

JOURNAL OF THE HOUSE

Fiftieth Legislative Assembly

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TWENTY-SEVENTH DAY

Bismarck, February 11, 1987

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

The prayer was offered by Lyla Baken, Interpreter; Karla Unruh, Beulah; and Deloris Berg, Max; Senior Honor Students from the School for the Deaf, Devils Lake, North Dakota.

In the name of the Father and of the Son and of the Holy Spirit.

Thank You, Lord, for this beautiful day.

Thank You for past legislatures, who as dedicated men and women, sought and fought for the good of their constituents.

Thank You, Lord, for the educational opportunities provided by our school and for all the blessings and benefits that we have received as students at the North Dakota School for the Deaf and as residents of our hometown communities scattered throughout North Dakota.

Heavenly Father, please continue to protect our land (nation) from enemies within and without and to spare our state further economic upheavals (upsets).

Lord, guide the decisions made here today and watch over the voting process that the business conducted may result in the common good and well-being of all.

Help the legislators always feel the grave responsibility that is theirs.

Help them to see the far-reaching effects of their decisions for all our schools, businesses, and homes of North Dakota.

We pray in the name of our Lord Jesus, through whom we have daily support, forgiveness, and eternal peace. Amen.

MOTION

REP. MERTENS MOVED that the prayer be printed in the Journal, which motion prevailed.

## ROLL CALL

The roll was called and all Representatives were present, except Representatives Graba and Smette.

A quorum was declared by the Speaker.

## CORRECTION AND REVISION OF THE JOURNAL

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

REP. THOMPSON, Chairman

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

## SIXTH ORDER OF BUSINESS

REP. ANDERSON MOVED that the amendments to HB 1201 as recommended by the Committee on Transportation as printed on pages 829-830 of the House Journal be adopted, and when so adopted, recommends the same DO NOT PASS, which motion prevailed.

HB 1201 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. MOORE MOVED that the amendments to HB 1268 as recommended by the Committee on Political Subdivisions as printed on page 830 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1268 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. MOORE MOVED that the amendments to HB 1293 as recommended by the Committee on Political Subdivisions as printed on page 831 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

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

## REQUEST

REP. KINGSBURY REQUESTED the unanimous consent of the House to amend the proposed committee amendment to HB 1302. There being no objection, the request was granted.

## MOTION

REP. KINGSBURY MOVED that the proposed committee amendment to HB 1302 be amended as follows:

After the words "property under the control of the" insert the word "state"

The motion to adopt the proposed amendment to the committee amendment prevailed.

## SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to HB 1302 as recommended by the Committee on Appropriations as printed on pages 831-832 of the House Journal and amended on the floor of the House, be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1302, as amended by committee and on the floor of the House, was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. KRETSCHMAR MOVED that the amendments to HB 1323 as recommended by the Committee on Judiciary as printed on page 832 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1323 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. MOORE MOVED that the amendments to HB 1357 as recommended by the Committee on Political Subdivisions as printed on pages 832-833 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1357 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. MOORE MOVED that the amendments to HB 1369 as recommended by the Committee on Political Subdivisions as printed on page 833 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1369 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. A. HAUSAUER MOVED that the amendments to HB 1381 as recommended by the Committee on Finance and Taxation as printed on pages 833-834 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1381 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. MOORE MOVED that the amendments to HB 1390 as recommended by the Committee on Political Subdivisions as printed on page 834 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1390 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. MOORE MOVED that the amendments to HB 1547 as recommended by the Committee on Political Subdivisions as printed on page 835 of

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

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

REP. MOORE MOVED that the amendments to HB 1551 as recommended by the Committee on Political Subdivisions as printed on page 836 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1551 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. MARTINSON MOVED that the amendments to SB 2051 as recommended by the Committee on State and Federal Government as printed on pages 837-838 of the House Journal be adopted, and when so adopted, recommends the same DO NOT PASS, which motion prevailed.

SB 2051 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REP. MARTINSON MOVED that the amendments to SB 2113 as recommended by the Committee on State and Federal Government as printed on page 838 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2113 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

#### MOTIONS

REP. STRINDEN MOVED that HB 1245 and HB 1385 which are on the Eleventh order be laid over one legislative day, which motion prevailed.

REP. STRINDEN MOVED that HB 1462 be placed at the bottom of the calendar, which motion prevailed.

#### REPORT OF STANDING COMMITTEE

MR. SPEAKER: A majority of your Committee on Judiciary to which was referred HB 1072 has had the same under consideration and recommends that the same DO PASS.

Rep. Aas  
Rep. Flaagan  
Rep. Kolbo  
Rep. Murphy  
Rep. J. Nelson  
Rep. Ulmer  
Rep. Wilkie  
Rep. A. Williams

**MR. SPEAKER:** A minority of your **Committee on Judiciary** to which was referred HB 1072 has had the same under consideration and recommends that the same DO NOT PASS.

Rep. Kretschmar  
Rep. Wentz  
Rep. Cleveland  
Rep. Knudson  
Rep. Lindgren  
Rep. Shaft  
Rep. Sorensen

**REP. KRETSCHMAR, Chairman**

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

#### MOTION

**REP. STRINDEN MOVED** that the rules be suspended, that HB 1072 be placed on the Eleventh order of business for second reading and final passage, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1072:** A BILL for an Act to amend and reenact section 5-01-09 of the North Dakota Century Code, relating to the unlawful delivery of alcoholic beverages; and to repeal section 5-01-06 of the North Dakota Century Code, relating to recovery of damages resulting from intoxication.

Which has been read.

#### MOTION

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

#### ROLL CALL

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

**YEAS:** Aas; Almlie; Anderson; Berg, G.; Berg, R.; Brokaw; Christman; Dalrymple; DeMers, P.; Dorso; Dotzenrod; Flaagan; Gates; Gerntholz; Goetz; Gorman; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kent; Kingsbury; Klundt; Knell; Koland; Kolbo; Kretschmar; Kuchera; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Meyer; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Peterson; Rice; Riehl; Rydell; Shaft; Shaw; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Starke; Stofferahn; Strinden; Thompson; Tokach; Tollefson;

Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne;  
Whalen; Wilkie; Williams, A.; Williams, C.;  
Williams, W.; Winkelman; Speaker Kloubec

**NAYS:** Belter; Cleveland; DeMers, J.; Enget; Frey;  
Haugland; Kelly; Lang; Moore; Scherber; Schindler;  
Schneider; Wentz

**ABSENT AND NOT VOTING:** Graba; Knudson

HB 1072 passed, the title was agreed to, and it was unnecessary to vote on the report of the minority.

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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 2307, SB 2420, SB 2459, SCR 4016

**PERRY GROTEBERG, Secretary**

**SENATE CHAMBER**

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

HB 1057

**PERRY GROTEBERG, Secretary**

**MOTION**

**REP. V. OLSON MOVED** that the House reconsider its action whereby HB 1496 failed to pass, which motion prevailed on a verification vote.

**SECOND READING OF HOUSE BILLS**

**HB 1496:** A BILL for an Act to create and enact a new section to chapter 57-39.2 and a new section to chapter 57-40.2 of the North Dakota Century Code, relating to refund of a portion of sales or use taxes paid for purchases or use of farm machinery repair parts; to amend and reenact sections 57-39.2-02.1 and 57-40.2-02.1 of the North Dakota Century Code as contained in sections 1 and 4 of Senate Bill No. 2901, as approved by the fiftieth legislative assembly, relating to imposition of sales and use taxes on farm machinery repair parts; and to declare an emergency.

Which has been read.

**MOTION**

**REP. KENT MOVED** the previous question, which motion prevailed.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 48 YEAS, 55 NAYS, 3 ABSENT AND NOT VOTING.

**YEAS:** Aas; Almlie; Anderson; Berg, R.; Cleveland; DeMers, J.; Dorso; Frey; Gates; Gerntholz; Goetz; Gorman; Halmrast; Hamerlik; Haugen; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Kent; Kingsbury; Koland; Larson; Lautenschlager; Lindgren; Martinson; Moore; Nicholas; Olson, V.; Payne; Peterson; Rice; Rydell; Scherber; Schneider; Shaft; Skjerven; Smette; Sorensen; Stofferahn; Strinden; Thompson; Tollefson; Wald; Wentz; Whalen; Winkelman; Speaker Kloubec

**NAYS:** Belter; Berg, G.; Brokaw; Christman; Dalrymple; DeMers, P.; Dotzenrod; Enget; Flaagan; Gunsch; Hanson, L.; Hanson, O.; Haugland; Hill; Kelly; Klundt; Knell; Kolbo; Kretschmar; Lang; Laughlin; Linderman; Marks; Martin; Melby; Mertens; Meyer; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Opedahl; O'Shea; Riehl; Schindler; Shaw; Shide; Shockman; Solberg; Starke; Tokach; Tomac; Trautman; Ulmer; Vander Vorst; Watne; Wilkie; Williams, A.; Williams, C.; Williams, W.

**ABSENT AND NOT VOTING:** Graba; Knudson; Kuchera

HB 1496 was declared lost.

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**HB 1318:** A BILL for an Act to create and enact chapter 4-12.3 of the North Dakota Century Code, relating to the keeping of alfalfa leafcutter bees; to provide a penalty; and to provide an appropriation.

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 103 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

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

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

**NAYS:** None

**ABSENT AND NOT VOTING:** Graba; Knudson; Peterson

HB 1318 passed and the title was agreed to.

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**HB 1347:** A BILL for an Act to amend and reenact sections 60-06-01, 60-06-05, and 60-06-06.1 of the North Dakota Century Code, relating to warehouses on railroad rights of way.

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 103 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

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

**NAYS:** None

**ABSENT AND NOT VOTING:** Graba; Knudson; Tollefson

HB 1347 passed and the title was agreed to.

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**SPECIAL ORDER OF BUSINESS**

The following Boy Scouts were introduced to the Assembly:

Cub Scout - Jeffrey Anderson, Powers Lake, North Dakota  
 Cub Scout - Marcus Leggate, Dickinson, North Dakota  
 Cub Scout - Joshua Neugebauer, Hatton, North Dakota  
 Star Scout - Aaron Gunderson, Dunseith, North Dakota  
 Life Scout - Jason Loney, West Fargo, North Dakota  
 Life Scout - Terry Moe, Watford City, North Dakota

These boys have been participating in the annual Northern Lights Council Boy Scout report to the Governor.

**MOTION**

**REP. A. HAUSAUER MOVED** that HB 1262 be returned to the House floor from the **Committee on Finance and Taxation** for the purpose of withdrawal, which motion prevailed.

**REQUEST**

**REP. MOORE REQUESTED** the unanimous consent of the House to withdraw HB 1262. There being no objection, it was so ordered by the Speaker.

**RECOGNITION**

**THE SPEAKER ANNOUNCED** that a former Senator was in the chambers, and requested that the House recognize former Senator I. E. "Esky" Solberg, and Senator Solberg was thereupon introduced to the House.

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

**REPORT OF STANDING COMMITTEE**

**MR. SPEAKER:** Your **Committee on Finance and Taxation** to which was referred HB 1668 has had the same under consideration and recommends by a vote of 17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

**REP. A. HAUSAUER, Chairman**

HB 1668 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, that HB 1668 be placed on the Eleventh order for second reading and final passage on the bottom of today's calendar, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1410:** A **BILL** for an Act to amend and reenact section 1 of chapter 421 of the 1985 Session Laws of North Dakota,

relating to the issuance of commemorative centennial license plates; 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 97 YEAS, 2 NAYS, 7 ABSENT AND NOT VOTING.

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

**NAYS:** Kelly; Melby

**ABSENT AND NOT VOTING:** Graba; Knudson; Lautenschlager; Mertens; Murphy; Peterson; Whalen

HB 1410 passed, the title was agreed to, and the emergency clause carried.

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#### REQUEST

REP. KELLY REQUESTED that the record show that she intended to vote "aye" on HB 1410, which request was granted.

#### SECOND READING OF HOUSE BILL

HB 1395: A BILL for an Act to create and enact a new section to chapter 61-21 of the North Dakota Century Code, relating to changes to roads and highways crossed by drains.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 52 YEAS, 51 NAYS, 3 ABSENT AND NOT VOTING.

**YEAS:** Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Dalrymple; DeMers, P.; Dorso; Dotzenrod; Gerntholz; Gunsch; Hamerlik; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hokana; Kelly; Kent; Kingsbury; Knell; Koland; Kuchera; Larson; Lindgren; Martin; Martinson; Moore; Myrdal; Nicholas; Nowatzki; Olson, A.; Olson, V.; Payne; Rice; Scherber; Schindler; Schneider; Shaft; Skjerven; Stofferahn; Strinden; Thompson; Tollefson; Trautman; Wald; Wentz; Whalen; Winkelman; Speaker Kloubec

**NAYS:** Brokaw; Christman; Cleveland; DeMers, J.; Enget; Flaagan; Frey; Gates; Goetz; Gorman; Halmrast; Hanson, L.; Hill; Hoffner; Klundt; Kolbo; Kretschmar; Lang; Laughlin; Lautenschlager; Linderman; Marks; Melby; Mertens; Murphy; Nelson, C.; Nelson, J.; Oban; O'Connell; Olsen, D.; Opedahl; O'Shea; Peterson; Riehl; Rydell; Shaw; Shide; Shockman; Smette; Solberg; Sorensen; Starke; Tokach; Tomac; Ulmer; Vander Vorst; Watne; Wilkie; Williams, A.; Williams, C.; Williams, W.

**ABSENT AND NOT VOTING:** Graba; Knudson; Meyer

HB 1395 was declared lost for want of a Constitutional majority.

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#### MOTION

**REP. GOETZ MOVED** that the House waive the reading of the title to HB 1439, which motion prevailed.

#### SECOND READING OF HOUSE BILLS

**HB 1439:** A BILL for an Act 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 entries against driving records; to amend and reenact sections 39-06.1-09 and 39-08-09 of the North Dakota Century Code, relating to the definition of a moving violation and immediate notice of an accident; 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 75 YEAS, 27 NAYS, 4 ABSENT AND NOT VOTING.

**YEAS:** Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Gorman; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hill; Hoffner; Hokana; Kelly; Kent; Klundt; Knell; Kolbo; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martinson;

Melby; Mertens; Moore; Murphy; Myrdal; Nelson, C.;  
 Nicholas; Nowatzki; Oban; O'Connell; Olson, V.;  
 Opedahl; O'Shea; Payne; Rydell; Scherber; Schneider;  
 Shaft; Shaw; Skjerven; Solberg; Sorensen; Starke;  
 Stofferahn; Strinden; Tollefson; Trautman;  
 Vander Vorst; Watne; Wilkie; Williams, A.;  
 Williams, C.; Williams, W.; Speaker Kloubec

**NAYS:** Cleveland; Gerntholz; Goetz; Gunsch; Hamerlik;  
 Hausauer, A.; Hausauer, R.; Kingsbury; Koland; Martin;  
 Meyer; Nelson, J.; Olsen, D.; Olson, A.; Rice; Riehl;  
 Schindler; Shide; Shockman; Smette; Thompson; Tokach;  
 Tomac; Ulmer; Wald; Whalen; Winkelman

**ABSENT AND NOT VOTING:** Graba; Knudson; Peterson; Wentz

HB 1439 passed and the title was agreed to.

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HB 1442: A BILL for an Act to amend and reenact subsection 27 of section 20.1-01-02 and subsection 1 of section 20.1-03-05 of the North Dakota Century Code, relating to the definition of resident for purposes of obtaining a game or fish license or permit.

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 12 YEAS, 86 NAYS, 8 ABSENT AND NOT VOTING.

**YEAS:** Aas; Berg, G.; Berg, R.; Cleveland; Dorso;  
 Dotzenrod; Hamerlik; Haugen; Lautenschlager; O'Connell;  
 Rice; Schindler

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

ABSENT AND NOT VOTING: DeMers, J.; Graba; Knudson;  
Peterson; Schneider; Thompson; Wentz; Whalen

HB 1442 was declared lost.

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HB 1497: 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 hunting of deer with muzzleloading long guns.

Which has been read.

#### ROLL CALL

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

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

NAYS: Cleveland; Hanson, O.

ABSENT AND NOT VOTING: Graba; Knudson; Peterson;  
Schneider; Wentz

HB 1497 passed and the title was agreed to.

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HB 1527: A BILL for an Act to create and enact a new subsection to section 57-39.2-04 of the North Dakota Century Code, relating to a sales and use tax exemption for repair or replacement parts for farm machinery; and to amend and reenact sections 57-39.2-02.1, 57-39.2-08.2, and 57-40.2-02.1 of the North Dakota Century Code as contained in sections 1, 3, and 4 of Senate Bill No. 2901, as

approved by the fiftieth legislative assembly, relating to imposition of sales and use taxes on farm machinery repair parts.

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 15 YEAS, 88 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Berg, R.; Dotzenrod; Enget; Hokana; Kolbo; Linderman; Marks; Nelson, J.; Nicholas; Opedahl; Riehl; Starke; Tomac; Watne; Williams, A.

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

ABSENT AND NOT VOTING: Graba; Knudson; Peterson

HB 1527 was declared lost.

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HB 1584: A BILL for an Act to provide financial assistance to family farmers.

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 76 YEAS, 25 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Brokaw; Christman; Dalrymple; DeMers, J.; DeMers, P.; Dotzenrod; Enget; Flaagan; Frey; Gerntholz; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hill; Hoffner; Hokana; Kelly;

Kent; Klundt; Knell; Kolbo; Kretschmar; Lang; Laughlin; Lautenschlager; Linderman; Marks; Martin; Martinson; Melby; Mertens; Meyer; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olson, V.; Opedahl; O'Shea; Rice; Riehl; Scherber; Schindler; Shaft; Shaw; Shide; Shockman; Skjerven; Solberg; Starke; Stofferahn; Tokach; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wilkie; Williams, A.; Williams, W.; Winkelman

**NAYS:** Berg, R.; Cleveland; Dorso; Gates; Goetz; Gorman; Hausauer, R.; Kingsbury; Koland; Kuchera; Larson; Lindgren; Moore; Olson, A.; Payne; Rydell; Smette; Sorensen; Strinden; Thompson; Tollefson; Wentz; Whalen; Williams, C.; Speaker Kloubec

**ABSENT AND NOT VOTING:** Graba; Knudson; Olsen, D.; Peterson; Schneider

HB 1584 passed and the title was agreed to.

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#### MOTION

REP. STRINDEN MOVED that HB 1668 be placed at the top of the calendar, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1668: A BILL for an Act to create and enact section 7 to Senate Bill No. 2901, as approved by the fiftieth legislative assembly, which relates to the rate of the sales tax, use tax, and motor vehicle excise tax, and declaring that Act to be an emergency measure; 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 94 YEAS, 6 NAYS, 6 ABSENT AND NOT VOTING.

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

Skjerven; Smette; Solberg; Sorensen; Starke;  
 Stofferahn; Strinden; Thompson; Tokach; Tollefson;  
 Tomac; Trautman; Ulmer; Wald; Watne; Whalen; Wilkie;  
 Williams, A.; Williams, W.; Winkelman; Speaker Kloubec

**NAYS:** Frey; Kretschmar; Melby; Murphy; Vander Vorst;  
 Wentz

**ABSENT AND NOT VOTING:** Graba; Haugland; Knudson;  
 Martinson; Peterson; Williams, C.

HB 1668 passed, the title was agreed to, and the emergency clause carried.

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**MOTION**

**REP. STRINDEN MOVED** that the rules be suspended and that HB 1668 be messaged to the Senate immediately, 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:

HB 1668

**ROY GILBREATH, Chief Clerk**

**MOTION**

**REP. STRINDEN MOVED** that HB 1385 be placed at the top of the calendar, which motion prevailed.

**REQUEST**

**REP. D. OLSEN REQUESTED** that the question on the final passage of Engrossed HB 1385 be divided to have the sections voted on separately in the following manner, which request was granted as per Rule 316, which states that the Division of the Question must be supported by twelve members.

**DIVISION A**

All of Engrossed HB 1385, except lines 15 through 23 on page 2, which reads as follows:

A BILL for an Act to amend and reenact section 15-40.1-16 of the North Dakota Century Code, relating to state transportation aid payments to schools.

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

SECTION 1. AMENDMENT. Section 15-40.1-16 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40.1-16. Aid for transportation. There shall be paid from state funds to each school district providing schoolbuses or making contractual arrangements for the transportation in contract schoolbuses or in district-owned and operated schoolbuses, and to school districts with students riding commercial buses to and from school within the incorporated limits of a city, at no cost to the children or the children's parents or guardian, of all school age children residing within the district who live two or more miles from the public school in which the pupils are enrolled, in the district, and outside the corporate limits of the city in which the school is located, or if the district does not operate a school for such children to a public school or schools in another school district, must be paid, within the limits of legislative appropriations, the following amounts:

1. For schoolbuses and school vehicles transporting pupils who live outside the incorporated limits of the city in which the school the pupil is enrolled is located, a sum equal to thirty-eight cents per mile during each year of the 1985-87 1987-89 biennium for vehicles having a capacity of nine or fewer pupils and seventy-six cents per mile [1.61 kilometers] for each year of the 1985-87 1987-89 biennium for schoolbuses having a capacity of ten or more pupils. In addition, those school districts qualifying for payments for buses having a capacity of ten or more pupils shall be entitled to an amount equal to nineteen cents per day for each public school pupil living outside the city limits who is transported in such buses.
2. For pupils who ride schoolbuses or commercial buses to or from school and who live within the incorporated limits of the city in which the school the pupil is enrolled is located, a sum equal to nine and one-half cents per pupil per one-way trip. However, no payment shall be made under this subsection for a student who rode on a vehicle for which payments are claimed under subsection 1.

Any school district that contains a city, the corporate city limits of which have been expanded due to annexation, and that was receiving transportation aid prior to the annexation pursuant to subsection 1, must continue to receive transportation aid pursuant to subsection 1 as if the corporate city limits had not been expanded.

The mileage payments provided for in this section shall be made to each school district for transporting pupils to and from school. Such payments shall be made only to school districts operating schoolbuses in accordance with the laws of this state relating to standards for schoolbuses, and to the qualifications of schoolbus drivers. Certification as to the compliance with the laws of this state in regard to schoolbuses and their drivers shall be made in such manner and in such detail as the superintendent of public instruction may require at the time an application is made for payments provided under this section. The superintendent of public instruction shall do an onsite audit of the books and records, regarding transportation cost, pupils transported and miles traveled, of at least ten school districts each fiscal year to verify compliance with section 15-40.1-16.

#### DIVISION B

Lines 15 through 23 of Engrossed HB 1385, which reads as follows:

Notwithstanding subsections 1 and 2, each school district must be paid an annual amount equal to at least seventy percent of the school district's actual expenditures for transportation for the preceding school year and no school district may be paid an annual amount equal to more than one hundred percent of the school district's actual expenditures for transportation the preceding school year. "Actual expenditures" includes salaries for busdrivers; expenses for maintenance, repairs, tires, gas, oil, and insurance; and the five-year average annual cost for equipment.

#### ROLL CALL

The question being on the motion to adopt Division A of Engrossed HB 1385, the roll was called and there were 60 YEAS, 42 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Berg, G.; Berg, R.; Brokaw; DeMers, P.; Dorso; Frey; Gerntholz; Gorman; Halmrast; Hanson, L.; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kent; Koland; Kolbo; Kretschmar; Lang; Larson; Lautenschlager; Lindgren; Marks; Martinson; Melby; Mertens; Meyer; Moore; Nelson, C.; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, V.; O'Shea; Payne; Rydell; Scherber; Schindler; Schneider; Shaw; Shockman; Sorensen; Stofferahn; Tollefson; Trautman; Ulmer; Vander Vorst; Wentz; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Anderson; Belter; Christman; Cleveland; Dalrymple; DeMers, J.; Dotzenrod; Enget; Flaagan; Gates; Goetz;

Gunsch; Hamerlik; Hanson, O.; Haugen; Kelly; Klundt; Knell; Knudson; Kuchera; Laughlin; Linderman; Martin; Murphy; Myrdal; Nelson, J.; Olson, A.; Opedahl; Rice; Riehl; Shaft; Shide; Skjerven; Smette; Solberg; Starke; Strinden; Thompson; Tokach; Wald; Watne; Whalen

**ABSENT AND NOT VOTING:** Graba; Kingsbury; Peterson; Tomac

The motion to adopt Division A of Engrossed HB 1385 prevailed.

#### ROLL CALL

The question being on the motion to adopt Division B of Engrossed HB 1385, the roll was called and there were 43 YEAS, 59 NAYS, 4 ABSENT AND NOT VOTING.

**YEAS:** Aas; Almlie; DeMers, J.; Dorso; Dotzenrod; Frey; Gerntholz; Goetz; Gorman; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Kelly; Koland; Kuchera; Larson; Lautenschlager; Lindgren; Martinson; Moore; Oban; Olson, V.; Payne; Rydell; Scherber; Shaw; Shockman; Sorensen; Strinden; Tollefson; Trautman; Ulmer; Wald; Wentz; Wilkie; Williams, A.; Williams, C.; Winkelman; Speaker Kloubec

**NAYS:** Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, P.; Enget; Flaagan; Gates; Gunsch; Hanson, O.; Haugen; Hill; Hokana; Kent; Klundt; Knell; Knudson; Kolbo; Kretschmar; Lang; Laughlin; Linderman; Marks; Martin; Melby; Mertens; Meyer; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; O'Connell; Olsen, D.; Olson, A.; Opedahl; O'Shea; Rice; Riehl; Schindler; Schneider; Shaft; Shide; Skjerven; Smette; Solberg; Starke; Stofferahn; Thompson; Tokach; Tomac; Vander Vorst; Watne; Williams, W.

**ABSENT AND NOT VOTING:** Graba; Kingsbury; Peterson; Whalen

The motion to adopt Division B of Engrossed HB 1385 failed.

#### ROLL CALL

The question then was on the final passage of Engrossed HB 1385, including Division A, and excluding Division B, with title amended appropriately and lines, sections, and pages renumbered accordingly, the roll was called and there were 39 YEAS, 63 NAYS, 4 ABSENT AND NOT VOTING.

**YEAS:** Aas; Berg, G.; Brokaw; Dotzenrod; Frey; Gorman; Halmrast; Hanson, L.; Haugland; Hausauer, A.; Hill; Hokana; Kolbo; Kretschmar; Lang; Lautenschlager; Marks; Melby; Mertens; Meyer; Nowatzki; O'Connell; Olsen, D.; O'Shea; Riehl; Scherber; Schindler; Schneider; Shaw;

Shockman; Stofferahn; Tollefson; Trautman; Ulmer;  
Vander Vorst; Watne; Wentz; Williams, W.; Winkelman

**NAYS:** Almlie; Anderson; Belter; Berg, R.; Christman;  
Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso;  
Enget; Flaagan; Gates; Gerntholz; Goetz; Gunsch;  
Hamerlik; Hanson, O.; Haugen; Hausauer, R.; Hoffner;  
Kelly; Kent; Klundt; Knell; Knudson; Koland; Kuchera;  
Larson; Laughlin; Linderman; Lindgren; Martin;  
Martinson; Moore; Murphy; Myrdal; Nelson, C.;  
Nelson, J.; Nicholas; Oban; Olson, A.; Olson, V.;  
Opedahl; Payne; Peterson; Rice; Rydell; Shaft; Shide;  
Skjerven; Smette; Solberg; Sorensen; Starke; Strinden;  
Thompson; Tokach; Tomac; Wald; Wilkie; Williams, A.;  
Speaker Kloubec

**ABSENT AND NOT VOTING:** Graba; Kingsbury; Whalen;  
Williams, C.

Engrossed HB 1385, including Division A and excluding Division B  
was declared lost.

**MESSAGE TO THE SENATE  
HOUSE CHAMBER**

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

HB 1109, HB 1237, HB 1328, HB 1363, HB 1388, HB 1393,  
HB 1397, HB 1400, HB 1415, HB 1425, HB 1437, HB 1452,  
HB 1461, HB 1484, HB 1548, HB 1628, HB 1643

**ROY GILBREATH, Chief Clerk**

**MOTIONS**

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

**REP. GOETZ MOVED** that the House be on the Fifth order of  
business, and at the conclusion of the Fifth order, the House be  
on the Ninth order of business, and at the conclusion of the  
Ninth order, the House be on the Thirteenth order of business,  
and at the conclusion of the Thirteenth order, the House stand  
adjourned until 1:00 p.m., Thursday, February 12, 1987, which  
motion prevailed.

**REPORTS OF STANDING COMMITTEES**

**MR. SPEAKER:** Your Committee on Appropriations to which was referred  
HB 1025 has had the same under consideration and recommends by a  
vote of 18 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING that the same BE  
AMENDED AS FOLLOWS and when so amended, recommends the same DO  
PASS:

On page 1, line 16, delete the numerals "26,708,725" and insert  
in lieu thereof the numerals "25,987,971"

On page 1, line 17, delete the numerals "5,628,297" and insert in lieu thereof the numerals "5,765,049"

On page 1, line 20, delete the numerals "43,087,022" and insert in lieu thereof the numerals "42,503,020"

On page 1, line 23, delete the numerals "170,342" and insert in lieu thereof the numerals "166,433"

On page 1, line 26, delete the numerals "274,642" and insert in lieu thereof the numerals "270,733"

On page 1, line 28, delete the numerals "43,361,664" and insert in lieu thereof the numerals "42,773,753"

And renumber the lines, sections, and pages accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### Job Service North Dakota

The compensation increases of \$584,002 from federal funds included in the executive budget of two percent plus \$50 per month for the last year of the biennium are deleted from the appropriation. To the extent that salary increases are provided by the 50th Legislative Assembly, they will be provided in separate legislation.

The salaries and wages line item is decreased \$136,752 from federal funds due to the transfer of two attorney positions to the Attorney General. The operating expense line item is increased \$136,752 in federal funds to allow Job Service North Dakota to contract with the Attorney General for services.

##### North Dakota OASIS and Social Security

The compensation increases of \$3,909 from the Social Security contribution fund included in the executive budget of two percent plus \$50 per month for the last year of the biennium are deleted from the appropriation. To the extent that salary increases are provided by the 50th Legislative Assembly, they will be provided in separate legislation.

REP. PETERSON, Chairman

HB 1025 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 1051 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 7 ABSENT AND NOT VOTING that the same DO PASS.

REP. PETERSON, Chairman

HB 1051 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 1070 has had the same under consideration and recommends by a vote of 9 YEAS, 6 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 11, after the period insert the words "For corporate income tax accounts that are not paid in full and for which the state tax department has conducted an audit or assessed any penalty or interest, "outstanding corporate income tax liability" includes the first assessment determined by the state tax department after audit or assessment of penalty or interest."

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

HB 1070 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 1231 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended recommends the same DO PASS:

On page 3, line 3, delete the words "all of the following provisions:"

On page 3, delete lines 4 through 12

On page 3, line 13, delete the following: "c. A" and insert in lieu thereof the word "a"

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

HB 1231 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 1234 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 2, line 6, delete the word "one" and insert in lieu thereof the word "two"

On page 3, line 2, overstrike the word "shall" and insert immediately thereafter the word "do"

On page 3, after line 13, insert the following new subsection:

"3. Sales made by a person who has a sales or use tax permit in accordance with chapter 57-39.2 or 57-40.2, pays contributions to job service North Dakota for unemployment compensation in accordance with chapter 52-04, and who has reported to the workmen's compensation bureau in accordance with chapter 65-04."

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

HB 1234 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 1259 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 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 subsection 3 of section 57-38-62 of the North Dakota Century Code, relating to payment of estimated corporate income tax; and to provide an effective date.

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

**SECTION 1. AMENDMENT.** Subsection 3 of section 57-38-62 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. The provisions of section 57-38-45 apply in case of failure to file or pay a declaration of estimated tax as required by this chapter, or if a declaration of estimated tax for any quarter is understated or underpaid by more than ten percent. No penalty is due if the total amount of all payments for estimated tax made on or before the due date for that installment equals or exceeds the total amount that would have been required to be paid on or before that date if the estimated tax equaled the tax shown on the taxpayer's return for the preceding taxable year. Notwithstanding the other provisions of this section, no penalty is due if the underpayment of any installment comes within the exception provided in the Internal Revenue Code of 1954 for recurring seasonal income.

SECTION 2. EFFECTIVE DATE. This Act is effective for taxable years beginning after December 31, 1986."

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

HB 1259 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 1294 has had the same under consideration and recommends by a vote of 15 YEAS, 6 NAYS, 2 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. PETERSON, Chairman

HB 1294 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 HB 1301 has had the same under consideration and recommends by a vote of 20 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 19, after the word "school" insert the words "and not to exceed fifty percent of the amount of tuition assistance paid by the adjutant general"

On page 2, line 18, after the word "member" insert the words "The amount of tuition to be waived shall not exceed fifty percent of the tuition assistance payments made by the adjutant general"

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

HB 1301 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 1321 has had the same under consideration and recommends by a vote of 18 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 12, delete the word "twenty-seven" and insert in lieu thereof the word "twenty-five"

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

HB 1321 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

**MR. SPEAKER:** Your Committee on Judiciary to which was referred HB 1356 has had the same under consideration and recommends by a vote of 13 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 5, line 8, delete the words "secretary of" and insert in lieu thereof the words "county auditor"

On page 5, line 9, delete the word "state"

On page 5, line 21, delete the words "secretary of state" and insert in lieu thereof the words "county auditor"

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

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

**MR. SPEAKER:** Your Committee on Industry, Business and Labor to which was referred HB 1362 has had the same under consideration and recommends by a vote of 8 YEAS, 7 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

On page 1, line 2, delete the words and numerals "and a new section to chapter 26.1-40"

On page 1, delete lines 23 through 28

On page 2, delete lines 1 through 6

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

HB 1362 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 1364 has had the same under consideration and recommends by a vote of 9 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, delete lines 14 through 16

On page 1, line 17, delete the word "thirty" and insert in lieu thereof the word "ninety"

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

HB 1364 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 1401 has had the same under consideration and recommends by a vote of 9 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

**REP. WHALEN, Chairman**

HB 1401 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 1453 has had the same under consideration and recommends by a vote of 10 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

On page 1, line 6, delete the word "and" and after the word "appropriation" insert the words "; and to provide an effective date"

On page 3, after line 2, insert the following new section:

"SECTION 6. EFFECTIVE DATE. This Act becomes effective on January 1, 1988."

And renumber the lines, sections, and pages accordingly

**REP. A. HAUSAUER, Chairman**

HB 1453 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

**MR. SPEAKER:** Your Committee on Education to which was referred HB 1464 has had the same under consideration and recommends by a vote of 9 YEAS, 7 NAYS, 2 ABSENT AND NOT VOTING that the same DO NOT PASS.

**REP. GATES, Chairman**

HB 1464 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MR. SPEAKER:** Your Committee on Education to which was referred HB 1532 has had the same under consideration and recommends by a vote of 15 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 2, delete the words "and excess"

On page 1, line 3, delete the word "costs"

On page 2, line 5, overstrike the word "elsewhere,"

On page 2, line 6, overstrike the words "so that there is no parent residing in said district of residence," and after the comma insert the words "to another school district within North Dakota"

On page 2, line 7, overstrike the words "and excess cost"

On page 2, line 8, after the first word "the" insert the words "district of residence of the parent or parents. If the child does not have a parent or parents residing in North Dakota, or if parental rights have been terminated, then the tuition due the admitting district must be paid by the"

On page 2, line 23, overstrike the words "or legal guardian" and delete the words "a handicapped" and insert in lieu thereof the words "parental rights have been terminated"

On page 2, line 24, delete the words "student is between the ages of eighteen and twenty-one"

On page 2, line 25, after the word "costs" insert the words "from funds appropriated by the legislative assembly for the foundation aid program. If a handicapped student has reached the age of majority and continues to receive special education and related services from a public school district, the district of residence of the student remains the same as the student's parent or parents until the special education services are concluded"

And renumber the lines, sections, and pages accordingly

REP. GATES, Chairman

HB 1532 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education to which was referred HB 1539 has had the same under consideration and recommends by a vote of 12 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 3, after the word "twelve" insert the words "and all alternative high schools"

On page 1, line 17, after the word "twelve" insert the words "and for all alternative high schools"

On page 1, line 20, after the words "twelve" insert the words "or each pupil in alternative schools"

And renumber the lines, sections, and pages accordingly

REP. GATES, Chairman

HB 1539 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 1585 has had the same under consideration and recommends by a vote of 18 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. PETERSON, 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 1587 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 PASS.

REP. KRETSCHMAR, Chairman

HB 1587 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 1595 has had the same under consideration and recommends by a vote of 11 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 3, delete the words "and land surveyors for failure to supervise, inspect, and"

On page 1, line 4, delete the words "monitor on construction projects and sites"

On page 1, delete lines 10 through 24 and insert in lieu thereof the following: "Engineer not liable for contractor's fault unless responsibility assumed - Liability for own negligence. An engineer shall not be liable for the safety of persons or property on or about a construction project site, or for the construction techniques, procedures, sequences and schedules, or for the conduct, action, errors, or omissions of any construction contractor, subcontractor, or material supplier, their agents or employees, unless he assumes responsibility therefor by contract or by his actual conduct. Nothing herein shall be construed to relieve an engineer from liability for his negligence, whether in his design work or otherwise."

And renumber the lines, sections, and pages accordingly

REP. WHALEN, Chairman

HB 1595 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 1623 has had the same under consideration and recommends by a vote of 9 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. KRETSCHMAR, Chairman

HB 1623 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 HB 1641 has had the same under consideration and recommends by a vote of 18 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. PETERSON, Chairman

HB 1641 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 1651 has had the same under consideration and recommends by a vote of 14 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. WHALEN, Chairman

HB 1651 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MR. SPEAKER:** Your Committee on Education to which was referred HB 1654 has had the same under consideration and recommends by a vote of 13 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. GATES, Chairman

HB 1654 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 1658 has had the same under consideration and recommends by a vote of 7 YEAS, 6 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

On page 1, line 3, after the semicolon insert the words "to provide an expiration date;"

On page 1, line 7, delete the words "continuing inflationary trends are eroding the" and insert in lieu thereof the words "a public economic emergency exists because of the severe financial and economic distress prevailing in the agricultural economy of this state."

On page 1, delete lines 8 through 23

On page 1, line 28, after the word "equitable" insert the words  
 ", but no period of redemption may be extended past July 1,  
 1989"

On page 2, line 10, delete the words "or a reasonable part"

On page 3, line 13, after the word "purposes" insert the words  
 "or small businesses affected by this economic trend"

On page 3, line 28, after the period insert the words "No  
 postponement or extension may extend past July 1, 1989."

On page 3, after line 31, insert the following new section:

**"SECTION 8. EXPIRATION DATE.** This Act is effective  
 through July 1, 1989, and after that date is ineffective."

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

HB 1658 was placed on the Sixth order of business on the calendar  
 for the succeeding legislative day.

**MR. SPEAKER:** Your Committee on Education to which was referred  
 HB 1664 has had the same under consideration and recommends by a  
 vote of 15 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING that the same DO  
 NOT PASS.

REP. GATES, Chairman

HB 1664 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 HCR 3005 has had the same under consideration and  
 recommends by a vote of 9 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING  
 that the same DO NOT PASS and BE PLACED ON THE CONSENT CALENDAR.

REP. WHALEN, Chairman

HCR 3005 was placed on the Tenth order of business on the  
 calendar for the succeeding legislative day.

**MR. SPEAKER:** Your Committee on State and Federal Government to which  
 was referred HCR 3056 has had the same under consideration and  
 recommends by a vote of 13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING  
 that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

REP. MARTINSON, Chairman

HCR 3056 was placed on the Tenth order of business on the  
 calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government to which was referred SB 2069 has had the same under consideration and recommends by a vote of 12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

REP. MARTINSON, Chairman

SB 2069 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government to which was referred SB 2070 has had the same under consideration and recommends by a vote of 12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

REP. MARTINSON, Chairman

SB 2070 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government to which was referred SB 2196 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. MARTINSON, Chairman

SB 2196 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 2209 has had the same under consideration and recommends by a vote of 18 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. GATES, Chairman

SB 2209 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 2211 has had the same under consideration and recommends by a vote of 18 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. GATES, Chairman

SB 2211 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government to which was referred SB 2248 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. MARTINSON, Chairman

SB 2248 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

**MR. SPEAKER:** Your Committee on State and Federal Government to which was referred SB 2254 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. MARTINSON, Chairman

SB 2254 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

**MR. SPEAKER:** Your Committee on State and Federal Government to which was referred SB 2275 has had the same under consideration and recommends by a vote of 12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. MARTINSON, Chairman

SB 2275 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

**MR. SPEAKER:** Your Committee on State and Federal Government to which was referred SB 2276 has had the same under consideration and recommends by a vote of 12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

REP. MARTINSON, Chairman

SB 2276 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

#### FIRST READING OF HOUSE BILLS

Reps. Strinden, Hoffner and Sens. Lips, Satrom introduced:  
(Approved by the Committee on Delayed Bills)

**HB 1671:** A BILL for an Act to provide for collection of user fees by park districts and issuance of evidences of indebtedness in anticipation of user fee revenues.

Was read the first time and referred to the Committee on Delayed Bills.

Reps. Mertens, G. Berg and Sen. Stromme introduced:  
(Approved by the Committee on Delayed Bills)

**HB 1672:** A BILL for an Act to amend and reenact section 11-11-55.1 of the North Dakota Century Code, relating to county authority to provide special assessment improvements for service connections; and to declare an emergency.

Was read the first time and referred to the Committee on Delayed Bills.

#### REPORT OF PROCEDURAL COMMITTEE

**MR. SPEAKER:** Your procedural Committee on Delayed Bills recommends that the following be introduced:

HB 1671, HB 1672

REP. STRINDEN, Chairman

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

## FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

Reps. Rydell, Sorensen and Sen. Lips introduced:

(Approved by the Committee on Delayed Bills)

**HCR 3061:** A concurrent resolution congratulating Shelley Gangness on being chosen Miss North Dakota and representing the state at the Miss USA pageant.

Was read the first time and referred to the Committee on Delayed Bills.

Reps. G. Berg, Nicholas, Kingsbury and Sens. Nelson, Langley introduced:

(Approved by the Committee on Delayed Bills)

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

Was read the first time and referred to the Committee on Delayed Bills.

## REPORT OF PROCEDURAL COMMITTEE

**MR. SPEAKER:** Your procedural Committee on Delayed Bills recommends that the following be introduced:

HCR 3061, HCR 3062

REP. STRINDEN, Chairman

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

## FIRST READING OF SENATE BILLS

**SB 2049:** A BILL for an Act to create and enact three new sections to chapter 54-40.2 of the North Dakota Century Code, relating to agreements between state agencies and Indian tribes.

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

**SB 2272:** A BILL for an Act to amend and reenact subsections 1 and 3 of section 41-09-41 and subsection 5 of section 41-09-42 of the North Dakota Century Code, relating to Uniform Commercial Code form requirements and fees for those filings.

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

**SB 2293:** A BILL for an Act to amend and reenact sections 54-55-01 and 54-55-05 of the North Dakota Century Code, relating to the commission on uniform state laws.

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

**SB 2350:** A BILL for an Act to create and enact chapter 43-18.2 of the North Dakota Century Code, relating to the installation and repair of sewer and water installations;

to provide a continuing appropriation; and to provide a penalty.

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

**SB 2358:** A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota Century Code, relating to the rating and transfer of lower division courses taken at the several institutions of higher education.

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

**SB 2383:** A BILL for an Act to amend and reenact section 6-05-06 of the North Dakota Century Code, relating to the number of directors and qualifications of trust companies.

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

**SB 2384:** A BILL for an Act to create and enact a new section to chapter 15-40.1 and a new subdivision to subsection 1 of section 57-15-14.2 of the North Dakota Century Code, relating to taxing authority of school districts entering into cooperative agreements.

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

**SB 2385:** A BILL for an Act to amend and reenact subsection 1 of section 57-39.2-12 of the North Dakota Century Code, relating to the due date of the last sales and use tax return for the 1987-89 biennium.

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

**SB 2394:** A BILL for an Act to amend and reenact section 23-13-15 of the North Dakota Century Code, relating to duties of landlords and tenants with respect to smoke detectors.

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

**SB 2436:** A BILL for an Act to amend and reenact section 57-60-14 of the North Dakota Century Code, relating to the time for distribution of the privilege tax on coal facilities by the state treasurer.

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

**SB 2439:** A BILL for an Act to amend and reenact section 21-04-09 of the North Dakota Century Code, relating to financial institutions pledge of investment company shares in place of depository bond.

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

**SB 2465:** A BILL for an Act to provide for regulation of invention development services.

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

**SB 2467:** A BILL for an Act to amend and reenact section 16.1-05-06 of the North Dakota Century Code, relating to election poll challengers and poll checkers.

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

**SB 2489:** A BILL for an Act to create and enact a new section to chapters 10-13 and 49-21 of the North Dakota Century Code, relating to immunity from civil liability of directors, trustees, officers, and managers of electric cooperative corporations and telephone cooperatives; and to amend and reenact subsection 10 of section 10-15-03 and subsection 1 of section 10-15-31 of the North Dakota Century Code, relating to indemnification and immunity from civil liability of directors, officers, agents, or managers of cooperative associations.

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

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

**ROY GILBREATH, Chief Clerk**