line 27, delete the words "voluntary and mandatory"

On page 6, line 13, delete the word "coordinator" and insert in lieu thereof the words "farm credit counseling program"

On page 6, delete lines 15 through 22

And renumber the lines, sections, and pages accordingly

REP. NICHOLAS, Chairman

HB 1605 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor to which was referred HB 1621 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION.

REP. WHALEN, Chairman

HB 1621 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Finance and Taxation to which was referred HB 1636 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 3, delete the word "and" and after the word "date" insert the words "; and to provide for transition"

On page 2, line 24, after the word "DATE" insert the words "- TRANSITION"

On page 2, line 25, after the period insert the words and numerals "Any corporation that qualified for the credit provided by section 57-38-30.1 as it existed on December 31, 1986, shall continue to receive the credit it would have received under the provisions of section 57-38-30.1 as it existed on that date."

And renumber the lines, sections, and pages accordingly

REP. A. HAUSAUER, Chairman

HB 1636 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education to which was referred HB 1650 has had the same under consideration and recommends by a vote of 14 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

On page 3, line 5, delete the words "and nothing in this Act prohibits" and insert in lieu thereof the words "guidance and counseling services, special education of the handicapped under Public Law 94-142 [89 Stat. 774; 20 U.S.C. 1400 et seq.], vocational rehabilitation services under Public Law 93-112 [87 Stat. 357; 29 U.S.C. 701 et seq.], or"

And renumber the lines, sections, and pages accordingly

REP. GATES, Chairman

HB 1650 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor to which was referred HCR 3063 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.
REP. WHALEN, Chairman

HCR 3063 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government to which was referred SB 2197 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. MARTINSON, Chairman

SB 2197 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government to which was referred SB 2249 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. MARTINSON, Chairman

SB 2249 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government to which was referred SB 2250 has had the same under consideration and recommends by a vote of 13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same DO PASS and be rereferred to the Committee on Appropriations.

REP. MARTINSON, Chairman

SB 2250 was rereferred to the Committee on Appropriations.

MR. SPEAKER: Your Committee on State and Federal Government to which was referred SB 2251 has had the same under consideration and recommends by a vote of 12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

REP. MARTINSON, Chairman

SB 2251 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government to which was referred SB 2256 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. MARTINSON, Chairman

SB 2256 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

Reps. Hoffner, Lautenschlager, Hamerlik and Sens. Mathern, Peterson introduced:

HCR 3066: A concurrent resolution directing the Legislative Council to study the funding of adult basic and secondary education, to review the various alternative methods of funding this type of education, and to arrive at a method of funding adult basic and secondary education that is secure and stable.

Was read the first time and referred to the **Committee on Education.**

Rep. Rice introduced:

HCR 3067: A concurrent resolution directing the Legislative Council to study the research services provided in this state by various entities to determine how resources can be most efficiently used to enhance and preserve the delivery of research information available to farmers and agribusinesses in this state.

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

Reps. Hoffner, C. Nelson, Meyer, Gates, Wentz introduced:

HCR 3068: A concurrent resolution directing the Legislative Council to study corporal punishment in schools.

Was read the first time and referred to the **Committee on Education.**

FIRST READING OF SENATE BILLS

SB 2101: A BILL for an Act to adopt the Uniform State Antitrust Act, relating to prohibitions against restraint of trade; to repeal chapter 51-08 of the North Dakota Century Code, relating to the prohibition against certain business pools and trusts; and to provide a penalty.

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

SB 2127: A BILL for an Act to create and enact a new section to chapter 52-04 of the North Dakota Century Code, relating to advances from sources other than the federal unemployment trust fund; and to amend and reenact section 52-04-22 of the North Dakota Century Code, relating to the federal advance interest repayment fund.

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

SB 2141: A BILL for an Act to amend and reenact section 39-04-09 of the North Dakota Century Code, relating to acquisition of license plates from the state penitentiary.

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

SB 2294: A BILL for an Act to amend and reenact sections 43-13-01 and 43-13-13.1 of the North Dakota Century Code,

relating to definitions and the authority of the board of optometry.

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

SB 2442: A BILL for an Act to amend and reenact section 49-05-06 of the North Dakota Century Code, relating to hearings by the public service commission on proposed rate changes.

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

SB 2461: A BILL for an Act to create and enact a new section to chapter 53-06.1 and a new subsection to section 53-06.1-07 of the North Dakota Century Code, relating to conduct of certain games of chance; and to amend and reenact subsection 1 of section 53-06.1-01 of the North Dakota Century Code, relating to definitions applicable to the charitable gambling law.

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

SB 2482: A BILL for an Act to amend and reenact section 20.1-03-12.1 of the North Dakota Century Code, relating to habitat restoration stamps; and to provide an effective date.

Was read the first time and referred to the **Committee on Natural Resources**.

SB 2486: A BILL for an Act to create and enact a new section to chapter 36-05 of the North Dakota Century Code, relating to the establishment of a livestock auction marketing grievance committee.

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

SB 2490: A BILL for an Act to authorize court ordered mediation in certain contested child custody or visitation proceedings.

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

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

ROY GILBREATH, Chief Clerk