

TUESDAY, FEBRUARY 19, 1985

1045

JOURNAL OF THE HOUSE

Forty-ninth Legislative Assembly

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THIRTY-FIRST DAY

Bismarck, February 19, 1985

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

The prayer was offered by Reverend Bob Schultz, Church of Christ, Bismarck, North Dakota.

ROLL CALL

The roll was called and all Representatives were present, except Representatives Gullickson, J. Peterson, Retzer, Rydell, O. Solberg.

A quorum was declared by the Speaker.

REVISION AND CORRECTION OF THE JOURNAL

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

REP. KENT, Chairman

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

MOTIONS

REP. A. HAUSAUER MOVED that the House reconsider its action whereby the committee report was accepted and HB 1574 was placed on the Eleventh order of business, which motion prevailed.

REP. A. HAUSAUER MOVED that HB 1574 be rereferred to the Committee on Finance and Taxation, which motion prevailed.

SPEAKER R. HAUSAUER ANNOUNCED that HB 1574 was referred to the Committee on Finance and Taxation.

MOTIONS

REP. KINGSBURY MOVED that the House reconsider its action whereby the committee report was accepted and HB 1458 was placed on the Sixth order of business, which motion prevailed.

REP. KINGSBURY MOVED that HB 1458 be rereferred to the Committee on Appropriations, which motion prevailed.

SPEAKER R. HAUSAUER ANNOUNCED that HB 1458 was referred to the Committee on Appropriations.

## MOTIONS

REP. KINGSBURY MOVED that the House reconsider its action whereby the Committee on Education report rereferred HB 1347 to the Committee on Appropriations, which motion prevailed.

REP. KINGSBURY MOVED that HB 1347 be placed on the Eleventh order for second reading and final passage, which motion prevailed.

## REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly engrossed:

HB 1049, HB 1077, HB 1211, HB 1344, HB 1356, HB 1402,  
 HB 1404, HB 1433, HB 1494, HB 1540, HB 1543, HB 1557,  
 HB 1577, HB 1621, HB 1633, HCR 3056

REP. HEDSTROM, Chairman

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

## RECOGNITION

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

## MOTION

REP. KINGSBURY MOVED that HB 1605 be returned to the House floor from the Committee on Appropriations, which motion prevailed.

## REQUEST

REP. KLUNDT REQUESTED the unanimous consent of the House to withdraw HB 1605. There being no objection, it was so ordered by the Speaker.

## MOTIONS

REP. A. OLSON MOVED that the House reconsider its action whereby the committee report was accepted and HB 1627 was placed on the Sixth order of business, which motion prevailed.

REP. A. OLSON MOVED that HB 1627 be rereferred to the Committee on Natural Resources, which motion prevailed.

SPEAKER R. HAUSAUER ANNOUNCED that HB 1627 was referred to the Committee on Natural Resources.

TUESDAY, FEBRUARY 19, 1985

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MESSAGES FROM THE SENATE  
SENATE CHAMBER

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

SB 2080, SB 2160, SB 2170, SB 2300, SB 2355, SB 2435,  
SB 2476

LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1086, HB 1172, HB 1197, HB 1200, HB 1209, HB 1236,  
HB 1252, HB 1253, HB 1278, HB 1291, HB 1311

LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1120

LEO LEIDHOLM, Secretary

MOTION

REP. STRINDEN MOVED that House Rule 507 be suspended, which motion prevailed.

FIRST READING OF A SENATE CONCURRENT RESOLUTION

Sens. W. Meyer, D. Meyer, David and Reps. R. Anderson, Murphy introduced:

SCR 4049: A concurrent resolution congratulating Brad Gjermundson on winning his third Professional Rodeo Cowboys' Association world saddle bronc championship in the sport of rodeo.

Was read the first time.

MOTION

REP. R. ANDERSON MOVED that the rules be suspended, that SCR 4049 not be printed, not be referred to committee, be read in its entirety, be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

Sens. W. Meyer, D. Meyer, David and Reps. R. Anderson, Murphy introduced:

SENATE CONCURRENT RESOLUTION NO. 4049

A concurrent resolution congratulating Brad Gjermundson on winning his third Professional Rodeo Cowboys' Association world saddle bronc championship in the sport of rodeo.

WHEREAS, the Legislative Assembly recognizes and honors North Dakota citizens for their national accomplishments; and

WHEREAS, Brad Gjermundson's career progressed from the North Dakota High School Team Roping Championship in 1975, to the North Dakota High School Rodeo Saddle Bronc Champion in 1976 and 1977, and North Dakota High School Rodeo "All Around Champion" in 1977; and

WHEREAS, Brad Gjermundson won the North Dakota Rodeo Association Saddle Bronc Championship in 1979, and while competing as a member of the Dickinson State College Rodeo Team won the National Intercollegiate Rodeo Association Saddle Bronc Championship in 1980; and

WHEREAS, Brad Gjermundson captured and thrilled rodeo fans worldwide by winning the Professional Rodeo Cowboys' Association Saddle Bronc Rookie of the Year Award in 1980; and

WHEREAS, Brad Gjermundson has always exemplified the life of a champion in his personal contribution to the handicapped that participate at the Exceptional Children's Rodeo in Oklahoma City, the Northern Plains Rodeo Bible Camp, as well as the Circle "C" Ranch Rodeo Bible Camp, to further the teaching of the christian way of life through the sport of rodeo; and

WHEREAS, Brad Gjermundson has set an example as a world champion for the young people in North Dakota and the nation, showing that personal goals, dedication, and recognition for the State of North Dakota are possible for all young people who give their utmost to their chosen professions; and

WHEREAS, Brad Gjermundson was so honored for the third time, 1981, 1983, and 1984, as Saddle Bronc Champion of the World through his own determination and talent; and

WHEREAS, his feats merit recognition by the State of North Dakota and its citizens;

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

That the Forty-ninth Legislative Assembly take great pride and pleasure in extending its heartiest congratulations to Brad Gjermundson for his superb accomplishments both in and out of the sport of rodeo; and

BE IT FURTHER RESOLVED, that the Secretary of State send enrolled copies of this resolution to Brad and Jackie Gjermundson; his parents, Stan and Sharon Gjermundson; the Professional Rodeo Cowboys' Association in Colorado Springs; and Bob Tallman of Great American Cowboy Network in Eugene, Oregon.

SECOND READING OF A SENATE CONCURRENT RESOLUTION

SCR 4049: A concurrent resolution congratulating Brad Gjermundson on winning his third Professional Rodeo Cowboys' Association world saddle bronc championship in the sport of rodeo.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4049 was declared adopted on a voice vote.

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SIXTH ORDER OF BUSINESS

REP. LANG MOVED that the amendments to HB 1080 as recommended by the Committee on Political Subdivisions as printed on page 1021 of the House Journal be adopted, and when so adopted, recommends that HB 1080 DO NOT PASS, which motion prevailed.

HB 1080 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. LANG MOVED that the amendments to HB 1083 as recommended by the Committee on Political Subdivisions as printed on pages 1021-1022 of the House Journal be adopted, and when so adopted, recommends that HB 1083 DO PASS, which motion prevailed.

HB 1083 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. J. PETERSON MOVED that the amendments to HB 1089 as recommended by the Committee on Appropriations as printed on page 1022 of the House Journal be adopted, and when so adopted, recommends that HB 1089 DO PASS, which motion prevailed.

HB 1089 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. NICHOLAS MOVED that the amendments to HB 1202 as recommended by the Committee on Agriculture as printed on pages 1022-1023 of the House Journal be adopted, and when so adopted, recommends that HB 1202 DO PASS, which motion prevailed.

HB 1202 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. LANG MOVED that the amendments to HB 1244 as recommended by the Committee on Political Subdivisions as printed on pages 1023-1026 of the House Journal be adopted, and when so adopted, recommends that HB 1244 DO PASS, which motion prevailed.

HB 1244 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. NICHOLAS MOVED that the amendments to HB 1299 as recommended by the **Committee on Agriculture** as printed on page 1026 of the House Journal be adopted, and when so adopted, recommends that HB 1299 DO NOT PASS, which motion prevailed.

HB 1299 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

#### RECOGNITION

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

#### SIXTH ORDER OF BUSINESS

REP. HAUGLAND MOVED that the amendments to HB 1341 as recommended by the **Committee on Social Services and Veterans Affairs** as printed on page 1027 of the House Journal be adopted, and when so adopted, recommends that HB 1341 DO PASS, which motion prevailed.

HB 1341 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. LANG MOVED that the amendments to HB 1370 as recommended by the **Committee on Political Subdivisions** as printed on page 1027 of the House Journal be adopted, and when so adopted, recommends that HB 1370 DO PASS, which motion prevailed.

HB 1370 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. LANG MOVED that the amendments to HB 1386 as recommended by the **Committee on Political Subdivisions** as printed on page 1028 of the House Journal be adopted, and when so adopted, recommends that HB 1386 DO NOT PASS, which motion prevailed.

HB 1386 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. A. OLSON MOVED that the amendments to HB 1399 as recommended by the **Committee on Natural Resources** as printed on pages 1028-1029 of the House Journal be adopted, and when so adopted, recommends that HB 1399 DO PASS, which motion prevailed.

HB 1399 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. HAUGLAND MOVED that the amendments to HB 1426 as recommended by the **Committee on Social Services and Veterans Affairs** as printed on page 1029 of the House Journal be adopted, and when so adopted, recommends that HB 1426 DO PASS, which motion prevailed.

HB 1426 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. A. OLSON MOVED that the amendments to HB 1439 as recommended by the Committee on Natural Resources as printed on pages 1029-1030 of the House Journal be adopted, and when so adopted, recommends that HB 1439 DO PASS, which motion prevailed.

HB 1439 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. LANG MOVED that the amendments to HB 1444 as recommended by the Committee on Political Subdivisions as printed on pages 1030-1031 of the House Journal be adopted, and when so adopted, recommends that HB 1444 DO PASS, which motion prevailed.

HB 1444 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. LANG MOVED that the amendments to HB 1465 as recommended by the Committee on Political Subdivisions as printed on pages 1032-1033 of the House Journal be adopted, and when so adopted, recommends that HB 1465 DO PASS, which motion prevailed.

HB 1465 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. CONMY MOVED that the amendments to HB 1473 as recommended by the Committee on Judiciary as printed on pages 1033-1034 of the House Journal be adopted, and when so adopted, recommends that HB 1473 DO NOT PASS, which motion prevailed.

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

REP. J. PETERSON MOVED that the amendments to HB 1503 as recommended by the Committee on Appropriations as printed on page 1034 of the House Journal be adopted, and when so adopted, recommends that HB 1503 DO PASS, which motion prevailed.

HB 1503 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. A. OLSON MOVED that the amendments to HB 1508 as recommended by the Committee on Natural Resources as printed on page 1035 of the House Journal be adopted, and when so adopted, recommends that HB 1508 DO NOT PASS, which motion prevailed.

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

REP. A. OLSON MOVED that the amendments to HB 1511 as recommended by the Committee on Natural Resources as printed on pages 1035-1036 of the House Journal be adopted, and when so adopted, recommends that HB 1511 DO PASS and be rereferred to the Committee on Appropriations, which motion prevailed.

HB 1511 was rereferred to the Committee on Appropriations.

MOTION

REP. STRINDEN MOVED that the rules be suspended, that HB 1511 not be rereferred to the Committee on Appropriations, but be placed on the Eleventh order for second reading and final passage on tomorrow's calendar, which motion prevailed.

SIXTH ORDER OF BUSINESS

REP. NICHOLAS MOVED that the amendments to HB 1538 as recommended by the Committee on Agriculture as printed on page 1036 of the House Journal be adopted, and when so adopted, recommends that HB 1538 DO PASS, which motion prevailed.

HB 1538 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. NICHOLAS MOVED that the amendments to HB 1547 as recommended by the Committee on Agriculture as printed on page 1036 of the House Journal be adopted, and when so adopted, recommends that HB 1547 DO PASS, which motion prevailed.

HB 1547 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. LANG MOVED that the amendments to HB 1555 as recommended by the Committee on Political Subdivisions as printed on page 1037 of the House Journal be adopted, and when so adopted, recommends that HB 1555 DO PASS, which motion prevailed.

HB 1555 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. A. OLSON MOVED that the amendments to HB 1567 as recommended by the Committee on Natural Resources as printed on page 1037 of the House Journal be adopted, and when so adopted, recommends that HB 1567 DO PASS, which motion prevailed.

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

REP. A. OLSON MOVED that the amendments to HB 1569 as recommended by the Committee on Natural Resources as printed on page 1038 of the House Journal be adopted, and when so adopted, recommends that HB 1569 DO PASS, which motion prevailed.

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

REP. HAUGLAND MOVED that the amendments to HB 1578 as recommended by the Committee on Social Services and Veterans Affairs as printed on page 1038 of the House Journal be adopted, and when so adopted, recommends that HB 1578 DO NOT PASS, which motion prevailed.

HB 1578 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. A. OLSON MOVED that the amendments to HB 1623 as recommended by the **Committee on Natural Resources** as printed on page 1039 of the House Journal be adopted, and when so adopted, recommends that HB 1623 DO PASS, which motion prevailed.

HB 1623 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. A. OLSON MOVED that the amendments to HB 1639 as recommended by the **Committee on Natural Resources** as printed on page 1041 of the House Journal be adopted, and when so adopted, recommends that HB 1639 DO PASS and be rereferred to the **Committee on Appropriations**, which motion prevailed.

HB 1639 was rereferred to the **Committee on Appropriations**.

REP. HAUGLAND MOVED that the amendments to HCR 3046 as recommended by the **Committee on Social Services and Veterans Affairs** as printed on pages 1041-1042 of the House Journal be adopted, and when so adopted, recommends that HCR 3046 DO PASS and BE PLACED ON THE CONSENT CALENDAR, which motion prevailed.

HCR 3046 was placed on the Consent Calendar.

REP. NICHOLAS MOVED that the amendments to HCR 3047 as recommended by the **Committee on Agriculture** as printed on page 1042 of the House Journal be adopted, and when so adopted, recommends that HCR 3047 DO PASS, which motion prevailed.

HCR 3047 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

#### MOTION

REP. STRINDEN MOVED that the rules be suspended, and that HCR 3047 be placed on the Eleventh order, second reading and final passage immediately, which motion prevailed.

#### SECOND READING OF A HOUSE CONCURRENT RESOLUTION

HCR 3047: A concurrent resolution urging the Secretary of State to deliver copies of all concurrent resolutions related to agriculture which urge federal action to the Governor, members of the North Dakota Congressional Delegation, and state legislative leaders for hand delivery to federal officials.

Which has been read.

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

HCR 3047 was declared adopted on a voice vote.

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## MOTION

REP. STRINDEN MOVED that the rules be suspended, and that HCR 3047 be messaged to the Senate immediately, which motion prevailed.

## REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bill and find the same correctly engrossed:

HCR 3047

REP. HEDSTROM, Chairman

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

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:

HCR 3047

ROY GILBREATH, Chief Clerk

## REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly enrolled:

HB 1090, HB 1109, HB 1141, HB 1177, HB 1201, HCR 3013

REP. HEDSTROM, Chairman

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

## SIGNING OF BILLS AND RESOLUTIONS

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following:

HB 1090, HB 1109, HB 1141, HB 1177, HB 1201, HCR 3013

ROY GILBREATH, Chief Clerk

MESSAGE TO THE SENATE  
HOUSE CHAMBER

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

HB 1090, HB 1109, HB 1141, HB 1177, HB 1201, HCR 3013

ROY GILBREATH, Chief Clerk

## MOTION

REP. STRINDEN MOVED that HB 1539, on the Eleventh order, be laid over one legislative day, which motion prevailed.

## SECOND READING OF HOUSE BILLS

HB 1546: A BILL for an Act to create and enact a new section to chapter 50-25.1 of the North Dakota Century Code, relating to department of human services caseload standards and reimbursement to counties.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 44 YEAS, 57 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Belter; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Enget; Frey; Gates; Graba; Halmrast; Hamerlik; Hanson, L.; Haugland; Hill; Hoffner; Keller; Kretschmar; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Nalewaja; Nowatzki; Oban; O'Connell; Olsen, D.; O'Shea; Payne; Richard; Riehl; Rydell; Sauter; Shide; Skjerven; Solberg, R.; Stofferahn; Tollefson; Ulmer; Vander Vorst; Wentz; Williams, A.

NAYS: Anderson, C.; Anderson, R.; Berg, G.; Berg, R.; Dorso; Dotzenrod; Eckroth; Gerntholz; Goetz; Gunsch; Hanson, O.; Hausauer, A.; Hedstrom; Hughes; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kuchera; Lang; Lipsiea; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Olson, A.; Olson, V.; Opedahl; Pederson, R.; Rice; Riley; Schindler; Schmidt; Schneider; Shaw; Shockman; Smette; Starke; Strinden; Thompson; Timm; Unhjem; Wald; Watne; Whalen; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

ABSENT AND NOT VOTING: Gullickson; Nicholas;  
Peterson, J.; Retzer; Solberg, O.

HB 1546 was declared lost.

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HB 1550: A BILL for an Act to create and enact three new sections to chapter 50-11 of the North Dakota Century Code, relating to training requirements for foster care for children; and to amend and reenact section 50-11-02 of the North Dakota Century Code, relating to terms of licensure for homes receiving children for foster care.

Which has been read and has committee recommendation of DO NOT PASS.

## ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 17 YEAS, 82 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Conmy; DeMers; Enget; Frey; Gates; Halmrast; Hamerlik; Hausauer, A.; Hoffner; Hughes; Lautenschlager; Martin; Martinson; Rydell; Shockman; Unhjem; Vander Vorst

NAYS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Dalrymple; Dorso; Dotzenrod; Eckroth; Gerntholz; Goetz; Graba; Gunsch; Hanson, L.; Hanson, O.; Haugland; Hedstrom; Hill; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Linderman; Lindgren; Lipsiea; Lloyd; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Rice; Riehl; Riley; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Skjerven; Smette; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

ABSENT AND NOT VOTING: Gullickson; Knudson; Nicholas; Peterson, J.; Retzer; Richard; Solberg, O.

HB 1550 was declared lost.

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HB 1560: A BILL for an Act to create and enact a new chapter to title 35 of the North Dakota Century Code, relating to agricultural commodity dealer liens; and to amend and reenact section 11-18-14 of the North Dakota Century Code, relating to crop lien records.

Which has been read and has committee recommendation of DO NOT PASS.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 52 YEAS, 48 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Berg, G.; Brokaw; Dotzenrod; Gates; Gerntholz; Goetz; Graba; Gunsch; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hughes; Kent; Kingsbury; Kloubec; Lang; Laughlin; Lautenschlager; Linderman; Lipsiea; Martin; Martinson; Mertens; Meyer; Moore; Murphy; Myrdal; O'Connell; Olson, A.; Opedahl; Rice; Richard; Riehl; Rydell; Schindler; Schmidt; Shaw; Shockman; Skjerven; Smette;

Starke; Strinden; Thompson; Timm; Ulmer; Wald; Watne;  
Whalen; Williams, A.

**NAYS:** Belter; Berg, R.; Cleveland; Conmy; Dalrymple;  
DeMers; Dorso; Eckroth; Enget; Frey; Halmrast;  
Hamerlik; Hanson, L.; Hill; Hoffner; Keller; Kelly;  
Klundt; Koland; Kretschmar; Kuchera; Larson; Lindgren;  
Lloyd; Melby; Nalewaja; Nicholas; Nowatzki; Oban;  
Olsen, D.; Olson, V.; O'Shea; Payne; Pederson, R.;  
Riley; Sauter; Schneider; Shide; Solberg, R.;  
Tollefson; Unhjem; Vander Vorst; Wentz; Williams, C.;  
Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

**ABSENT AND NOT VOTING:** Gullickson; Knudson;  
Peterson, J.; Retzer; Solberg, O.; Stofferahn

HB 1560 was declared lost for want of a Constitutional majority.

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**HB 1561:** A BILL for an Act to amend and reenact subsection 2 of section 4-09-03 of the North Dakota Century Code, relating to membership of the state seed commission.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 80 YEAS, 23 NAYS, 3 ABSENT AND NOT VOTING.

**YEAS:** Anderson, C.; Berg, G.; Brokaw; Cleveland; Conmy;  
Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget;  
Frey; Gates; Gerntholz; Goetz; Graba; Hamerlik;  
Hanson, L.; Hanson, O.; Haugland; Hedstrom; Hoffner;  
Kelly; Kent; Kingsbury; Kloubec; Knudson; Koland;  
Kuchera; Lang; Laughlin; Lautenschlager; Lipsiea;  
Lloyd; Martin; Martinson; Mertens; Meyer; Moore;  
Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki;  
O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl;  
Payne; Pederson, R.; Retzer; Rice; Riehl; Riley;  
Rydell; Sauter; Schmidt; Schneider; Shaw; Shide;  
Shockman; Skjerven; Smette; Solberg, R.; Stofferahn;  
Strinden; Thompson; Tollefson; Ulmer; Unhjem; Wald;  
Watne; Wentz; Whalen; Williams, A.; Williams, C.;  
Winkelman; Wold; Speaker Hausauer, R.

**NAYS:** Anderson, R.; Belter; Berg, R.; Gunsch; Halmrast;  
Hausauer, A.; Hill; Hughes; Keller; Klundt; Kretschmar;  
Larson; Linderman; Lindgren; Melby; Oban; O'Shea;  
Richard; Schindler; Starke; Timm; Vander Vorst;  
Williams, W.

**ABSENT AND NOT VOTING:** Gullickson; Peterson, J.;  
Solberg, O.

HB 1561 passed and the title was agreed to.

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HB 1595: A BILL for an Act to amend and reenact subsection 3 of section 41-09-39 of the North Dakota Century Code, relating to the notice of an assignment which must be given an account debtor.

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: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lipsiea; Lloyd; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, R.; Starke; Stofferahn; Strinden; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: None

ABSENT AND NOT VOTING: Gullickson; Peterson, J.;  
Solberg, O.; Thompson

HB 1595 passed and the title was agreed to.

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HB 1596: A BILL for an Act to create and enact a new section to chapter 35-05 of the North Dakota Century Code, relating to limitations on crop liens; and to amend and reenact subsection 1 of section 41-09-17 and subsection 2 of section 41-09-42 of the North Dakota Century Code, relating to after-acquired property and the duration of financing statement filings.

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, 3 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lipsiea; Lloyd; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedah; O'Shea; Payne; Pederson, R.; Retzer; Rice; Richard; Riehl; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Wald; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: Conmy; Riley; Whalen

ABSENT AND NOT VOTING: Gullickson; Hanson, O.; Peterson, J.; Solberg, O.

HB 1596 passed and the title was agreed to.

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## MOTION

REP. STRINDEN MOVED that the House waive the reading of the titles to all remaining bills and resolutions on the calendar today, which motion prevailed.

## SECOND READING OF HOUSE BILL

HB 1598: A BILL for an Act to amend and reenact section 20.1-03-07.1 of the North Dakota Century Code, relating to nonresident waterfowl hunting zones.

Which has been read and has committee recommendation of DO NOT PASS.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 21 YEAS, 81 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Berg, G.; Brokaw; Cleveland; Dorso; Dotzenrod; Gates; Hamerlik; Hanson, O.; Koland; Kretschmar; Kuchera; Mertens; Murphy; Nalewaja; Rydell; Schindler; Schmidt; Strinden; Vander Vorst; Wentz; Williams, W.

**NAYS:** Anderson, C.; Anderson, R.; Belter; Berg, R.; Conmy; Dalrymple; DeMers; Eckroth; Enget; Frey; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hanson, L.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kloubec; Klundt; Knudson; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lipsiea; Lloyd; Martin; Martinson; Melby; Meyer; Moore; Myrdal; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Retzer; Rice; Richard; Riehl; Riley; Sauter; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, R.; Starke; Stofferahn; Thompson; Timm; Tollefson; Ulmer; Unhjem; Wald; Watne; Whalen; Williams, A.; Williams, C.; Winkelman; Wold; Speaker Hausauer, R.

**ABSENT AND NOT VOTING:** Gullickson; Kingsbury;  
Peterson, J.; Solberg, O.

HB 1598 was declared lost.

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#### MOTION

**REP. WHALEN MOVED** that the House reconsider its action whereby HB 1570 was lost for want of a Constitutional majority, which motion prevailed.

#### SECOND READING OF HOUSE BILLS

**HB 1570:** A BILL for an Act to create and enact a new subsection to section 39-10-43 of the North Dakota Century Code, relating to duty to stop at railroad grade crossings.

Which has been read and has committee recommendation of DO NOT PASS.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 78 YEAS, 25 NAYS, 3 ABSENT AND NOT VOTING.

**YEAS:** Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Gates; Gerntholz; Goetz; Gunsch; Hanson, O.; Hausauer, A.; Hedstrom; Hill; Hughes; Keller; Kent; Kingsbury; Kloubec; Knudson; Koland; Kretschmar; Lang; Larson; Laughlin; Lindgren; Lipsiea; Lloyd; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; Payne; Pederson, R.; Retzer; Rice; Riehl; Riley; Rydell; Schindler; Schmidt; Schneider; Shaw; Shide; Skjerven; Smette; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Wald; Watne; Whalen; Winkelman; Wold; Speaker Hausauer, R.

NAYS: Cleveland; Enget; Frey; Graba; Halmrast; Hamerlik; Hanson, L.; Haugland; Hoffner; Kelly; Klundt; Kuchera; Lautenschlager; Linderman; Oban; O'Shea; Richard; Sauter; Shockman; Solberg, R.; Starke; Wentz; Williams, A.; Williams, C.; Williams, W.

ABSENT AND NOT VOTING: Gullickson; Peterson, J.; Solberg, O.

HB 1570 passed and the title was agreed to.

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HB 1600: A BILL for an Act to create and enact a new subsection to section 57-02-08 of the North Dakota Century Code, to provide that certain minerals are exempt from ad valorem property taxes; 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 67 YEAS, 35 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, R.; Belter; Berg, G.; Berg, R.; Cleveland; Conmy; Dalrymple; Dorso; Eckroth; Gates; Gerntholz; Goetz; Gunsch; Hamerlik; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hughes; Keller; Kent; Kingsbury; Kloubec; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Lindgren; Lipsiea; Melby; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Olson, V.; Opedahl; Payne; Pederson, R.; Retzer; Rice; Riley; Rydell; Schindler; Schmidt; Shaw; Shide; Smette; Solberg, R.; Strinden; Timm; Tollefson; Ulmer; Unhjem; Wald; Wentz; Williams, A.; Williams, C.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: Anderson, C.; Brokaw; DeMers; Dotzenrod; Enget; Frey; Graba; Halmrast; Hanson, L.; Hill; Hoffner; Kelly; Klundt; Knudson; Linderman; Lloyd; Martin; Martinson; Mertens; Meyer; Oban; O'Connell; O'Shea; Riehl; Sauter; Schneider; Shockman; Skjerven; Starke; Stofferahn; Thompson; Vander Vorst; Watne; Whalen; Williams, W.

ABSENT AND NOT VOTING: Gullickson; Peterson, J.; Richard; Solberg, O.

HB 1600 passed and the title was agreed to.

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HB 1606: A BILL for an Act to create and enact a new section to chapter 20.1-08 of the North Dakota Century Code, relating to the governor's proclamation for a season for underwater spearfishing.

Which has been read and has committee recommendation of DO NOT PASS.

#### ROLL CALL

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

YEAS: Anderson, R.; Berg, R.; Cleveland; Conmy; Dalrymple; DeMers; Dotzenrod; Eckroth; Enget; Gates; Goetz; Graba; Gunsch; Hamerlik; Hanson, O.; Hedstrom; Keller; Kent; Klundt; Koland; Kuchera; Lang; Laughlin; Lautenschlager; Lipsiea; Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki; O'Connell; Olsen, D.; O'Shea; Richard; Riehl; Rydell; Schindler; Shaw; Shide; Shockman; Skjerven; Smette; Stofferahn; Thompson; Timm; Ulmer; Unhjem; Vander Vorst; Wald; Whalen; Williams, C.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: Anderson, C.; Belter; Berg, G.; Brokaw; Frey; Gerntholz; Halmrast; Hanson, L.; Haugland; Hausauer, A.; Hill; Hoffner; Hughes; Kelly; Kingsbury; Kloubec; Knudson; Kretschmar; Larson; Linderman; Lindgren; Lloyd; Martin; Martinson; Melby; Mertens; Meyer; Moore; Oban; Olson, A.; Olson, V.; Opedahl; Payne; Pederson, R.; Retzer; Riley; Sauter; Schmidt; Schneider; Solberg, R.; Starke; Strinden; Tollefson; Watne; Wentz; Williams, A.; Williams, W.

ABSENT AND NOT VOTING: Dorso; Gullickson; Peterson, J.; Rice; Solberg, O.

HB 1606 passed and the title was agreed to.

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HB 1632: A BILL for an Act to amend and reenact subsection 5 of section 39-04-19, relating to registration fees of farm vehicles.

Which has been read and has committee recommendation of DO NOT PASS.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 46 YEAS, 55 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Anderson, R.; Berg, G.; Berg, R.; Conmy; Eckroth; Gerntholz; Gunsch; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Kingsbury; Kloubec; Knudson; Lang; Laughlin;

Lautenschlager; Lindgren; Martin; Mertens; Meyer; Moore; Murphy; Myrdal; O'Connell; Olson, A.; Opedahl; Payne; Retzer; Rice; Richard; Riley; Rydell; Schindler; Schmidt; Shaw; Smette; Solberg, R.; Thompson; Tollefson; Ulmer; Wald; Watne; Whalen; Wold; Speaker Hausauer, R.

**NAYS:** Anderson, C.; Belter; Brokaw; Cleveland; Dalrymple; DeMers; Dotzenrod; Enget; Frey; Gates; Goetz; Graba; Halmrast; Hamerlik; Hanson, L.; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Klundt; Koland; Kretschmar; Kuchera; Larson; Linderman; Lipsiea; Lloyd; Martinson; Melby; Nalewaja; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, V.; O'Shea; Pederson, R.; Riehl; Sauter; Schneider; Shide; Shockman; Skjerven; Starke; Stofferahn; Strinden; Timm; Vander Vorst; Wentz; Williams, A.; Williams, C.; Williams, W.; Winkelman

**ABSENT AND NOT VOTING:** Dorso; Gullickson; Peterson, J.; Solberg, O.; Unhjem

HB 1632 was declared lost.

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**HB 1643:** A BILL for an Act to provide that state employees receive payroll checks on a semimonthly basis; to amend and reenact section 27-06-02, subsection 2 of section 27-20-05, sections 54-23-42, 54-23-43, 54-52-06, 54-52-06.1, and 54-52.1-06 of the North Dakota Century Code, relating to the payment of salaries and retirement contributions; 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 54 YEAS, 49 NAYS, 3 ABSENT AND NOT VOTING.

**YEAS:** Berg, G.; Berg, R.; Brokaw; Cleveland; Conmy; DeMers; Enget; Frey; Graba; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hill; Hoffner; Keller; Kelly; Klundt; Kuchera; Laughlin; Lautenschlager; Linderman; Lloyd; Martinson; Mertens; Meyer; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Opedahl; O'Shea; Retzer; Richard; Riehl; Rydell; Sauter; Schneider; Shaw; Shockman; Skjerven; Solberg, R.; Starke; Stofferahn; Ulmer; Unhjem; Watne; Wentz; Williams, C.; Williams, W.; Winkelman

**NAYS:** Anderson, C.; Anderson, R.; Belter; Dalrymple; Dorso; Dotzenrod; Eckroth; Gates; Gerntholz; Goetz; Gunsch; Hanson, O.; Hedstrom; Hughes; Kent; Kingsbury;

Kloubec; Knudson; Koland; Kretschmar; Lang; Larson; Lindgren; Lipsiea; Martin; Melby; Moore; Murphy; Olsen, D.; Olson, A.; Olson, V.; Payne; Pederson, R.; Rice; Riley; Schindler; Schmidt; Shide; Smette; Strinden; Thompson; Timm; Tollefson; Vander Vorst; Wald; Whalen; Williams, A.; Wold; Speaker Hausauer, R.

ABSENT AND NOT VOTING: Gullickson; Peterson, J.; Solberg, O.

HB 1643 passed and the title was agreed to.

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SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3052: A concurrent resolution commending the Governor for the creation of a commission to study, coordinate, and promote the functions, services, facilities, and resources of the juvenile justice and human service delivery systems to determine appropriate means of treatment and placement services to meet the needs of children and adolescents at risk and to request the Governor to report the commission's findings and recommendations which may require legislative action to an interim committee of the Legislative Council for review and recommendations.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3052 was declared adopted on a voice vote.

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HCR 3053: A concurrent resolution commending the Rural Electrification Administration on its 50th anniversary.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3053 was declared adopted on a voice vote.

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HCR 3055: A concurrent resolution urging the Congress of the United States to study and investigate the pricing and patenting of agricultural herbicide and pesticide chemicals.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3055 was declared adopted on a voice vote.

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**HCR 3059:** A concurrent resolution regarding the approval of state agency use of block grant funds, and authorizing the Budget Section of the Legislative Council to hold the required legislative hearings on state plans for the receipt and expenditure of new or revised block grants as passed by Congress.

Which has been read.

#### ROLL CALL

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

**YEAS:** Anderson, C.; Anderson, R.; Berg, G.; Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gertholz; Goetz; Graba; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lipsiea; Lloyd; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Hausauer, R.

**NAYS:** None

**ABSENT AND NOT VOTING:** Belter; DeMers; Gullickson; Gunsch; Peterson, J.; Schmidt; Solberg, O.; Solberg, R.; Wold

HCR 3059 was declared adopted.

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#### RECONSIDERATION OF A VETOED MEASURE

**REP. STRINDEN MOVED** that HB 1061 be reconsidered pursuant to Article V, section 9 of the Constitution of the State of North Dakota for the purpose of overriding the Governor's veto, which motion prevailed.

**HB 1061:** A BILL for an Act to amend and reenact sections 57-60-01 and 57-60-03 of the North Dakota Century Code, relating to definitions for purposes of the privilege tax on coal facilities, to exempt byproducts of the coal gasification process from the gross receipts tax on coal gasification plants, and to annual reporting by the operator of a coal gasification plant of the quantity of byproducts produced.

Which has been read.

#### ROLL CALL

The question being on the passage of the bill, as enrolled, over the Governor's veto, the roll was called and there were 60 YEAS, 42 NAYS, 4 ABSENT AND NOT VOTING.

**YEAS:** Anderson, C.; Anderson, R.; Belter; Berg, R.; Cleveland; Conmy; Dalrymple; Dorso; Eckroth; Gates; Gerntholz; Goetz; Gunsch; Hamerlik; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hughes; Kent; Kingsbury; Kloubec; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Lindgren; Lipsiea; Martin; Martinson; Melby; Moore; Myrdal; Nalewaja; Nicholas; Olsen, D.; Olson, A.; Olson, V.; Payne; Pederson, R.; Retzer; Rice; Riley; Rydell; Schindler; Schmidt; Shaw; Shide; Smette; Strinden; Timm; Tollefson; Unhjem; Vander Vorst; Wentz; Winkelman; Wold; Speaker Hausauer, R.

**NAYS:** Berg, G.; Brokaw; DeMers; Dotzenrod; Enget; Frey; Graba; Halmrast; Hanson, L.; Hill; Hoffner; Keller; Kelly; Klundt; Laughlin; Lautenschlager; Linderman; Lloyd; Mertens; Meyer; Murphy; Nowatzki; Oban; O'Connell; Opedahl; O'Shea; Richard; Riehl; Sauter; Schneider; Shockman; Skjerven; Solberg, R.; Starke; Stofferahn; Thompson; Ulmer; Watne; Whalen; Williams, A.; Williams, C.; Williams, W.

**ABSENT AND NOT VOTING:** Gullickson; Peterson, J.; Solberg, O.; Wald

The House sustained the Governor's veto on HB 1061.

#### MOTION

**REP. STRINDEN MOVED** that the House stand at recess until 3:05 p.m., which motion prevailed.

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

#### SECOND READING OF HOUSE BILLS

**HB 1077:** A BILL for an Act entering into the Dakota interstate low-level radioactive waste management compact; and to

designate North Dakota's representatives to the administrative body of the interstate compact.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 89 YEAS, 3 NAYS, 14 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Hamerlik; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lipsiea; Lloyd; Martin; Martinson; Melby; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; Payne; Pederson, R.; Retzer; Rice; Richard; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Skjerven; Smette; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Vander Vorst; Watne; Wentz; Williams, A.; Williams, C.; Wold; Speaker Hausauer, R.

NAYS: Hanson, L.; Haugland; Williams, W.

ABSENT AND NOT VOTING: Gullickson; Halmrast; Hanson, O.; Kretschmar; Mertens; O'Shea; Peterson, J.; Riehl; Shockman; Solberg, O.; Unhjem; Wald; Whalen; Winkelman

HB 1077 passed and the title was agreed to.

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HB 1211: A BILL for an Act to create and enact section 26-39-03.1 of the North Dakota Century Code, relating to substance abuse benefits for human service centers; and to amend and reenact sections 26-39-01, 26-39-02, 26-39-03, and 26-39-05 of the North Dakota Century Code, relating to mental illness, addiction, and substance abuse insurance coverage; or in the alternative to amend and reenact sections 26.1-36-08 and 26.1-36-09 of the North Dakota Century Code as created by Senate Bill No. 2078, as approved by the forty-ninth legislative assembly, relating to mental illness and addiction insurance coverage and substance abuse coverage.

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 48 YEAS, 52 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Anderson, R.; Berg, R.; Brokaw; Cleveland; Dalrymple; DeMers; Eckroth; Frey; Gates; Graba; Hamerlik; Hanson, L.; Haugland; Hedstrom; Hill; Hoffner; Hughes; Kelly; Knudson; Kretschmar; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Martin; Nalewaja; Nicholas; Nowatzki; Oban; Olsen, D.; O'Shea; Retzer; Rice; Richard; Sauter; Schmidt; Schneider; Shaw; Stofferahn; Tollefson; Ulmer; Vander Vorst; Williams, A.; Williams, C.; Williams, W.

NAYS: Anderson, C.; Belter; Berg, G.; Conmy; Dorso; Dotzenrod; Enget; Gerntholz; Goetz; Gunsch; Hanson, O.; Hausauer, A.; Keller; Kent; Kingsbury; Kloubec; Klundt; Koland; Kuchera; Lipsiea; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; O'Connell; Olson, A.; Olson, V.; Opedahl; Payne; Pederson, R.; Riehl; Riley; Rydell; Schindler; Shide; Shockman; Skjerven; Smette; Solberg, R.; Starke; Strinden; Thompson; Timm; Watne; Wentz; Whalen; Winkelman; Wold; Speaker Hausauer, R.

ABSENT AND NOT VOTING: Gullickson; Halmrast;  
Peterson, J.; Solberg, O.; Unhjem; Wald

HB 1211 was declared lost.

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HB 1281: A BILL for an Act to amend and reenact section 53-06.1-10 of the North Dakota Century Code, relating to rules of the game of twenty-one.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 79 YEAS, 19 NAYS, 8 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Berg, G.; Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hedstrom; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Koland; Kuchera; Larson; Lautenschlager; Lindgren; Lipsiea; Lloyd; Martin; Martinson; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, V.; Opedahl; Payne; Retzer; Rice; Richard; Riehl; Riley; Sauter; Schmidt; Schneider; Shaw; Shockman; Skjerven; Smette; Solberg, R.; Starke;

Stofferahn; Strinden; Timm; Ulmer; Watne; Wentz;  
Whalen; Williams, C.; Williams, W.; Winkelman; Wold;  
Speaker Hausauer, R.

NAYS: Belter; Hanson, O.; Hill; Hoffner; Knudson; Lang;  
Laughlin; Linderman; Melby; O'Connell; Olson, A.;  
O'Shea; Pederson, R.; Rydell; Schindler; Shide;  
Thompson; Vander Vorst; Williams, A.

ABSENT AND NOT VOTING: Gullickson; Halmrast; Kretschmar;  
Peterson, J.; Solberg, O.; Tollefson; Unhjem; Wald

HB 1281 passed and the title was agreed to.

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#### MOTION

REP. A. HAUSAUER MOVED that HB 1543 be placed directly before  
HB 1344 on the calendar, which motion prevailed.

#### SECOND READING OF HOUSE BILLS

HB 1320: A BILL for an Act to amend and reenact section 6 of  
chapter 632 of the 1983 Session Laws of North Dakota,  
relating to effective dates and to make permanent the  
income tax rates and the repeal of the energy cost relief  
credit as enacted on a temporary basis by the 1983  
Legislative Assembly.

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: Anderson, C.; Anderson, R.; Belter; Berg, G.;  
Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers;  
Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates;  
Gerntholz; Goetz; Graba; Gunsch; Hamerlik; Hanson, L.;  
Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill;  
Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury;  
Kloubec; Klundt; Knudson; Koland; Kretschmar; Lang;  
Larson; Laughlin; Lautenschlager; Linderman; Lindgren;  
Lipslea; Lloyd; Martin; Martinson; Melby; Mertens;  
Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas;  
Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.;  
Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.;  
Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter;  
Schindler; Schmidt; Schneider; Shaw; Shide; Shockman;  
Skjerven; Smette; Solberg, R.; Starke; Stofferahn;  
Strinden; Thompson; Timm; Tollefson; Ulmer;  
Vander Vorst; Watne; Wentz; Whalen; Williams, A.;  
Williams, C.; Williams, W.; Winkelman; Wold;  
Speaker Hausauer, R.

NAYS: None

ABSENT AND NOT VOTING: Gullickson; Halmrast; Kuchera;  
Peterson, J.; Solberg, O.; Unhjem; Wald

HB 1320 passed and the title was agreed to.

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HB 1543: A BILL for an Act to create and enact a new section to chapter 57-02 of the North Dakota Century Code, relating to the homestead credit for payment of special assessments by cities or counties and a city mill levy for payment of special assessment credits; 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 52 YEAS, 50 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, R.; Cleveland; Conmy; Dalrymple; Dorso; Eckroth; Gates; Gertholz; Goetz; Gunsch; Hamerlik; Hanson, O.; Hausauer, A.; Hughes; Keller; Kent; Kloubec; Koland; Lang; Larson; Lindgren; Lipsiea; Martinson; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Olsen, D.; Olson, A.; Olson, V.; Pederson, R.; Retzer; Rice; Riley; Rydell; Schindler; Schmidt; Shaw; Shide; Strinden; Thompson; Timm; Tollefson; Unhjem; Wald; Whalen; Winkelman; Speaker Hausauer, R.

NAYS: Berg, G.; Brokaw; DeMers; Dotzenrod; Enget; Frey; Graba; Hanson, L.; Haugland; Hedstrom; Hill; Hoffner; Kelly; Kingsbury; Klundt; Knudson; Kretschmar; Kuchera; Laughlin; Lautenschlager; Linderman; Lloyd; Martin; Melby; Mertens; Meyer; Nowatzki; Oban; O'Connell; Opedahl; O'Shea; Payne; Richard; Riehl; Sauter; Schneider; Shockman; Skjerven; Smette; Solberg, R.; Starke; Stofferahn; Ulmer; Vander Vorst; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Wold

ABSENT AND NOT VOTING: Gullickson; Halmrast;  
Peterson, J.; Solberg, O.

HB 1543 was declared lost for want of a Constitutional majority.

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#### MOTION

REP. HUGHES MOVED that HB 1344 be laid over one legislative day, which motion prevailed on a verification vote.

SECOND READING OF HOUSE BILLS

HB 1388: A BILL for an Act to provide an appropriation to the commissioner of agriculture for rangeland grasshopper control.

Which has been read.

ROLL CALL

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

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lipsiea; Lloyd; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: None

ABSENT AND NOT VOTING: Gullickson; Halmrast; Peterson, J.; Solberg, O.

HB 1388 passed and the title was agreed to.

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HB 1402: A BILL for an Act to amend and reenact section 15-53.1-41 of the North Dakota Century Code, or in the alternative to amend and reenact section 15-27.4-01 of the North Dakota Century Code as created by Senate Bill No. 2065, as approved by the forty-ninth legislative assembly, relating to the dissolution of school districts; to repeal section 15-53.1-05.2 of the North Dakota Century Code, or in the alternative to repeal section 15-27.2-03 of the North Dakota Century Code as created by Senate Bill No. 2065, as approved by the forty-ninth legislative assembly, relating to proposed annexations involving ten percent or more of the school district's assessed valuation; 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 86 YEAS, 14 NAYS, 6 ABSENT AND NOT VOTING.

**YEAS:** Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kloubec; Klundt; Knudson; Koland; Kretschmar; Lang; Larson; Laughlin; Linderman; Lindgren; Lloyd; Martin; Martinson; Melby; Mertens; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Rice; Richard; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, R.; Starke; Strinden; Thompson; Timm; Tollefson; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Winkelman; Wold; Speaker Hausauer, R.

**NAYS:** Anderson, C.; Cleveland; Gunsch; Hamerlik; Hanson, L.; Kingsbury; Kuchera; Lautenschlager; Lipsiea; Meyer; Retzer; Riehl; Unhjem; Williams, W.

**ABSENT AND NOT VOTING:** Gullickson; Halmrast; Kent; Peterson, J.; Solberg, O.; Stofferahn

HB 1402 passed, the title was agreed to, and the emergency clause was declared carried.

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**HB 1404:** A BILL for an Act to adopt the Family Farm Survival Act of 1985; to provide an appropriation; and to declare an emergency.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 100 YEAS, 2 NAYS, 4 ABSENT AND NOT VOTING.

**YEAS:** Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang;

Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lipsiea; Lloyd; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Pederson, R.; Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

**NAYS:** Dorso; Payne

**ABSENT AND NOT VOTING:** Gullickson; Halmrast;  
Peterson, J.; Solberg, O.

HB 1404 passed, the title was agreed to, and the emergency clause was declared carried.

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HB 1421: A BILL for an Act to amend and reenact section 57-36-32 of the North Dakota Century Code, relating to taxes on sales of cigarettes; and to provide an effective date.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 90 YEAS, 8 NAYS, 8 ABSENT AND NOT VOTING.

**YEAS:** Anderson, C.; Anderson, R.; Belter; Berg, G.; Cleveland; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Hamerlik; Hanson, L.; Hanson, O.; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kloubec; Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lipsiea; Lloyd; Martin; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; Payne; Pederson, R.; Retzer; Rice; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Ulmer; Unhjem; Vander Vorst; Wald; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold

**NAYS:** Berg, R.; Brokaw; Conmy; Gunsch; Martinson; O'Shea; Whalen; Speaker Hausauer, R.

ABSENT AND NOT VOTING: Gullickson; Halmrast; Haugland;  
Kingsbury; Peterson, J.; Richard; Solberg, O.;  
Tollefson

HB 1421 passed and the title was agreed to.

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HB 1433: A BILL for an Act to amend and reenact section 15-38.2-03 of the North Dakota Century Code, relating to the review of material placed in teachers' files.

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, 6 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Hamerlik; Hanson, L.; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lipsiea; Lloyd; Martin; Martinson; Melby; Mertens; Meyer; Moore; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Retzer; Rice; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: Gunsch; Hanson, O.; Murphy; Myrdal; Olson, A.; Wald

ABSENT AND NOT VOTING: Gullickson; Halmrast; Haugland;  
Peterson, J.; Richard; Solberg, O.

HB 1433 passed and the title was agreed to.

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#### MOTION

REP. O'CONNELL MOVED that the House reconsider its action whereby HB 1437 failed to pass for want of a Constitutional majority, which motion lost on a verification vote.

## SECOND READING OF HOUSE BILLS

HB 1494: A BILL for an Act to establish a farm foreclosure negotiation board and a home-quarter purchase fund; and to provide an appropriation.

Which has been read and has committee recommendation of DO NOT PASS.

## MOTION

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

## ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 86 YEAS, 11 NAYS, 9 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Berg, C.; Berg, R.; Brokaw; Cleveland; Conmy; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gansch; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Klundt; Knudson; Koland; Kretschmar; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Opedahl; O'Shea; Payne; Pederson, R.; Retzer; Rice; Richard; Riehl; Rydell; Sauter; Schindler; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, R.; Starke; Stofferahn; Timm; Tollefson; Ulmer; Vander Vorst; Watne; Wentz; Whalen; Williams, A.; Williams, W.; Wold

NAYS: Belter; Dalrymple; Kloubec; Kuchera; Lipsiea; Olson, V.; Riley; Schmidt; Thompson; Winkelman; Speaker Hausauer, R.

ABSENT AND NOT VOTING: Gullickson; Halmrast; Olson, A.; Peterson, J.; Solberg, O.; Strinden; Unhjem; Wald; Williams, C.

HB 1494 passed and the title was agreed to.

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HB 1510: A BILL for an Act to amend and reenact section 28-01.1-02 of the North Dakota Century Code, relating to the statute of limitations for the recovery of damages for injury to property caused by products containing asbestos; and to declare an emergency.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 91 YEAS, 2 NAYS, 13 ABSENT AND NOT VOTING.

YEAS: Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kretschmar; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lipsiea; Lloyd; Martin; Martinson; Meyer; Moore; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Retzer; Rice; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, R.; Stofferahn; Thompson; Timm; Tollefson; Ulmer; Vander Vorst; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: Kuchera; Murphy

ABSENT AND NOT VOTING: Anderson, C.; Gullickson; Halmrast; Melby; Mertens; Olson, A.; Peterson, J.; Richard; Solberg, O.; Starke; Strinden; Unhjem; Wald

HB 1510 passed, the title was agreed to, and the emergency clause was declared carried.

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HB 1519: A BILL for an Act to amend and reenact sections 32-07-04, 32-07-05, 32-07-06, 32-07-07, and 32-07-10 of the North Dakota Century Code, relating to requiring a bond for claim and delivery of property subject to an ownership dispute.

Which has been read and has committee recommendation of DO NOT PASS.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 1 YEA, 92 NAYS, 13 ABSENT AND NOT VOTING.

YEAS: Shockman

NAYS: Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson;

Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lipsiea; Lloyd; Martin; Martinson; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Skjerven; Smette; Solberg, R.; Stofferahn; Thompson; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Watne; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

**ABSENT AND NOT VOTING:** Anderson, C.; Gullickson; Halmrast; Melby; Mertens; Olson, A.; Peterson, J.; Solberg, O.; Starke; Strinden; Wald; Wentz; Whalen

HE 1519 was declared lost.

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**HB 1540:** A BILL for an Act to provide for the dissemination of regulatory information by the workmen's compensation bureau and the compilation of that information by the economic development commission.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 95 YEAS, 1 NAY, 10 ABSENT AND NOT VOTING.

**YEAS:** Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dotzenrod; Eckroth; Enget; Frey; Gates; Gertholz; Goetz; Graba; Gunsch; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lipsiea; Lloyd; Martin; Martinson; Melby; Meyer; Moore; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Smette; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Wald; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

**NAYS:** Murphy

**ABSENT AND NOT VOTING:** Dorso; Gullickson; Halmrast;  
Knudson; Mertens; Olson, A.; Peterson, J.; Skjerven;  
Solberg, O.; Whalen

HB 1540 passed and the title was agreed to.

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HB 1557: A BILL for an Act to amend and reenact section 39-05-17 of the North Dakota Century Code, relating to entry of name of purchaser on motor vehicle title documents; 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 55 YEAS, 46 NAYS, 5 ABSENT AND NOT VOTING.

**YEAS:** Anderson, R.; Berg, R.; Brokaw; Cleveland; DeMers; Dorso; Eckroth; Frey; Gates; Gerntholz; Graba; Hanson, L.; Haugland; Hoffner; Hughes; Kelly; Kent; Kingsbury; Klundt; Knudson; Koland; Kuchera; Larson; Lautenschlager; Linderman; Lindgren; Lloyd; Martin; Melby; Mertens; Moore; Nalewaja; Nicholas; Nowatzki; Oban; Opedahl; Payne; Rice; Richard; Riley; Rydell; Sauter; Schneider; Shaw; Starke; Stofferahn; Timm; Ulmer; Unhjem; Vander Vorst; Wentz; Williams, A.; Williams, C.; Wold; Speaker Hausauer, R.

**NAYS:** Anderson, C.; Belter; Berg, G.; Conmy; Dalrymple; Dotzenrod; Enget; Goetz; Gunsch; Hamerlik; Hanson, O.; Hausauer, A.; Hedstrom; Hill; Keller; Kloubec; Kretschmar; Lang; Laughlin; Lipsiea; Martinson; Meyer; Murphy; Myrdal; O'Connell; Olsen, D.; Olson, V.; O'Shea; Pederson, R.; Retzer; Riehl; Schindler; Schmidt; Shide; Shockman; Skjerven; Smette; Solberg, R.; Strinden; Thompson; Tollefson; Wald; Watne; Whalen; Williams, W.; Winkelman

**ABSENT AND NOT VOTING:** Gullickson; Halmrast; Olson, A.; Peterson, J.; Solberg, O.

HB 1557 passed and the title was agreed to.

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#### MOTION

REP. UNHJEM MOVED that the House reconsider its action whereby HB 1211 failed to pass, which motion prevailed on a verification vote.

## SECOND READING OF HOUSE BILL

HB 1211: A BILL for an Act to create and enact section 26-39-03.1 of the North Dakota Century Code, relating to substance abuse benefits for human service centers; and to amend and reenact sections 26-39-01, 26-39-02, 26-39-03, and 26-39-05 of the North Dakota Century Code, relating to mental illness, addiction, and substance abuse insurance coverage; or in the alternative to amend and reenact sections 26.1-36-08 and 26.1-36-09 of the North Dakota Century Code as created by Senate Bill No. 2078, as approved by the forty-ninth legislative assembly, relating to mental illness and addiction insurance coverage and substance abuse coverage.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 80 YEAS, 21 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Dalrymple; DeMers; Eckroth; Frey; Gates; Gertholz; Goetz; Graba; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kloubec; Klundt; Knudson; Koland; Kretschmar; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lipsiea; Lloyd; Martin; Martinson; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Opedahi; O'Shea; Payne; Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schmidt; Schneider; Shaw; Shide; Smette; Starke; Stofferahn; Strinden; Tollefson; Ulmer; Unhjem; Vander Vorst; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Hausauer, R.

NAYS: Conmy; Dorso; Dotzenrod; Enget; Gunsch; Hanson, O.; Kingsbury; Kuchera; Lang; Melby; Olson, A.; Olson, V.; Pederson, R.; Schindler; Shockman; Skjerven; Solberg, R.; Thompson; Timm; Whalen; Wold

ABSENT AND NOT VOTING: Gullickson; Halmrast;  
Peterson, J.; Solberg, O.; Wald

HB 1211 passed and the title was agreed to.

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## MOTIONS

REP. KINGSBURY MOVED that the House reconsider its action whereby the Committee on Education report rereferred HB 1052 to the Committee on Appropriations, which motion prevailed.

REP. KINGSBURY MOVED that HB 1052 be placed on the Eleventh order for second reading and final passage, which motion prevailed.

#### SECOND READING OF HOUSE BILLS

HB 1052: A BILL for an Act to amend and reenact sections 15-40.1-09, 15-41-06, 15-47-14, 15-47-33, 15-47-33.1, and 15-59-02.1 of the North Dakota Century Code, relating to the minimum length of the school term and inservice education training.

Which has been read and has committee recommendation of DO NOT PASS.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 0 YEAS, 101 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: None

NAYS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lipsiea; Lloyd; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

ABSENT AND NOT VOTING: Gullickson; Halmrast;  
Peterson, J.; Solberg, O.; Unhjem

HB 1052 was declared lost.

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HB 1564: A BILL for an Act to amend and reenact section 29-10.2-01 of the North Dakota Century Code, relating to expansion of the statewide grand jury jurisdiction to investigate civil fraud or deception.

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: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lipsiea; Lloyd; Martin; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Retzer; Rice; Richard; Riehl; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: None

ABSENT AND NOT VOTING: Gullickson; Halmrast; Kloubec; Martinson; Peterson, J.; Riley; Solberg, O.

HB 1564 passed and the title was agreed to.

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HB 1571: A BILL for an Act to create and enact section 12.1-10-04.1 of the North Dakota Century Code, relating to the offense of obstruction of judicial process; to amend and reenact sections 28-26-31 and 47-19.1-09 of the North Dakota Century Code, relating to filing of frivolous lawsuits, awards of attorneys' fees, slander of title, and soliciting obstruction of judicial proceedings; and to provide a penalty.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 87 YEAS, 13 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Cleveland; Conmy; Dalrymple; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kent; Kingsbury; Klundt; Knudson; Koland; Lang; Larson; Laughlin; Lautenschlager;

Linderman; Lindgren; Lipsiea; Lloyd; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; Opedahl; Payne; Pederson, R.; Retzer; Rice; Richard; Riehl; Rydell; Schindler; Schmidt; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, R.; Starke; Strinden; Thompson; Timm; Tollefson; Unhjem; Vander Vorst; Wald; Watne; Whalen; Williams, A.; Williams, C.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: Brokaw; DeMers; Kelly; Kretschmar; Kuchera; O'Connell; O'Shea; Sauter; Schneider; Stofferahn; Ulmer; Wentz; Williams, W.

ABSENT AND NOT VOTING: Gullickson; Halmrast; Kloubec; Peterson, J.; Riley; Solberg, O.

HB 1571 passed and the title was agreed to.

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#### MOTIONS

REP. STRINDEN MOVED that HB 1639 be returned to the House floor from the Committee on Appropriations, which motion prevailed.

REP. STRINDEN MOVED that HB 1639 be placed on the Eleventh order on tomorrow's calendar, which motion prevailed.

#### SECOND READING OF HOUSE BILLS

HB 1577: A BILL for an Act to amend and reenact section 15-41-24 of the North Dakota Century Code, relating to minimum high school curriculum requirements.

Which has been read and has committee recommendation of DO NOT PASS.

#### MOTION

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

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 60 YEAS, 42 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, R.; Berg, G.; Berg, R.; Brokaw; Cleveland; Conmy; Eckroth; Enget; Frey; Gates; Gerntholz; Graba; Hanson, L.; Haugland; Hoffner; Hughes; Keller; Kelly; Kloubec; Klundt; Koland; Kretschmar; Larson; Laughlin; Linderman; Lindgren; Lloyd; Martin; Melby; Mertens; Moore; Murphy; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Rice; Richard; Rydell; Schmidt; Shaw; Shide; Shockman; Skjerven; Smette; Starke; Stofferahn;

Strinden; Timm; Tollefson; Unhjem; Vander Vorst; Watne;  
Wentz; Williams, W.; Wold

**NAYS:** Anderson, C.; Belter; Dalrymple; DeMers; Dorso;  
Dotzenrod; Goetz; Gunsch; Hamerlik; Hanson, O.;  
Hausauer, A.; Hedstrom; Hill; Kent; Kingsbury; Knudson;  
Kuchera; Lang; Lautenschlager; Lipsiea; Martinson;  
Meyer; Myrdal; Nalewaja; Nicholas; Payne; Pederson, R.;  
Retzer; Riehl; Riley; Sauter; Schindler; Schneider;  
Solberg, R.; Thompson; Ulmer; Wald; Whalen;  
Williams, A.; Williams, C.; Winkelman;  
Speaker Hausauer, R.

**ABSENT AND NOT VOTING:** Gullickson; Halmrast;  
Peterson, J.; Solberg, O.

HB 1577 passed and the title was agreed to.

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**HB 1587:** A BILL for an Act to set safety standards for anhydrous  
ammonia facilities; and to provide a penalty.

Which has been read and is placed on the calendar without  
recommendation.

#### ROLL CALL

The question being on the final passage of the bill, the roll was  
called and there were 80 YEAS, 19 NAYS, 7 ABSENT AND NOT VOTING.

**YEAS:** Belter; Berg, G.; Berg, R.; Brokaw; Cleveland;  
Conmy; Dalrymple; DeMers; Dorso; Eckroth; Frey; Gates;  
Gerntholz; Goetz; Graba; Hamerlik; Haugland;  
Hausauer, A.; Hedstrom; Hill; Hoffner; Keller; Kelly;  
Kent; Kloubec; Klundt; Knudson; Koland; Kretschmar;  
Kuchera; Larson; Lautenschlager; Linderman; Lindgren;  
Lipsiea; Lloyd; Martin; Martinson; Melby; Mertens;  
Moore; Myrdal; Nalewaja; Nicholas; Oban; Olsen, D.;  
Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Retzer;  
Richard; Riehl; Riley; Rydell; Sauter; Schindler;  
Schmidt; Schneider; Shaw; Shide; Shockman; Smette;  
Solberg, R.; Starke; Stofferahn; Strinden; Ulmer;  
Unhjem; Vander Vorst; Watne; Wentz; Whalen;  
Williams, A.; Williams, C.; Williams, W.; Winkelman;  
Wold; Speaker Hausauer, R.

**NAYS:** Anderson, C.; Anderson, R.; Dotzenrod; Enget;  
Gunsch; Hanson, L.; Hanson, O.; Hughes; Kingsbury;  
Laughlin; Murphy; Nowatzki; O'Connell; Pederson, R.;  
Rice; Skjerven; Thompson; Timm; Tollefson

**ABSENT AND NOT VOTING:** Gullickson; Halmrast; Lang;  
Meyer; Peterson, J.; Solberg, O.; Wald

HB 1587 passed and the title was agreed to.

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HB 1610: A BILL for an Act to create and enact a new section to chapter 11-18 of the North Dakota Century Code, relating to requiring the filing of a plat depicting any change in the existing boundaries of real property resulting from a court action or arbitration proceeding.

Which has been read.

#### ROLL CALL

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

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kretschmar; Kuchera; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lipsiea; Lloyd; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: None

ABSENT AND NOT VOTING: Gullickson; Halmrast; Lang; Olsen, D.; Peterson, J.; Solberg, O.

HB 1610 passed and the title was agreed to.

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HB 1621: A BILL for an Act to amend and reenact section 4-22-51 of the North Dakota Century Code, relating to soil conservation trust lands.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 54 YEAS, 46 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Berg, G.; Berg, R.; Conmy; Eckroth; Enget; Frey; Gates; Graba; Hausauer, A.; Hedstrom; Hill; Klundt; Kretschmar; Lang; Laughlin; Linderman; Lipsiea; Lloyd; Martin; Martinson; Melby; Meyer; Myrdal; Nicholas; Nowatzki; O'Connell; Olsen, D.; Olson, V.; Opedahl; O'Shea; Pederson, R.; Retzer; Rice; Riehl; Rydell; Sauter; Schindler; Schmidt; Shaw; Shide; Skjerven; Solberg, R.; Starke; Stofferahn; Tollefson; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Winkelman; Wold

NAYS: Anderson, R.; Belter; Brokaw; Cleveland; Dalrymple; DeMers; Dorso; Dotzenrod; Gerntholz; Goetz; Gunsch; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Koland; Kuchera; Larson; Lautenschlager; Lindgren; Moore; Murphy; Nalewaja; Oban; Olson, A.; Payne; Richard; Riley; Schneider; Shockman; Smette; Strinden; Thompson; Timm; Unhjem; Williams, A.; Williams, C.; Williams, W.; Speaker Hausauer, R.

ABSENT AND NOT VOTING: Cullickson; Halmrast; Knudson; Mertens; Peterson, J.; Solberg, O.

HB 1621 passed and the title was agreed to.

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## SECOND READING OF A HOUSE CONCURRENT RESOLUTION

HCR 3004: A concurrent resolution directing the Legislative Council to study the North Dakota felony and misdemeanor bad check laws.

Which has been read and has committee recommendation of DO NOT PASS.

## ROLL CALL

The question being on the final adoption of the resolution, the roll was called and there were 0 YEAS, 98 NAYS, 8 ABSENT AND NOT VOTING.

YEAS: None

NAYS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Gates; Gerntholz; Goetz; Graba; Gunsch; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec;

Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lipsiea; Lloyd; Martin; Martinson; Melby; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

**ABSENT AND NOT VOTING:** Frey; Gullickson; Halmrast; Mertens; Meyer; Peterson, J.; Solberg, O.; Williams, C.

HCR 3004 was declared lost.

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#### MOTION

REP. STRINDEN MOVED that the rules be suspended, and that all bills and resolutions acted on favorably this afternoon be messaged to the Senate immediately except HB 1557, HB 1577, HB 1606, HB 1621, and HB 1643, which motion prevailed.

#### MESSAGES 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 1077, HB 1211, HB 1281, HB 1320, HB 1375, HB 1388,  
HB 1390, HB 1402, HB 1404, HB 1421, HB 1433, HB 1494,  
HB 1510, HB 1540, HB 1561, HB 1564, HB 1570, HB 1571,  
HB 1587, HB 1595, HB 1596, HB 1600, HB 1610, HCR 3052,  
HCR 3053, HCR 3055, HCR 3059

ROY GILBREATH, Chief Clerk

#### HOUSE CHAMBER

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

SCR 4049

ROY GILBREATH, Chief Clerk

#### MOTIONS

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

REP. KRETSCHMAR 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 12:30 p.m., Wednesday, February 20, 1985, which motion prevailed.

#### REPORTS OF STANDING COMMITTEES

MR. SPEAKER: Your Committee on Judiciary to which was referred HE 1069 has had the same under consideration and recommends by a vote of 11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 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 chapters 62.1-01, 62.1-02, 62.1-03, 62.1-04, and 62.1-05 of the North Dakota Century Code, relating to the possession, sale, and use of weapons; to amend and reenact section 20.1-01-05 of the North Dakota Century Code, relating to methods of taking of game birds and animals; to repeal chapter 12.1-26 and title 62 of the North Dakota Century Code, relating to the possession, sale, and use of weapons; and to provide a penalty.

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

**SECTION 1. LEGISLATIVE INTENT.** It is the intent of the legislative assembly that the right to possess and use firearms for lawful purposes be protected from government interference, and that regulation thereof be limited to those measures necessary for public safety. It is the intent of the legislative assembly that the chief of the bureau of criminal investigation issue a license to carry a firearm concealed if the necessary criteria are met. It is further the intent of the legislative assembly that the chief may not use the criterion requiring a valid reason for carrying the firearm concealed to arbitrarily deny an application for a license.

**SECTION 2. AMENDMENT.** Section 20.1-01-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**20.1-01-05. Unauthorized methods of taking game birds and game animals.** Except as otherwise provided in this title, no person, for the purpose of catching, taking, killing, or raising any game birds or game animals shall may:

1. Set, lay, or prepare any trap, snare, artificial light, net, birdlime, swivel gun, or any other device;
2. Drag, in any manner, any wire, rope, or other contrivance; or

3. Use or cause to be used, except for transportation, any floating device or apparatus operated by electricity, steam, or gasoline, or any other floating vessel;
4. Use a firearm with any kind or type of silencer on it; or
5. Carry any firearm while in or on a motor vehicle with a cartridge in the chamber.

SECTION 3. Chapter 62.1-01 of the North Dakota Century Code is hereby created and enacted to read as follows:

62.1-01-01. General definitions. As used in this title, unless the context otherwise requires:

1. "Dangerous weapon" includes any switchblade or gravity knife, machete, scimitar, stiletto, sword, or dagger; any throwing star, nunchaku, or other martial arts weapon; any billy, blackjack, sap, bludgeon, cudgel, metal knuckles, or sand club; any slungshot; any bow and arrow, crossbow, or spear; any stun gun; any weapon that will expel, or is readily capable of expelling, a projectile by the action of a spring, compressed air, or compressed gas including any such weapon, loaded or unloaded, commonly referred to as a BB gun, air rifle, or CO<sub>2</sub> gun; and any projector of a bomb or any object containing or capable of producing and emitting any noxious liquid, gas, or substance.
2. "Direct supervision of an adult" means that an adult is present in such close proximity so as to be capable of observing and directing the actions of the individual supervised.
3. "Firearm" or "weapon" means any device which will expel, or is readily capable of expelling, a projectile by the action of an explosive and includes any such device, loaded or unloaded, commonly referred to as a pistol, revolver, rifle, gun, machine gun, shotgun, bazooka, or cannon.
4. "Gaming site" means any room or premises licensed by the attorney general or by a city or county governing body to conduct legal gaming operations.
5. "Government building" means a building which is owned, possessed, or used by or leased to the

state of North Dakota, or any of its political subdivisions.

6. "Handgun" means any firearm having a barrel less than sixteen inches [40.64 centimeters] long that is not designed to be fired from the shoulder.
7. "Law enforcement officer" means a public servant authorized by law or by a government agency or branch to enforce the law and to conduct or engage in investigations or prosecutions for violations of law.
8. "Machine gun, submachine gun, or fully automatic rifle" means a firearm, mechanism, or instrument not requiring that the trigger be pressed for each shot, and having a reservoir, belt, or other means of storing and carrying ammunition which can be loaded into the firearm, mechanism, or instrument and fired therefrom at a rate of five or more shots to the second.
9. "Plain view" means the handgun is placed in such a location or carried in such a position as to be easily discernible by the ordinary observation of a passerby. In a motor vehicle, this includes being placed on the seat, dashboard, or in a gunrack as long as the handgun is not covered or is in any other way concealed from view.
10. "Rifle" means any firearm designed or redesigned, made or remade, and intended to be fired from the shoulder and using the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each pull of the trigger.
11. "Secured" means the firearm is closed into the trunk or nonpassenger part of the vehicle; placed into a closed and secure carrying device; rendered inoperative by the use of a trigger, hammer, cylinder, slide, or barrel-locking device that renders the firearm incapable of firing until the device is unlocked and removed; or so disassembled or disabled as to be rendered incapable of firing.
12. "Short-barreled rifle" means a rifle having one or more barrels less than sixteen inches [40.64 centimeters] in length and any firearm made from a rifle, whether by alteration, modification, or otherwise, if the firearm, as modified, has an overall length of less than twenty-six inches [66.04 centimeters].

13. "Short-barreled shotgun" means a shotgun having one or more barrels less than eighteen inches [45.72 centimeters] in length and any firearm made from a shotgun, whether by alteration, modification, or otherwise, if the firearm, as modified, has an overall length of less than twenty-six inches [66.04 centimeters].
14. "Shotgun" means a firearm designed or redesigned, made or remade, and intended to be fired from the shoulder and using the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.
15. "Silencer" means any device for or attached to any firearm which will silence or deaden the sound or natural report of the firearm when it is discharged.
16. "Unloaded" means the chamber of the firearm does not contain a loaded shell. If the firearm is a revolver, then none of the chambers in the cylinder may contain a loaded shell. Handguns with a removable magazine or clip must have the magazine or clip removed from the firearm if the magazine or clip contains any loaded shells.

62.1-01-02. Forfeiture of dangerous weapon or firearm by person arrested and convicted of crime. Any firearm or dangerous weapon used or possessed while in the commission of a felony or a misdemeanor involving violence or intimidation must be seized and, upon conviction and by motion, forfeited to the jurisdiction in which the arrest was made or the jurisdiction in which the charge arose. Except as provided in chapter 29-01 for stolen property, the forfeited firearm or dangerous weapon may be, pursuant to court order, sold at public auction, sold or traded to other law enforcement agencies or authorized firearm dealers, retained for use, or destroyed.

62.1-01-03. Limitation on authority of political subdivision regarding firearms. No political subdivision, including home rule cities or counties, may enact any ordinance relating to the purchase, sale, ownership, transfer of ownership, registration, or licensure of firearms and ammunition which is more restrictive than state law. All such existing ordinances are void.

SECTION 4. Chapter 62.1-02 of the North Dakota Century Code is hereby created and enacted to read as follows:

62.1-02-01. Who not to possess firearms - Penalty.

1. A person who has been convicted anywhere for a felony involving violence or intimidation, as defined in chapters 12.1-16 through 12.1-25, is prohibited from owning a firearm or having one in possession or under control for a period of ten years from the date of conviction or release from incarceration or probation, whichever is the latter.
2. A person who has been convicted of any felony not provided for in subsection 1 or has been convicted of a class A misdemeanor involving violence or intimidation and that crime was committed while using or possessing a firearm or dangerous weapon, as defined in chapters 12.1-16 through 12.1-25, is prohibited from owning a firearm or having one in possession or under control for a period of five years from the date of conviction or release from incarceration or probation, whichever is the latter.
3. A person who is or has ever been confined or committed to a hospital or other institution in North Dakota or elsewhere as a mentally ill person as defined in section 25-03.1-02, or as a mentally deficient person as defined in section 25-01-01, is prohibited from owning a firearm or having one in possession or under control. This limitation does not apply to a person who has not suffered from the disability for the previous three years.
4. A person under the age of eighteen years may not possess a handgun except that such a person may, while under the direct supervision of an adult, possess a handgun for the purposes of firearm safety training, target shooting, or hunting.

A person who violates subsection 1 or 2 is guilty of a class C felony, and a person who violates subsection 3 or 4 is guilty of a class A misdemeanor. For the purposes of this section, "conviction" means determination by a jury or court that a person committed one of the above-mentioned crimes even though the court suspended or deferred imposition of sentence in accordance with sections 12-53-13 through 12-53-19 or placed the defendant on probation.

62.1-02-02. Sale of handgun regulated - Penalty. No person may transfer a handgun to any person who the transferor knows or has reasonable cause to believe is a person prohibited by section 62.1-02-01 from possessing a firearm. Any person who violates this section is guilty of a class A misdemeanor.

62.1-02-03. Possession or sale of short-barreled rifle or shotgun - Penalty - Application. A person who possesses, obtains, receives, sells, or uses a short-barreled rifle or a short-barreled shotgun is guilty of a class C felony. This section does not apply to a law enforcement officer who possesses, obtains, receives, sells, or uses a short-barreled rifle or a short-barreled shotgun in the course of or in connection with the officer's official duties, to a member of the armed forces of the United States or national guard, organized reserves, state defense forces, or state guard organizations who possesses or uses a short-barreled rifle or short-barreled shotgun issued to the member by that organization and while on official duty, or to any person who complies with the National Firearms Act [26 U.S.C. 5801-5872].

62.1-02-04. Possession of firearm or dangerous weapon in liquor establishment or gaming site prohibited - Penalty - Exceptions. Any person who enters or remains in that part of the establishment that is set aside for the retail sale in an establishment engaged in the retail sale of alcoholic beverages or used as a gaming site while in the possession of a firearm or dangerous weapon is guilty of a class A misdemeanor. This section does not apply to:

1. A law enforcement officer.
2. The proprietor.
3. The proprietor's employee.
4. A designee of the proprietor when the designee is displaying an unloaded firearm or dangerous weapon as a prize or sale item in a raffle or auction.

62.1-02-05. Possession of a firearm at a public gathering - Penalty - Application.

1. A person who possesses a firearm at a public gathering is guilty of a class B misdemeanor. For the purpose of this section, "public gathering" includes athletic or sporting events, schools or school functions, churches or church functions, political rallies or functions, musical concerts, and individuals in publicly owned parks and publicly owned or operated buildings.
2. This section does not apply to law enforcement officers; members of the armed forces of the United States or national guard, organized reserves, state defense forces, or state guard organizations, when on duty; competitors

participating in organized sport shooting events; gun and antique shows; participants using blank cartridge firearms at sporting or theatrical events; any firearms carried in a temporary residence or motor vehicle; students and instructors at hunter safety classes; or private security personnel while on duty.

3. This section does not prevent any political subdivision from enacting an ordinance which is less restrictive than this section relating to the possession of firearms at a public gathering.

62.1-02-06. Discharge of firearm within city - Penalty - Application. A person who discharges a firearm within a city is guilty of a class B misdemeanor. This section does not apply to the lawful discharge of firearms by law enforcement officers, by citizens in defense of person or property, or by participants in lawful activities in which discharge of firearms is a recognized part of the activity including but not limited to shooting galleries and ranges.

62.1-02-07. Use of firearm by certain minors prohibited - Penalty. Any parent, guardian, or other person having charge or custody of any minor under fifteen years of age who permits that minor to carry or use in public any firearm of any description loaded with powder and projectile, except when the minor is under the direct supervision of the parent, guardian, or other person who is over eighteen years of age and authorized by the parent or guardian, is guilty of a class B misdemeanor.

62.1-02-08. Illegal firearms, ammunition, or explosive materials business.

1. A person is guilty of an offense if the person supplies a firearm, ammunition, or explosive material to, or procures or receives a firearm, ammunition, or explosive material for, a person prohibited by this title from receiving it if the transferor knows or has reasonable cause to believe that such person is prohibited by section 62.1-01-01 from receiving or possessing it.
2. The offense is a class C felony if the actor:
  - a. Was not licensed or otherwise authorized by law to handle, transfer, or engage in transactions with respect to the firearm, destructive device, or explosive material; or
  - b. Engaged in the forbidden transaction under circumstances manifesting the actor's

readiness to supply or procure on other occasions in disregard of lawful restrictions.

Otherwise the offense is a class A misdemeanor.

62.1-02-09. Possession of explosive and destructive device in government building - Penalty. A person, except for a law enforcement officer while on official business, is guilty of a class C felony if the person possesses an explosive or destructive device in a government building without the written consent of the government agency or person responsible for the management of the building.

62.1-02-10. Carrying loaded firearm in vehicle - Penalty - Exceptions. No person may keep or carry a loaded firearm in or on any motor vehicle in this state. Any person violating this section is guilty of a class B misdemeanor. This prohibition does not apply to:

1. A member of the armed forces of the United States or national guard, organized reserves, state defense forces, or state guard organizations while possessing the firearm issued to the member by the organization and while on official duty.
2. A law enforcement officer, except while the officer is engaged in hunting or trapping activities with a rifle or shotgun.
3. Any person possessing a valid North Dakota concealed weapons license, except while that person is in the field engaged in hunting or trapping activities.
4. Any person in the field engaged in lawful hunting or trapping of nongame species or furbearing animals.
5. A security guard or private investigator licensed to carry firearms by the attorney general.
6. Any person possessing a valid special permit issued pursuant to section 20.1-02-05.

62.1-02-11. Possessing explosive prohibited - Exception - Penalty. No person may have in custody, possession, or control, any nitroglycerin, dynamite, or any other dangerous or violent explosive unless the explosive is carried in the prosecution of or to effect a lawful and legitimate purpose. Any person violating this section is guilty of a class C felony.

62.1-02-12. Resident may purchase rifle or shotgun in contiguous state - Application - Definitions. It is lawful for a person residing in this state, including a corporation or other business entity maintaining a place of business in this state, to purchase or otherwise obtain a rifle or shotgun in a state contiguous to this state, and to receive or transport that rifle or shotgun into this state. This section does not apply nor may it be construed to affect in any way the purchase, receipt, or transportation of rifles and shotguns by federally licensed firearms manufacturers, importers, dealers, or collectors. As used in this section, all terms have the meaning prescribed in the Gun Control Act of 1968 [Pub. L. 90-618; 18 U.S.C. 921] and the regulations promulgated thereunder as enacted or promulgated on July 1, 1985.

SECTION 5. Chapter 62.1-03 of the North Dakota Century Code is hereby created and enacted to read as follows:

62.1-03-01. Carrying handgun - Restrictions - Exceptions.

1. A handgun may be carried by a person not prohibited from possessing one by section 62.1-02-01 or any other state statute, in a manner not prohibited by section 62.1-02-11 if:
  - a. Between the hours of one hour before sunrise and one hour after sunset, the handgun is carried unloaded and either in plain view or secured.
  - b. Between the hours of one hour after sunset and one hour before sunrise, the handgun is carried unloaded and secured.
2. The restrictions provided in subdivisions a and b of subsection 1 do not apply to:
  - a. Any person possessing a valid North Dakota concealed weapons license.
  - b. Any person on that person's land, or in that person's permanent or temporary residence, or fixed place of business.
  - c. Any person while on a target range.
  - d. Any person while in the field engaging in the lawful pursuit of hunting or trapping. However, nothing in this exception authorizes the carrying of a loaded handgun in a motor vehicle.

- e. Any person permitted by law to possess a handgun while carrying the handgun unloaded and in a secure wrapper from the place of purchase to that person's home or place of business, or to a place of repair or back from those locations.
- f. Any North Dakota law enforcement officer.
- g. Any law enforcement officer of any other state or political subdivision thereof if on official duty within this state.
- h. Any armed security guard or investigator as authorized by the attorney general when on duty or going to or from duty.
- i. Any member of the armed forces of the United States when on duty or going to or from duty and when carrying the handgun issued to the member.
- j. Any member of the national guard, organized reserves, state defense forces or state guard organizations, when on duty or going to or from duty and when carrying the handgun issued to the member by the organization.
- k. Any officer or employee of the United States duly authorized to carry a handgun.
- l. Any person engaged in manufacturing, repairing, or dealing in handguns or the agent or representative of such person possessing, using, or carrying a handgun in the usual or ordinary course of such business.
- m. Any common carrier, but only when carrying the handgun as part of the cargo in the usual cargo carrying portion of the vehicle.

62.1-03-02. Selling handgun to minors prohibited - Penalty. Any person who sells, barter, hires, lends, or gives any handgun to any minor is guilty of a class A misdemeanor. This section does not prohibit a person from lending or giving a handgun to a minor if the minor will be using the handgun under the direct supervision of an adult and for the purpose of firearm safety training, target shooting, or hunting.

62.1-03-03. Copy of federal license submitted to law enforcement officials. A retail dealer licensed to sell handguns by the federal government shall send a copy of the

license, within seven days after receiving it, to the chief of police of the city and the sheriff of the county in which the dealer is licensed to sell handguns.

62.1-03-04. False information prohibited. No person, in purchasing or otherwise securing delivery of a handgun or in applying for a license to carry the handgun concealed, may give false information or offer false evidence of the person's identity.

62.1-03-05. Prohibited alterations in handgun. No person may change, alter, remove, or obliterate any mark of identification on a handgun, such as the name of the maker, model, or manufacturer's number or knowingly possess a handgun on which such alterations have been made. Possession of any handgun upon which any such identification mark has been changed, altered, removed, or obliterated creates a rebuttable presumption that the possessor made the alterations.

62.1-03-06. General penalty. Any person who violates any provision of this chapter, for which another penalty is not specifically provided, is guilty of a class A misdemeanor.

**SECTION 6.** Chapter 62.1-04 of the North Dakota Century Code is hereby created and enacted to read as follows:

62.1-04-01. Definition of concealed. A firearm or dangerous weapon is concealed if it is carried in such a manner as to not be discernible by the ordinary observation of a passerby. There is no requirement that there be absolute invisibility of the firearm or dangerous weapon, merely that it not be ordinarily discernible. A firearm or dangerous weapon is considered concealed if it is not secured, and is worn under clothing or carried in a bundle that is held or carried by the individual, or transported in a vehicle under the individual's control or direction and available to the individual, including beneath the seat or in a glove compartment. A firearm or dangerous weapon is not considered concealed if it is:

1. Carried in a belt holster which is wholly or substantially visible or carried in a case designed for carrying a firearm or dangerous weapon and which is wholly or substantially visible;
2. Locked in a closed trunk or luggage compartment of a motor vehicle;

3. Carried in the field while lawfully engaged in hunting, trapping, or target shooting, whether visible or not;
4. Carried by any person permitted by law to possess a handgun unloaded and in a secure wrapper from the place of purchase to that person's home or place of business, or to a place of repair, or back from those locations; or
5. An unloaded rifle or shotgun while carried in a motor vehicle.

62.1-04-02. Carrying concealed firearms or dangerous weapons prohibited. No person, other than a law enforcement officer, may carry any firearm or dangerous weapon concealed unless the person is licensed to do so or exempted pursuant to this chapter. For purposes of this chapter, dangerous weapon does not mean a spray or aerosol containing CS (ortho-chlorobenzamaloutrile), CN (alpha-chloroacetophenone) or other irritating agent intended for use in the defense of a person.

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

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

that sets forth weapon safety rules and the deadly force law of North Dakota, including judicial decisions and attorney general opinions, and a proficiency test consisting of a course of fire to be designated by the criminal justice training and statistics division of the attorney general's office. The purpose of the proficiency test is only to ensure a minimal level of competency in the loading and unloading of the firearm or dangerous weapon, use of safety devices and basic firearm or dangerous weapon functioning, and minimal accuracy. A weapons instructor certified by the attorney general shall conduct the testing procedure. The attorney general shall develop rules that ensure that this testing will be conducted periodically. The local agency conducting the testing may assess a charge of up to fifty dollars for conducting this testing.

- d. The applicant satisfactorily completes the bureau of criminal investigation application form and has successfully passed a background investigation or criminal records check conducted by that agency.
2. The sheriff is required to process the application within thirty days after the completion of the testing portion, the chief of police is required to process the application within ten working days of its receipt by the agency, and the bureau of criminal investigation is required to process the application and make a determination within thirty days of receipt from the forwarding agency.
3. The chief of the bureau of criminal investigation shall prescribe the form of the application and license, which must include the name, address, description, a photograph, and the signature of the individual. The application form must require sufficient information to properly conduct a background investigation and be accompanied by two sets of classifiable fingerprints. The license is valid for three years. The license must be prepared in triplicate, and the original must be delivered to the licensee, the duplicate must be sent by mail, within seven days after issuance, to the sheriff of the county in which the applicant resides, and the triplicate must be preserved for six years by the chief. In those cases in which the licensee resides in a city, an additional copy of the

license must be made and sent by mail, within seven days after issuance, to the chief of police of the city in which the applicant resides. The individual shall notify the chief of the bureau of criminal investigation of any change of address or any other material fact which would affect the restrictions on or the need for the license.

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

62.1-04-04. Producing license on demand. Every person while carrying a concealed firearm or dangerous weapon for which a license to carry concealed is required, shall have on one's person the license and shall give it to any law enforcement officer for an inspection upon demand by the officer. The failure of any person to give the license to the officer is prima facie evidence that the person is illegally carrying a firearm or dangerous weapon concealed.

62.1-04-05. Penalty. Any person who violates this chapter is guilty of a class A misdemeanor.

SECTION 7. Chapter 62.1-05 of the North Dakota Century Code is hereby created and enacted to read as follows:

62.1-05-01. Possession and sale of machine guns, automatic rifles, silencers, and bombs - Penalty. No person may purchase, sell, have, or possess a machine gun, fully automatic rifle, silencer, or bomb loaded with explosives or poisonous or dangerous gases or any other federally licensed firearm or dangerous weapon unless that person has complied with the National Firearms Act [26 U.S.C. 5801-5872].

Any federal licensee who purchases, sells, has, or possesses a machine gun, submachine gun, fully automatic rifle, silencer, or bomb loaded with explosives or poisonous or dangerous gases or any other federally licensed firearm or dangerous weapon for the licensee's

protection or for sale must forward a copy of the licensee's federal license along with the required weapons transfer form to the licensee's local county sheriff and to the chief of the bureau of criminal investigation within five days of the receipt of those forms.

A person who violates this section is guilty of a class C felony. Upon arrest the firearm or dangerous weapon must be seized and upon conviction and motion, forfeited to the jurisdiction in which the arrest was made and the firearm or dangerous weapon may be, pursuant to court order, sold at public auction, retained for use, or destroyed.

62.1-05-02. Persons exempt from chapter. This chapter does not apply to:

1. The authorized agent and a servant of a person who has a license to purchase, sell, have, or possess a machine gun, submachine gun, fully automatic rifle, silencer, or a bomb loaded with explosives or poisonous or dangerous gases.
2. Any officer or member of a duly authorized military organization while on official duty and using the firearm or dangerous weapon issued to the officer or member by that organization.
3. A North Dakota law enforcement officer.
4. Any federal officer authorized by the federal government to have or possess a machine gun, submachine gun, fully automatic rifle, silencer, or bomb loaded with explosives or poisonous or dangerous gases.

SECTION 8. REPEAL. Chapter 12.1-26 and title 62 of the North Dakota Century Code are hereby repealed."

And renumber the lines and pages accordingly

REP. CONMY, Chairman

HB 1069 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations to which was referred HB 1078 has had the same under consideration and recommends by a vote of 21 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 2, after the semicolon insert the word "and"

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

On page 1 of the engrossed bill, line 4, delete the words "an appropriation"

On page 15 of the engrossed bill, delete lines 3 through 9

And renumber the lines and pages accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

This amendment deletes the appropriation from the bill.

REP. PETERSON, Chairman

HB 1078 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 1145 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. CONMY, Chairman

HB 1145 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 1218 has had the same under consideration and recommends by a vote of 9 YEAS, 4 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 17, immediately after the word "maintenance" insert the following: ", except as permitted in subsection 4"

On page 1, line 23, overstrike the word "thirty-five" and insert immediately thereafter the word "forty"

On page 1, line 24, overstrike the words "for eligible"

On page 1, overstrike lines 25 through 28

On page 2, line 1, overstrike the words "one site"

On page 2, after line 19, insert the following new subdivision:

"f. Additional overhead expenses not to exceed the sum of two hundred dollars per month."

And renumber the lines and pages accordingly

REP. CONMY, Chairman

HB 1218 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 1271 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 1, after the word "to" insert the following:  
"create and enact a new subsection to section 39-06.1-05 of the North Dakota Century Code, relating to offenses excluded from the noncriminal disposition procedure for certain traffic offenses; to"

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

On page 1, after line 6, insert the following new section:

"SECTION 1. A new subsection to section 39-06.1-05 of the 1983 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

Operating a modified motor vehicle in violation of section 39-21-45.1."

On page 1, line 13, overstrike the words "an unloaded" and insert immediately thereafter the word "a"

On page 1, line 14, overstrike the word "six" and insert immediately thereafter the word "seven", and overstrike the numerals "2721.55" and insert immediately thereafter the numerals "3175.14"

On page 1, line 23, after the period insert the following sentence: "The weight must be computed on the basis of the unmodified and unloaded weight of the motor vehicle, and without regard to any ballast that may be placed in the vehicle," and after the comma insert the words "motor vehicle height, and permitted modifications,"

On page 1, line 25, delete the words "All passenger" and insert in lieu thereof the word "The", and delete the word "vehicles" and insert in lieu thereof the word "vehicle"

On page 1, delete lines 27 and 28 and insert in lieu thereof the following:

"2. The maximum body height permitted for the motor vehicle is forty-two inches [106.68 centimeters]. Measurement of body height is made from a level ground surface to the floor of the cargo area.

3. The maximum bumper height permitted is twenty-seven inches [68.58 centimeters]. Measurement of bumper height is made from a level ground surface to the highest point on the bottom of the bumper.
4. The vehicle may be modified in accordance with the following:
  - a. Any modifying equipment must meet specialty equipment marketing association standards.
  - b. If tires placed on a motor vehicle have a diameter greater than that of the tires on the motor vehicle as manufactured, those tires must comply with department of transportation requirements.
  - c. The maximum outside diameter permitted for tires is forty-four inches [111.76 centimeters].
  - d. A horizontal drop bumper may be used to comply with the bumper height requirement of subsection 3. The horizontal bumper must:
    - (1) Be at least three inches [7.62 centimeters] in vertical width;
    - (2) Extend the entire horizontal body width; and
    - (3) Be horizontal, load bearing, and attached to the vehicle frame to effectively transfer impact when engaged.
  - e. The maximum lift permitted in the suspension system is four inches [10.16 centimeters].
5. A person charged with violating this section has the burden of proceeding to show that the modifications are permitted under this section.
6. Vehicles owned by law enforcement agencies, the military, fire fighting agencies, and ambulances, may be modified without regard to this section.
7. The registrar may adopt rules to implement this section."

Delete page 2

On page 3, delete lines 1 and 2

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

On page 3, delete lines 25 through 27 and insert in lieu thereof the following section:

"SECTION 4. EMERGENCY. This Act is hereby declared to be an emergency measure and is in effect from and after its passage and approval."

And renumber the lines, sections, and pages accordingly

REP. TIMM, Chairman

HB 1271 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Social Services and Veterans Affairs to which was referred HE 1293 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, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to amend and reenact sections 50-11.1-01, 50-11.1-02, 50-11.1-02.1, 50-11.1-03, 50-11.1-04, 50-11.1-06.1, 50-11.1-07, 50-11.1-07.1, 50-11.1-07.2, 50-11.1-07.3, 50-11.1-07.4, 50-11.1-07.5, 50-11.1-07.7, 50-11.1-08, 50-11.1-09, 50-11.1-11, and 50-11.1-12 of the North Dakota Century Code, relating to early childhood services, certificate and license requirements for early childhood facilities, and penalties; to repeal section 50-11.1-04.1 of the North Dakota Century Code, relating to applications for child care certificates and licenses; and to provide an appropriation.

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

SECTION 1. AMENDMENT. Section 50-11.1-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-11.1-01. Purpose. The purpose of this chapter is to assure that children receiving ~~supplemental parental care~~ early childhood services be provided food, shelter, safety, comfort, supervision, and learning experiences commensurate to their age and capabilities, so as to safeguard the health, safety, and development of those children.

SECTION 2. AMENDMENT. Section 50-11.1-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-11.1-02. Definitions. As used in this chapter, unless the context or subject matter otherwise requires:

1. "Certificate" means the right, authority, or permission granted by the department to operate a family child care home.
2. "Certification" means the process whereby the department maintains a record of all family child care providers who have certified that they have complied with or will comply with the prescribed standards and rules adopted by the department regarding the provision of family child care services.
- 1- 3. "Child care center" means a child care or early childhood facility where supplemental parental care is regularly early childhood services are provided to nineteen or more children.
- 2- "Child care facility" means any facility where supplemental parental care is regularly provided; whether the facility is known as a day care home, day care center, day nursery, nursery school, kindergarten, child play school, progressive school, child development center, preschool or known by any other name.
- 3- 4. "County agency" means the county social service board in each of the counties of the state.
- 4- 5. "Department" means the department of human services.
6. "Early childhood facility" means any facility where early childhood services are provided, whether the facility is known as a child care center, day care home, day care center, day nursery, family child care home, group child care home, preschool educational facility nursery school, kindergarten, child play school, progressive school, child development center, preschool or known by any other name.
- 5- 7. "Early childhood services" means the care, supervision, education, or guidance of a child or children, unaccompanied by the child's parent, guardian, or custodian, which is provided in exchange for money, goods, or other services and is, or is anticipated to be, ongoing for periods of two or more hours per day for a part of two or more days per week. Early childhood services does not include:

- a. Substitute parental child care provided pursuant to chapter 50-11.
  - b. Child care provided in any educational facility, whether public or private, in grade one or above.
  - c. Child care provided in a kindergarten which has been established pursuant to chapter 15-45 or a nonpublic elementary school program approved pursuant to subsection 1 of section 15-34.1-03.
  - d. Child care provided to preschool age handicapped children in any educational facility through a program approved by the superintendent of public instruction.
  - e. Child care provided in facilities operated in connection with a church, shopping center, business, or other establishment where children are cared for during periods of time not exceeding four continuous hours while the child's parent, guardian, or custodian is attending church services, shopping, or engaged in other activities, other than employment, on or near the premises.
  - f. Schools or classes for religious instruction conducted by religious orders during the summer months for not more than two weeks, Sunday schools, weekly catechism or other classes for religious instruction.
  - g. Summer resident or day camps for children which serve no preschool age children for more than two weeks.
  - h. Sporting events, practices for sporting events, or sporting or physical activities conducted under the supervision of an adult.
8. "Family child care home" means an occupied private residence in which ~~supplemental parental care is regularly~~ early childhood services are provided for no three or more than seven children from more than one family or no more than four children ages two and under and the children are not related to the provider and no more than seven children are cared for at any time.
- 6- 9. "Group child care home" or "group child care facility" means a child care facility where ~~supplemental care is regularly~~ early childhood

- services are provided for eight ~~to~~ through eighteen children or a facility, other than an occupied private residence, which serves fewer than seven children.
- 7- 10. "In-home provider" means any person who provides supplemental parental care early childhood services to children in the children's home.
- 8- 11. "License" means the right, authority, or permission granted by the department to operate a group child care facility or, child care center, or the right, authority, or permission, granted by the department, to hold out a family child care home as inspected and approved by the department, or preschool educational facility.
12. "Multiple-licensed facility" means an early childhood facility that provides more than one type of early childhood services.
13. "Preschool educational facility" means a facility that offers early childhood services and follows a preschool curriculum and course of study designed primarily to enhance the educational development of the children enrolled in the facility and that serves no child for more than three hours per day.
- 9- 14. "Registrant" means the holder of a registration certificate document issued by the department in accordance with the provisions of this chapter.
- 10- 15. "Registration" means the process whereby the board department maintains a record of all in-home providers who have certified stated that they have complied or will comply with the prescribed standards and promulgated regulations adopted rules.
- 11- 16. "Registration certificate document" is a written instrument issued by the department to publicly document that the certificate holder registrant has certified compliance complied with this chapter and the applicable regulations rules and standards as prescribed by the department.
- 12- "Supplemental parental care" means the care, supervision, education, or guidance of a child or children, unaccompanied by the child's parent, guardian, or custodian, which is, or is anticipated to be, ongoing for periods of four or more hours per day or for three or more days per

week. Supplemental parental care shall not include-

- a- Substitute parental child care provided pursuant to chapter 50-11-
- b- Child care provided in any educational facility, whether public or private, in grade one or above-
- c- Child care provided in a kindergarten which has been established pursuant to chapter 15-45-
- d- Child care provided to preschool age handicapped children in any educational facility through a program approved by the superintendent of public instruction-
- e- Child care provided in facilities operated in connection with a church, shopping center, business, or other establishment where children are cared for during periods of time not exceeding four continuous hours while the child's parent, guardian, or custodian is attending church services, shopping, or engaged in other activities, other than employment, on or near the premises-
- f- Schools or classes for religious instruction conducted by religious orders during the summer months for not more than two weeks, Sunday schools, weekly catechism or other classes for religious instruction-
- g- Summer resident or day camps for children-
- h- Child care provided in a preschool educational facility which offers and follows a curriculum and course of study designed primarily to enhance the educational development of the children in care; employs a supervising instructor who possesses at least a bachelor's degree or a teaching certificate; complies with fire safety standards applicable to educational or school facilities for elementary or younger students; which serves no child for more than four hours per day; and which has a governing body or advisory committee, consisting of at least five members, which meets at least quarterly and which includes a majority of parents who have children in care-

~~is: Sporting events, practices for sporting events, or sporting or physical activities conducted under the supervision of an adult.~~

17. "Related to" means any person having the following relationship by marriage, blood, or adoption to a child receiving early childhood services: grandparent, brother, sister, stepparent, stepsister, stepbrother, uncle, or aunt.

SECTION 3. AMENDMENT. Section 50-11.1-02.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-11.1-02.1. Number of children in care program - How determined. For the purpose of determining the number of children in a child care an early childhood facility, all children of the operator or employees, present in the facility and under the age of fourteen twelve years, shall be counted except for purposes of determining fire, safety, or zoning requirements.

SECTION 4. AMENDMENT. Section 50-11.1-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-11.1-03. Operation of family child care home, group child care ~~facilities~~ facility, preschool educational facility, and child care centers center - License or certificate required - Fees.

1. No person, partnership, firm, corporation, association, or nongovernmental organization shall may establish or operate a family child care home, group child care facility, preschool educational facility, or child care center unless licensed or certificated to do so by the department. No governmental organization shall may establish or operate a family child care home, group child care facility, preschool educational facility, or child care center without first certifying, to the department, that it has complied with all rules and regulations applicable to family child care homes, group child care facilities, preschool educational facilities, or child care centers.
2. An applicant for a license or certificate must submit the following nonrefundable fees with the application:
  - a. The operator of a family child care home applying for a certificate shall pay an

annual certificate fee of fifteen dollars or if the certificate is issued for a two-year period, a fee of thirty dollars.

- b. The operator of a group child care home applying for a license shall pay an annual license fee of twenty dollars or if the license is issued for a two-year period, a fee of forty dollars.
  - c. The operator of a preschool educational facility applying for a license shall pay an annual license fee of twenty-five dollars or if the license is issued for a two-year period, a fee of fifty dollars.
  - d. The operator of a child care center applying for a license shall pay an annual license fee of thirty-five dollars or if the license is issued for a two-year period, a fee of seventy dollars.
  - e. The operator of a multiple-licensed or certified facility applying for a license shall pay an annual license or certification fee of forty-five dollars or if the license or certificate is issued for a two-year period, a fee of ninety dollars.
3. In addition to any criminal sanctions or other civil penalties which may be imposed pursuant to law, the operator of an early childhood facility who, after being given written notice by a representative of the department, continues to provide early childhood services without a license or certificate as required by this section is subject to a civil penalty of fifty dollars per day for each day of operation without such license. The civil penalty may be imposed by the courts or by the department through an administrative hearing pursuant to chapter 28-32.

SECTION 5. AMENDMENT. Section 50-11.1-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-11.1-04. Application for license or certificate - Prerequisites for issuance - License or certificate granted - Term. Applications for ~~child care~~ early childhood facility licenses ~~and~~ and certificates must be made on forms provided, in the manner prescribed, by the department. The county agency shall investigate the applicant's activities and proposed standards of care and shall make an inspection of the facility. A The applicant for a license or

certificate and the applicant's employees, and if the certificate is for an occupied private residence every person living or working in that residence, may be investigated in accordance with the rules adopted by the department to determine whether any of them has a criminal record or has had a finding of probable cause for child abuse or neglect filed against them. Except as otherwise provided, the department shall grant a license or certificate for the operation of a child care an early childhood facility or child care center shall be granted by the department upon a showing that:

1. The premises to be used are in fit sanitary condition and properly equipped to provide for the health and safety for all children who may be received;
2. The persons in charge of the facility and their assistants are qualified to fulfill the duties required of them according to the provisions of this chapter and standards prescribed for their qualifications by the rules and regulations of the department;
3. The facility will be maintained according to the standards prescribed for its conduct by the rules and regulations of the department; and
4. The facility has not had a previous license or certificate revoked within the one hundred eighty days prior to the date of the current application; and
5. The facility has paid its license or certificate fees and any penalties assessed against the facility as required by section 50-11.1-03.

The license or certificate issued to the operator of an early childhood facility shall be in force and effect for a period of not more than one year two years. Previously licensed facilities must make the same showing as initially licensed facilities-

SECTION 6. AMENDMENT. Section 50-11.1-06.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-11.1-06.1. Conviction not bar to licensure or certification - Exceptions. Conviction of an offense shall not disqualify a person from licensure or certification under this chapter unless the department determines that the offense has a direct bearing upon a person's ability to serve the public as the owner or proprietor of a child care an early childhood facility or as an in-home provider, or

that, following conviction of any offense, the person is not sufficiently rehabilitated under section 12.1-33-02.1.

SECTION 7. AMENDMENT. Section 50-11.1-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-11.1-07. Investigation of applicants, licensees, certificate holders, and registrants - Maintenance of records - Confidentiality of records.

1. The department and the county agency at any time may investigate and inspect the conditions of the facility, the qualifications of the providers of supplemental parental care early childhood services in any child care early childhood facility, and the qualifications of any in-home provider seeking or holding a license, certificate, or registration certificate document under the provisions of this chapter. Upon request of the department or the county agency, the state department of health or the state fire marshal, or his designee, shall inspect any facility for which a license or certificate is applied for or issued and shall report its findings to the county agency.
2. Licensees, certificate holders, and registrants shall:
  - a. Maintain such records as the department may prescribe regarding each child in their care and control, and shall report to the department, when requested, such facts as the department may require with reference to the children upon forms furnished by the department; and
  - b. Admit for inspection authorized agents of the department or the county agency and open for examination all records, books, and reports of the home or facility.
3. All records and information maintained with respect to children receiving supplemental parental care shall be deemed early childhood services are confidential and must be properly safeguarded and shall not be disclosed except:
  - a. In a judicial proceeding;
  - b. To officers of the law or other legally constituted boards or agencies; or

- c. To persons having a definite interest in the well-being of the child or children concerned and who, in the judgment of the department, are in a position to serve their interests should that be necessary.

**SECTION 8. AMENDMENT.** Section 50-11.1-07.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**50-11.1-07.1. Notice.** After each inspection or reinspection, the county agency shall, by certified mail, send copies of any correction order or notice of noncompliance, to the ~~child care~~ early childhood facility.

**SECTION 9. AMENDMENT.** Section 50-11.1-07.2 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**50-11.1-07.2. Correction orders.** Whenever the county agency finds, upon inspection of a ~~child care~~ an early childhood facility, that the facility is not in compliance with the provisions of this chapter, or the rules and regulations promulgated thereunder, a correction order shall be issued to the facility. The correction order shall cite the specific statute or regulation violated, state the factual basis of the violation, state the suggested method of correction, and specify the time allowed for correction. The correction order shall also specify the amount of any fiscal sanction to be assessed if the correction order is not complied with in a timely fashion. The department shall, by rule promulgated pursuant to subsection 2 of section 50-11.1-08, establish a schedule of allowable time periods for correction of deficiencies.

**SECTION 10. AMENDMENT.** Section 50-11.1-07.3 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**50-11.1-07.3. Reinspections.** A ~~child care~~ An early childhood facility issued a correction order under section 50-11.1-07.2 shall be reinspected at the end of the period allowed for correction. If, upon reinspection, it is determined that the facility has not corrected a violation identified in the correction order, a notice of noncompliance with the correction order shall be mailed by certified mail to the facility. The notice shall specify the violations not corrected and the penalties assessed in accordance with section 50-11.1-07.5.

**SECTION 11. AMENDMENT.** Section 50-11.1-07.4 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-11.1-07.4. Fiscal sanctions. A ~~child care~~ An early childhood facility, if issued a notice of noncompliance with a correction order, shall be assessed fiscal sanctions in accordance with a schedule of fiscal sanctions established by rules promulgated pursuant to subsection 2 of section 50-11.1-08. The fiscal sanction shall be assessed for each day the facility remains in noncompliance after the allowable time period for the correction of deficiencies ends and shall continue until a notice of correction is received by the county agency in accordance with section 50-11.1-07.6. No fiscal sanction for a specific violation may exceed twenty-five dollars per day of noncompliance.

SECTION 12. AMENDMENT. Section 50-11.1-07.5 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-11.1-07.5. Accumulation of fiscal sanctions. A ~~child care~~ An early childhood facility shall promptly notify the county agency in writing when a violation noted in a notice of noncompliance is corrected. Upon receipt of written notice by the county agency, the daily fiscal sanction assessed for the deficiency shall stop accruing. The facility shall be reinspected within three working days after receipt of the notification. If, upon reinspection, it is determined that a deficiency has not been corrected, the daily assessment of fiscal sanction shall resume and the amount of fiscal sanction which otherwise would have accrued during the period prior to resumption shall be added to the total assessment due from the facility. The county agency shall notify the facility of the resumption by certified mail. Recovery of the resumed fiscal sanction shall be stayed if the operator of the facility makes a written request for an administrative hearing in the manner provided in chapter 28-32; provided, that written request for the hearing is made to the department within ten days of the notice of resumption.

SECTION 13. AMENDMENT. Section 50-11.1-07.7 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-11.1-07.7. Disposition of fiscal sanctions. Any fiscal sanction which ~~shall be~~ is collected for any violation of this chapter or of ~~regulations promulgated thereunder~~ rules adopted pursuant to this chapter, shall be paid into the state treasury for the general fund, after the costs of recovering the fiscal sanction are deducted therefrom.

SECTION 14. AMENDMENT. Section 50-11.1-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-11.1-08. Minimum standards - Rules and regulations - Inspection by a governmental unit. The department may:

1. Establish reasonable minimum standards for the operation of ~~child care~~ early childhood facilities, and the registration of in-home providers. In appropriate circumstances and upon good cause shown, specific minimum standards may be substituted by alternate, equivalent standards, approved by the department.
2. Take such action and make such reasonable rules and regulations for the regulation of ~~supplemental parental care~~ early childhood services as may be necessary to carry out the purposes of this chapter and entitle the state to receive aid from the federal government.
3. Authorize a governmental unit to:
  - a. Inspect any home or facility for which a license or certificate is applied for or issued under this chapter; and
  - b. Certify to the department that the home or facility meets the requirements of this chapter and the minimum standards prescribed by the department.

SECTION 15. AMENDMENT. Section 50-11.1-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-11.1-09. Revocation of license, certificate, or registration ~~certificate~~ document. The department may revoke the license or certificate of any ~~child care~~ early childhood facility, or the registration ~~certificate~~ document of any in-home provider upon proper showing of any of the following:

1. Any of the applicable conditions set forth in section 50-11.1-04 as prerequisites for the issuance of the license no longer exist.
2. The licensee, certificate holder, or registrant is no longer in compliance with the minimum standards prescribed by the department.
3. The license, certificate, or registration ~~certificate~~ document was issued upon fraudulent or untrue representation.

4. The licensee, certificate holder, or registrant has violated any rules and regulations of the department.
5. The licensee, certificate holder, or registrant has been guilty of an offense determined by the department to have a direct bearing upon a person's ability to serve the public as a licensee, certificate holder, or registrant.
6. The licensee or certificate holder has been convicted of any offense and the board department, acting pursuant to section 12.1-33-02.1, has determined that he has not been sufficiently rehabilitated.

SECTION 16. AMENDMENT. Section 50-11.1-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-11.1-11. Public agency purchase of supplemental parental care early childhood services. No agency of state or local government ~~shall~~ may purchase supplemental parental care early childhood services, including care provided by or in the home of a relative, unless the day care center, registered family day care home, early childhood facility or child care early childhood services attendant is licensed, certified, or registered, or approved by the department.

SECTION 17. AMENDMENT. Section 50-11.1-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-11.1-12. Violation of chapter or regulations - Injunction. The department may seek injunctive action against a child care an early childhood facility in the district court through proceedings instituted by the attorney general on behalf of the department if:

1. There is a violation of this chapter or a regulation promulgated rule adopted thereunder;
2. A child care An early childhood facility, after notice and opportunity for hearing on the notice of noncompliance, or on the resumption of the fiscal sanction, or after administrative hearing confirming and upholding the fiscal sanction, does not pay a properly assessed fiscal sanction in accordance with section 50-11.1-07.6.

SECTION 18. REPEAL. Section 50-11.1-04.1 of the North Dakota Century Code is hereby repealed.

**SECTION 19. CONTINUING APPROPRIATION.** There is hereby appropriated on a continuing basis all fees collected under subsection 2 of section 50-11.1-03 to the counties that collected those fees. These funds must be used for the purpose of investigating the eligibility of applicants for early childhood facility licenses or certificates issued by the department of human services."

And renumber the lines and pages accordingly

REP. HAUGLAND, Chairman

HB 1293 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

**MR. SPEAKER:** Your Committee on Finance and Taxation to which was referred HB 1327 has had the same under consideration and recommends by a vote of 11 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 4, after the word "beverages" insert the words "; and to provide a statement of legislative intent"

On page 2, after line 21, insert the following new section:

"SECTION 3. INTENT. It is the intention of the legislative assembly that the increased revenues generated by this Act to the state general fund shall be deemed the first moneys withdrawn for purposes of parks and recreation department leadership and facilities grants through the appropriation provided in House Bill No. 1267, as approved by the forty-ninth legislative assembly."

And renumber the lines and pages accordingly

REP. A. HAUSAUER, Chairman

HB 1327 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

**MR. SPEAKER:** Your Committee on State and Federal Government to which was referred HB 1336 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. MARTINSON, Chairman

HB 1336 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 1392 has had the same under consideration and recommends by a vote of 11 YEAS, 5 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, remove the overstrike over lines 23 through 28
- On page 2, remove the overstrike
- On page 3, remove the overstrike over lines 1 through 12
- On page 3, after line 12, insert the following new subdivision:

"d. Except that for purposes of applying the Internal Revenue Code of 1954, as amended, with respect to actual distributions made after December 31, 1984, by a domestic international sales corporation, or former domestic international sales corporation, which was a domestic international sales corporation on December 31, 1984, any accumulated domestic international sales corporation income of a domestic international sales corporation, or former domestic international sales corporation, which is derived before January 1, 1985, shall not be treated as previously taxed income."

And renumber the lines and pages accordingly

REP. A. HAUSAUER, Chairman

HB 1392 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 1425 has had the same under consideration and recommends by a vote of 10 YEAS, 1 NAY, 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 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 39-06.1-06 and a new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to penalties for violation of highway speed limits; to amend and reenact subsection 3 of section 39-06.1-06, paragraph 33 of subdivision a of subsection 3 of section 39-06.1-10, and subdivision f of subsection 1 of section 39-09-02 of the North Dakota Century Code, relating to highway speed limits and penalties for violating highway speed limits; and to provide a contingent effective date.

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

SECTION 1. AMENDMENT. Subsection 3 of section 39-06.1-06 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. Fee Except as provided in section 2 of this Act, for a violation of section 39-09-02, or an equivalent ordinance, a fee established as follows:

Miles per hour over lawful speed limit	Fee
1 - 5	\$ 5
6 - 10	\$ 5 plus \$1/each mph 5 mph over limit
11 - 15	\$ 10 plus \$1/each mph 10 mph over limit
16 - 20	\$ 15 plus \$2/each mph 15 mph over limit
21 - 25	\$ 25 plus \$3/each mph 20 mph over limit
26 - 35	\$ 40 plus \$3/each mph 25 mph over limit
36 - 45	\$ 70 plus \$3/each mph 35 mph over limit
46 +	\$100 plus \$5/each mph 45 mph over limit

SECTION 2. A new subsection to section 39-06.1-06 of the 1983 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

On a highway on which the speed limit is sixty-five miles per hour, for a violation of section 39-09-02, or an equivalent ordinance, a fee established as follows:

Speed	Fee
66 - 70	\$ 10 plus \$1/each mph over 65
71 - 75	\$ 15 plus \$2/each mph over 70
76 - 80	\$ 25 plus \$3/each mph over 75
81 - 90	\$ 40 plus \$3/each mph over 80
91 - 100	\$ 70 plus \$3/each mph over 90
101 +	\$100 plus \$5/each mph over 100

SECTION 3. AMENDMENT. Paragraph 33 of subdivision a of subsection 3 of section 39-06.1-10 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

- (33) ~~Operating~~ Except as provided in section 4 of this Act, operating a motor vehicle in excess of speed limit in violation of section 39-09-02, or equivalent ordinance
- |                        |          |
|------------------------|----------|
| 6 - 10 mph over limit  | 1 point  |
| 11 - 15 mph over limit | 2 points |
| 16 - 20 mph over limit | 3 points |
| 21 - 25 mph over limit | 4 points |

26 - 35 mph over limit	6 points
36 - 45 mph over limit	8 points
46 + mph over limit	12 points

SECTION 4. A new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the 1983 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

On a highway on which the speed limit is sixty-five miles per hour, operating a motor vehicle in excess of the speed limit in violation of section 39-09-02, or equivalent ordinance

Speed (mph)	Points
71 - 75	1
76 - 80	4
81 - 90	7
91 - 100	10
101 +	12

SECTION 5. AMENDMENT. Subdivision f of subsection 1 of section 39-09-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

f. ~~Fifty-five~~ Sixty-five miles [~~88.51~~ 104.61 kilometers] an hour under other circumstances, unless otherwise permitted, restricted, or required by conditions.

SECTION 6. CONTINGENT EFFECTIVE DATE. This Act becomes effective on the date the governor certifies to the secretary of state and to the highway commissioner that the federal restrictions on speed limits exceeding fifty-five miles per hour are no longer in effect, but only if that day is before July 1, 1987."

And renumber the lines and pages accordingly

REP. TIMM, Chairman

HB 1425 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Social Services and Veterans Affairs to which was referred HB 1446 has had the same under consideration and recommends by a vote of 11 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 11, delete the words "addiction counselor certified by the"

On page 1, delete lines 12 and 13

On page 1, line 14, delete the words "addiction counselors,", overstrike the word "or", and immediately following the word "psychologist" insert the following: "or addiction counselors certified by the department of human services as meeting the minimum requirements established by that department for master addiction counselors,"

And renumber the lines accordingly

REP. HAUGLAND, Chairman

HB 1446 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 1464 has had the same under consideration and recommends by a vote of 11 YEAS, 3 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, 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 chapter 39-30 of the North Dakota Century Code, relating to operation, registration, and use of all-terrain vehicles; to provide for first registration of all-terrain vehicles under this Act; to provide a penalty; and to declare an emergency.

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

**SECTION 1.** Chapter 39-30 of the North Dakota Century Code is hereby created and enacted to read as follows:

**39-30-01. Definitions.** As used in this chapter, unless the context otherwise requires:

1. "All-terrain vehicle" means a motor vehicle using more than two low pressure tires and with a dry weight of less than twelve hundred pounds [544.31 kilograms].
2. "Dealer" means any person engaged in the business of buying, selling, or exchanging all-terrain vehicles or who advertises, or holds out to the public as engaged in the buying, selling, or exchanging of all-terrain vehicles, or who engages in the buying of all-terrain vehicles for resale.
3. "Operate" means to ride in or on and control the operation of an all-terrain vehicle.

4. "Operator" means a person who operates or is in actual physical control of an all-terrain vehicle.
5. "Owner" means a person, other than a lienholder, having the property in or title to an all-terrain vehicle and entitled to its use or possession.
6. "Register" means the act of assigning a registration number to an all-terrain vehicle.

**39-30-02. All-terrain vehicle registration - Title certificate - General requirements.** Except as provided in this chapter, a person may not operate an all-terrain vehicle unless it has been registered in accordance with this chapter.

**39-30-03. Registration - Application - Issuance - Fees - Renewal.**

1. Application for registration must be made to the motor vehicle department in the form the department prescribes and furnishes. The registration must state the name and address of every owner of the all-terrain vehicle and be signed by at least one owner. A copy of the application is evidence of registration for the first thirty days after the date of application.
2. On receipt of an application and the appropriate fee, the department shall register the all-terrain vehicle and assign a registration number and a certificate of registration. The certificate of registration must include information regarding the make, year, serial number, and name and address of the owner.
3. The fee for registration of each all-terrain vehicle is five dollars for a registration period of two years. For a duplicate or replacement registration number or registration card which is lost, mutilated, or becomes illegible, the department may charge a fee of not more than five dollars. For each all-terrain vehicle registered under this chapter, there is an all-terrain vehicle trail tax of five dollars.
4. The owner of an all-terrain vehicle shall renew the registration in the manner the department prescribes and pay the registration fees and applicable tax provided in subsection 3.
5. On application for registration as prescribed in subsection 2, and on payment of the amounts prescribed in subsection 3, an all-terrain

vehicle dealer is entitled to be issued registration numbers distinctively marked as dealer's registration numbers. The dealer's registration numbers may be used only on all-terrain vehicles owned by the dealership.

**39-30-04. Exemption from registration - Exemption from fees.**

1. Registration and payment of fees is not required of:
  - a. All-terrain vehicles owned and used by the United States or another state or its political subdivisions.
  - b. All-terrain vehicles registered in a foreign country and temporarily used in this state.
  - c. All-terrain vehicles validly licensed in another state and which have not been within this state for more than thirty consecutive days.
  - d. All-terrain vehicles used exclusively for work on private agricultural lands or on industrial jobsites on private land.
  - e. All-terrain vehicles used exclusively in organized track racing events.
2. All-terrain vehicles owned by the state or any of its political subdivisions are exempt from the registration fees in section 39-30-03.

**39-30-05. Disposition of registration fees.**

1. Fees from registration of all-terrain vehicles must be deposited with the state treasurer and credited to the motor vehicle registrar fund.
2. The all-terrain vehicle trail tax must be deposited in a state fund in the state treasury. The state parks and recreation department may, on appropriation by the legislative assembly, expend from that fund moneys for establishing all-terrain vehicle facilities, all-terrain vehicle use areas, and all-terrain vehicle safety and education programs.

**39-30-06. Transfer or termination of all-terrain vehicle ownership - Change of address of owner.** Within fifteen days after the transfer of any ownership interest in an all-terrain vehicle, other than a security interest, or the destruction or abandonment of any all-terrain vehicle, or a

change of address of the owner as listed with the application for registration, written notice of the fact must be given by the new owner to the registrar in the form the registrar requires.

**39-30-07. Licensing by political subdivisions.** Political subdivisions of this state may not require licensing or registration of all-terrain vehicles.

**39-30-08. Rules.** Rules for the regulation and use of all-terrain vehicles must be adopted as follows:

1. The department shall adopt rules for the registration of all-terrain vehicles and display of registration numbers.
2. The commissioner may, in the interest of public health, welfare and safety, regulate, by rule, the operation of all-terrain vehicles on state highways. The commissioner's authority to prohibit the use of all-terrain vehicles is limited to the roadways, shoulders, inslopes, and medians within the right of way, except where such action is necessary to avoid an obstacle. Notwithstanding the racing prohibitions in section 39-08-03.1, the commissioner may, on a case-by-case basis, permit organized and bona fide all-terrain vehicle races on the ditch bottoms, backslopes, and the top of the backslopes of the state highway rights of way. The planning, organization, route selection, and safety precautions of any such race are the sole responsibility of the person obtaining the permit. The commissioner, the department, and the department's employees incur no liability for permitting such races.
3. The director of state parks and recreation shall adopt rules to regulate use of all-terrain vehicles in state parks and other state-owned land described in section 55-08-03.
4. The governing bodies of political subdivisions may adopt rules to regulate use of all-terrain vehicles in areas under their jurisdiction. The governing body of a city may, by ordinance, regulate, restrict, and prohibit the use of all-terrain vehicles operated in the city limits in areas under the exclusive jurisdiction of the city.

**39-30-09. Operation of all-terrain vehicles.**

1. A person may not operate an all-terrain vehicle on the roadway, shoulder, or inside bank or slope of any road, street, or highway except as provided in this chapter. Except in emergencies, a person may not operate an all-terrain vehicle within the right of way of any controlled access highway.
2. The operator of an all-terrain vehicle may make a direct crossing of a street or highway only if:
  - a. The crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;
  - b. The all-terrain vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway;
  - c. The operator yields the right of way to all oncoming traffic which constitutes an immediate hazard; and
  - d. In crossing a divided highway, the crossing is made only at an intersection of the highway with another public street or highway.
3. A person may not operate an all-terrain vehicle unless it is equipped with at least one headlamp, one taillamp, and brakes, all in working order, which conform to standards prescribed by rule of the highway commissioner.
4. The emergency conditions under which an all-terrain vehicle may be operated other than as provided by this chapter are only those that render the use of an automobile impractical under the conditions and at the time and location in question.
5. A person may not operate an all-terrain vehicle in the following ways, which are declared to be unsafe and a public nuisance:
  - a. At a rate of speed greater than reasonable or proper under all the surrounding circumstances.
  - b. In a careless, reckless, or negligent manner so as to endanger the person or property of

another or to cause injury or damage to such person or property.

- c. While under the influence of intoxicating liquor or a controlled substance.
  - d. Without a lighted headlamp and taillamp.
  - e. In any tree nursery or planting in a manner which damages growing stock.
  - f. Without a manufacturer-installed or equivalent muffler in good working order and connected to the all-terrain vehicle's exhaust system.
  - g. On any private land where the private land is posted prohibiting trespassing. The name and address of the person posting the land and the date of posting must appear on each sign in legible characters. The posted signs must be readable from outside the land and be placed conspicuously at a distance of not more than eighty rods [402.34 meters] apart. Land entirely enclosed by a fence or other enclosure is sufficiently posted by posting of such signs, at or on all gates through the fence or enclosure.
6. Except as provided in section 39-30-10, a person may not operate an all-terrain vehicle without having in possession a valid driver's license or permit.
7. When an all-terrain vehicle is operated within the right of way of any road, street, or highway, during times or conditions that warrant the use of lights by other motor vehicles, the all-terrain vehicle must be operated in the same direction as the direction of other motor vehicles traveling on the side of the roadway immediately adjacent to the side of the right of way traveled by the all-terrain vehicle.
8. A person may not operate an all-terrain vehicle within the right of way of any highway while towing a sled, skid, or other vehicle, unless the object towed is connected to the all-terrain vehicle by a hinged swivel and secure hitch.

39-30-10. Operation by persons under age sixteen. Except as otherwise provided in this section, a person under sixteen years of age who is not in possession of a valid operator's license or permit to operate an all-terrain

vehicle may not, except upon the lands of the person's parent or guardian, operate an all-terrain vehicle. A person at least twelve years of age may operate an all-terrain vehicle if the person has completed an all-terrain vehicle safety training course prescribed by the director, has received the appropriate all-terrain vehicle safety certificate issued by the commissioner, and is accompanied by a person holding a valid operator's license. The failure of an operator to exhibit an all-terrain vehicle safety certificate on demand to any official authorized to enforce this chapter is presumptive evidence that that person does not hold such a certificate.

**39-30-11. Enforcement.** Only peace officers of this state and their respective duly authorized representatives may enforce this chapter.

**39-30-12. Penalties.** Violation of subdivision b or c of subsection 5 of section 39-30-09 is a class B misdemeanor. Violation of any other provision of section 39-30-09 is an infraction for which a fee of twenty dollars must be assessed. Violation of section 39-30-02 is an infraction, for which a fee of twenty-five dollars must be assessed. Violation of any other provision of this chapter is an infraction, for which a fee of ten dollars must be assessed.

**SECTION 2. Shorter registration period for all-terrain vehicles registered in 1985 and 1986.** Notwithstanding subsection 3 of section 39-30-03, the first registration period for all-terrain vehicles registered in 1985 and 1986 expires December 31, 1986.

**SECTION 3. EMERGENCY.** This Act is hereby declared to be an emergency measure and is in effect from and after its passage and approval."

And renumber the lines and pages accordingly

REP. TIMM, Chairman

HB 1464 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 1480 has had the same under consideration and recommends by a vote of 10 YEAS, 2 NAYS, 3 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 word "Act" insert the following: "to create and enact a new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to assessment of points for certain speeding violations; and"

- On page 1, line 10, overstrike the word "Operating" and insert immediately thereafter the words "Except as provided in section 2 of this Act, operating"
- On page 1, line 15, remove the overstrike over the words and numerals "~~16 - 20 mph over limit 3 points~~"
- On page 1, line 16, remove the overstrike over the numeral "4", and delete the numeral "2"
- On page 1, line 17, remove the overstrike over the numeral "6", and delete the numeral "4"
- On page 1, line 18, remove the overstrike over the numeral "8", and delete the numeral "6"
- On page 1, after line 19, insert the following section:

"SECTION 2. A new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the 1983 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

Within city limits on a noncontrolled access highway, operating a motor vehicle in excess of the speed limit in violation of section 39-09-02, or equivalent ordinance

<u>6 - 10 mph over limit</u>	<u>1 point</u>
<u>11 - 15 mph over limit</u>	<u>2 points</u>
<u>16 - 20 mph over limit</u>	<u>3 points</u>
<u>21 - 25 mph over limit</u>	<u>4 points</u>
<u>26 - 35 mph over limit</u>	<u>6 points</u>
<u>36 - 45 mph over limit</u>	<u>8 points</u>
<u>46 + mph over limit</u>	<u>12 points"</u>

And renumber the lines and pages accordingly

REP. TIMM, Chairman

HB 1480 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations to which was referred HB 1505 has had the same under consideration and recommends by a vote of 12 YEAS, 8 NAYS, 3 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. J. PETERSON, Chairman

HB 1505 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 1509 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 11, remove the overstrike over the words "~~the~~ ~~ehid's~~", and delete the word "their"

And renumber the lines accordingly

REP. CONMY, Chairman

HB 1509 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 1528 has had the same under consideration and recommends by a vote of 12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to amend and reenact subsections 2 and 18 of section 26-41-03 and section 26-41-06 of the North Dakota Century Code, or in the alternative to amend and reenact subsections 2 and 21 of section 26.1-41-01 and section 26.1-41-04 of the North Dakota Century Code as created by Senate Bill No. 2078, as approved by the forty-ninth legislative assembly, relating to levels of no-fault insurance coverage and the definition of serious injury.

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

SECTION 1. AMENDMENT. If Senate Bill No. 2078 of the forty-ninth legislative assembly does not become effective, subsections 2 and 18 of section 26-41-03 of the 1983 Supplement to the North Dakota Century Code are hereby amended and reenacted to read as follows:

2. "Basic no-fault benefits" means benefits for economic loss resulting from accidental bodily injury. The maximum amount of basic no-fault benefits payable for all economic loss incurred and resulting from accidental bodily injury to any one person as the result of any one accident shall not exceed ~~fifteen~~ thirty thousand dollars, regardless of the number of persons entitled to such benefits or the number of basic no-fault insurers obligated to pay such benefits. Basic

no-fault benefits payable shall not exceed one hundred fifty dollars per week per person prorated for any lesser period for work loss or survivors income loss, or one thousand dollars for funeral, cremation, and burial expenses.

18. "Serious injury" means an accidental bodily injury which results in death, dismemberment, serious and permanent disfigurement or disability beyond sixty days, or medical expenses in excess of ~~one~~ four thousand dollars. An injured person who is furnished the services in subsection 7 ~~of this section~~ without charge or at less than the average reasonable charge therefor in this state shall be deemed to have sustained a serious injury if the court determines that the fair and reasonable value of such services exceeds ~~one~~ four thousand dollars.

**SECTION 2. AMENDMENT.** If Senate Bill No. 2078 of the forty-ninth legislative assembly does not become effective, section 26-41-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**26-41-06. Optional excess no-fault benefits.** Each basic no-fault insurer of the owner of a secured motor vehicle shall also make available optional excess no-fault benefits for excess economic loss commencing upon the exhaustion of basic no-fault benefits, up to a total of ~~forty eight~~ thousand dollars in no-fault benefits for accidental bodily injury to any one person in any one accident. Nothing contained herein shall prevent any basic no-fault insurer from also offering benefits and limits other than those prescribed herein, nor shall this section be construed as preventing any basic no-fault insurer from incorporating in such optional excess no-fault coverage such terms, conditions, and exclusions as may be consistent with the premiums charged. The amounts payable under optional excess no-fault benefits may be duplicative of benefits received from any collateral sources or may be written in excess of such collateral source benefits, or may provide for reasonable waiting period, deductibles, or coinsurance provisions. The optional excess no-fault benefits of a basic no-fault insurer may provide that it be subrogated to the injured person's right of recovery against any responsible third party.

**SECTION 3. AMENDMENT.** If Senate Bill No. 2078, as approved by the forty-ninth legislative assembly, becomes effective, subsections 2 and 21 of section 26.1-41-01 of the North Dakota Century Code are hereby amended and reenacted to read as follows:

2. "Basic no-fault benefits" means benefits for economic loss resulting from accidental bodily injury. The maximum amount of basic no-fault benefits payable for all economic loss incurred and resulting from accidental bodily injury to any one person as the result of any one accident may not exceed ~~fifteen~~ thirty thousand dollars, regardless of the number of persons entitled to the benefits or the number of basic no-fault insurers obligated to pay the benefits. Basic no-fault benefits payable may not exceed one hundred fifty dollars per week per person prorated for any lesser period for work loss or survivors' income loss, or one thousand dollars for funeral, cremation, and burial expenses.
21. "Serious injury" means an accidental bodily injury which results in death, dismemberment, serious and permanent disfigurement or disability beyond sixty days, or medical expenses in excess of ~~one~~ four thousand dollars. An injured person who is furnished the services in subsection 9 without charge or at less than the average reasonable charge for the service in this state is deemed to have sustained a serious injury if a court determines that the fair and reasonable value of the service exceeds ~~one~~ four thousand dollars.

SECTION 4. AMENDMENT. If Senate Bill No. 2078, as approved by the forty-ninth legislative assembly, becomes effective, section 26.1-41-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

26.1-41-04. **Optional excess no-fault benefits.** Each basic no-fault insurer of the owner of a secured motor vehicle shall also make available optional excess no-fault benefits for excess economic loss commencing upon the exhaustion of basic no-fault benefits, up to a total of ~~forty~~ eighty thousand dollars in no-fault benefits for accidental bodily injury to any one person in any one accident. A basic no-fault insurer may also offer benefits and limits other than those prescribed in this section, and a basic no-fault insurer may incorporate in optional excess no-fault coverage the terms, conditions, and exclusions as may be consistent with the premiums charged. The amounts payable under optional excess no-fault benefits may be duplicative of benefits received from any collateral sources or may be written in excess of such collateral source benefits, or may provide for reasonable waiting period, deductibles, or coinsurance provisions. The optional excess no-fault benefits of a basic no-fault insurer may provide for subrogation to the injured person's right of recovery against any responsible third party."

And renumber the lines and pages accordingly

REP. TIMM, Chairman

HB 1528 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Finance and Taxation to which was referred HB 1574 has had the same under consideration and recommends by a vote of 15 YEAS, 2 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 13, after the second comma, insert the words "and prior to July 1, 2010,"

And renumber the lines and pages accordingly

REP. A. HAUSAUER, Chairman

HB 1574 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government to which was referred HB 1575 has had the same under consideration and recommends by a vote of 10 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. MARTINSON, Chairman

HB 1575 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government to which was referred HB 1576 has had the same under consideration and recommends by a vote of 12 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. MARTINSON, Chairman

HB 1576 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 1585 has had the same under consideration and recommends by a vote of 7 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

REP. CONMY, Chairman

HB 1585 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 1588 has had the same under consideration and recommends by a vote of 7 YEAS, 6 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 3, immediately after the word "limits" insert the words "and venue"
- On page 1, line 9, overstrike the words "Effective date", and insert immediately thereafter the word "Venue"
- On page 1, line 19, overstrike the words "if the defendant is a"
- On page 1, overstrike line 20
- On page 1, line 21, overstrike the words "the proceedings shall be commenced"
- On page 1, line 22, immediately after the word "business" insert an underscored comma
- On page 1, line 23, immediately after the period insert the following: "The defendant may elect to remove the action to a small claims court in the defendant's county of residence."
- On page 1, line 25, overstrike the words "Actions commenceable in the small claims court"
- On page 1, overstrike lines 26 and 27
- And renumber the lines and pages accordingly

REP. CONMY, Chairman

HB 1588 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 1616 has had the same under consideration and recommends by a vote of 12 YEAS, 2 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 9, after the word "call" insert the words "using a recorded message"
- On page 1, line 10, after the word "call" insert the words "using a recorded message"
- On page 1, line 14, delete the words "If the call involves the playing of a recorded message,"
- On page 1, line 15, delete the first word "the" and insert in lieu thereof the word "The"
- On page 1, line 17, delete the words "Regardless of whether the call involves the playing of a"

On page 1, line 18, delete the words "recorded message, the" and insert in lieu thereof the word "The"

And renumber the lines and pages accordingly

REP. KLOUBEC, Chairman

HB 1616 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Natural Resources to which was referred HB 1627 has had the same under consideration and recommends by a vote of 11 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS and be rereferred to the Committee on Appropriations:

On page 1, line 1, delete the word "section" and insert in lieu thereof the words and numerals "sections 49-06-23 and"

On page 1, line 2, after the word "to" insert the words "the public utility valuation fund and"

On page 1, line 4, delete the words "provide an appropriation" and insert in lieu thereof the words "declare an emergency"

On page 1, line 11, delete the word "- Appropriation"

On page 2, line 29, delete the word "siting"

On page 2, line 30, delete the words "evaluation fund" and insert in lieu thereof the words "public utility valuation fund of the state treasury"

On page 2, line 35, delete the words "All moneys deposited to the siting evaluation"

On page 3, delete lines 1 and 2 and insert in lieu thereof the following section:

"SECTION 2. AMENDMENT. Section 49-06-23 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

49-06-23. Expenses of valuation or revaluation - Commission rate hearings, investigations and proceedings - And commission evaluation of energy conversion facility sites and transmission facility corridors and routes paid into public utility valuation revolving fund. All costs and expenses of commission rate hearings, investigations and proceedings, and valuation of, revaluation and evaluation of energy conversion facility sites and transmission facility corridors and routes, collected by the commission under the provisions of subsection 7 of section 49-02-02, section 49-06-18, and subsection 3 of section 49-22-22,

shall be paid into the public utility valuation revolving fund of the state treasury. All moneys deposited to the public utility valuation revolving fund are hereby appropriated. The fund shall not be subject to the provisions of section 54-44.1-11.

**SECTION 3. EMERGENCY.** This Act is hereby declared to be an emergency measure and is in effect from and after its passage and approval."

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

HB 1627 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 1630 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION.

**REP. CONMY, Chairman**

HB 1630 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 1631 has had the same under consideration and recommends by a vote of 9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION:

On page 2, line 29, delete the word "a"

On page 2, line 30, delete the words "candidate for state office" and insert in lieu thereof the words "the candidates for governor and lieutenant governor running jointly"

On page 2, line 34, delete the colon

On page 3, line 1, delete the words "1. For the governor and lieutenant governor running jointly"

On page 3, delete lines 4 through 13

And renumber the lines and pages accordingly  
**REP. CONMY, Chairman**

HB 1631 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

**MR. SPEAKER:** Your Committee on Natural Resources to which was referred HB 1635 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING

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

On page 1, line 2, delete the word "mineral"

On page 1, line 10, after the word "supplies," insert the words "and except for purposes related to chapter 38-08,"

On page 1, line 11, delete the first comma and insert in lieu thereof the word "or", and delete the words ", or other"

On page 1, line 12, after the word "converts" insert the word "an"

On page 1, line 13, delete the words "a mineral"

And renumber the lines and pages accordingly

REP. A. OLSON, Chairman

HB 1635 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

**MR. SPEAKER:** Your Committee on Finance and Taxation to which was referred HB 1638 has had the same under consideration and recommends by a vote of 11 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 10, after the word "fund" insert the words "for each biennium for allocation to the energy development impact office"

On page 1, line 11, delete the words "to the energy development impact"

On page 1, line 12, delete the word "office"

On page 1, line 14, delete the words "to the energy development"

On page 1, line 15, delete the words "impact office"

On page 1, line 24, after the first "the" insert the word "monthly"

On page 1, line 26, delete the words "to the energy development"

On page 1, line 27, delete the words "impact office"

On page 1, line 28, delete the words "to the energy"

On page 2, line 1, delete the words "development impact office"

And renumber the lines and pages accordingly

REP. A. HAUSAUER, Chairman

HB 1638 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 1642 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 NOT PASS.

REP. CONMY, Chairman

HB 1642 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 1646 has had the same under consideration and recommends by a vote of 11 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2, line 7, delete the words "on form" and insert in lieu thereof the words "used to reduce the federal tax liability before calculation of the additional tax due on form 6251."

On page 2, delete lines 8 through 10

And renumber the lines accordingly

REP. A. HAUSAUER, Chairman

HB 1646 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 1647 has had the same under consideration and recommends by a vote of 13 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. KLOUBEC, Chairman

HB 1647 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 1650 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.

REP. KLOUBEC, Chairman

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

**MR. SPEAKER:** Your Committee on Appropriations to which was referred HCR 3057 has had the same under consideration and recommends by a vote of 16 YEAS, 4 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

REP. J. PETERSON, Chairman

HCR 3057 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 SB 2114 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING that the same DO PASS.

REP. KNUDSON, Chairman

SB 2114 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education to which was referred SB 2115 has had the same under consideration and recommends by a vote of 11 YEAS, 3 NAYS, 4 ABSENT AND NOT VOTING that the same DO PASS and be rereferred to the Committee on Appropriations.

REP. KNUDSON, Chairman

SB 2115 was rereferred to the Committee on Appropriations.

MR. SPEAKER: Your Committee on Transportation to which was referred SB 2149 has had the same under consideration and recommends by a vote of 11 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING that the same DO PASS.

REP. TIMM, Chairman

SB 2149 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation to which was referred SB 2166 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 PASS.

REP. TIMM, Chairman

SB 2166 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation to which was referred SB 2213 has had the same under consideration and recommends by a vote of 7 YEAS, 4 NAYS, 4 ABSENT AND NOT VOTING that the same DO PASS.

REP. TIMM, Chairman

SB 2213 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation to which was referred SB 2223 has had the same under consideration and recommends by a vote of 7 YEAS, 4 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 of the engrossed bill, line 1, delete the words "to create and enact a new subsection to section"

On page 1 of the engrossed bill, delete line 2

On page 1 of the engrossed bill, line 3, delete the words "protective headgear for certain operators of snowmobiles;"

On page 2 of the engrossed bill, delete lines 21 through 28

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

SB 2223 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 SB 2236 has had the same under consideration and recommends by a vote of 12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

REP. TIMM, Chairman

SB 2236 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation to which was referred SB 2298 has had the same under consideration and recommends by a vote of 11 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING that the same DO PASS.

REP. TIMM, Chairman

SB 2298 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

#### FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

Rep. Kretschmar introduced:

HCR 3075: A concurrent resolution directing the Legislative Council to study the desirability of adopting uniform or model laws where uniformity in state laws is desirable and practicable.

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

Committee on Appropriations introduced:

HCR 3076: A concurrent resolution directing the Legislative Council to study state agency and institution pay practices.

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

#### FIRST READING OF SENATE BILLS

SB 2031: A BILL for an Act making an appropriation for defraying the expenses of job service North Dakota and divisions thereof of the state of North Dakota.

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

SB 2313: A BILL for an Act to amend and reenact section 13-01-14 of the North Dakota Century Code, relating to late payment charges on accounts receivable.

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

SB 2380: A BILL for an Act to create and enact a new section to chapter 37-17.1 of the North Dakota Century Code, relating to the expenditure of disaster planning funds.

Was read the first time and referred to the Committee on State and Federal Government.

SB 2444: A BILL for an Act to create and enact a new subsection to section 50-06-05.1 and a new subsection to section 54-12-01 of the North Dakota Century Code, relating to the powers and duties of the department of human services and the attorney general regarding administrative hearings.

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

SB 2467: A BILL for an Act to create and enact a new section to chapter 6-03 of the North Dakota Century Code, relating to a banking association's power and the authority to invest in assets and obligations.

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

SB 2487: A BILL for an Act to amend and reenact section 43-03-09 of the North Dakota Century Code, relating to the practice of architecture without a license.

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

SB 2496: A BILL for an Act to create and enact section 54-17-07.8 of the North Dakota Century Code, relating to the confidentiality of state housing finance agency records.

Was read the first time and referred to the Committee on State and Federal Government.

#### FIRST READING OF A SENATE CONCURRENT RESOLUTION

SCR 4047: A concurrent resolution directing the Legislative Council to establish a jobs development commission composed of legislators, officials from the executive branch of government, officials from higher education, and representatives of private industry to study methods and to coordinate efforts to initiate and sustain new economic development and to spur the creation of new employment opportunities for the citizens of this state.

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

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

ROY GILBREATH, Chief Clerk