

## JOURNAL OF THE HOUSE

## Fifty-first Legislative Assembly

\* \* \* \* \*

Bismarck, January 20, 1989

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

The prayer was offered by Rev. Jeffrey L. Sandgren, Associate Pastor, First Lutheran Church, Harvey, North Dakota.

The roll was called and all Representatives were present, except Representatives Gerntholz, Gorman, Kaldor, Kingsbury, Laughlin, Nicholas, D. Olsen, Payne, Rydell, Shockman, Starke, and V. Thompson.

A quorum was declared by the Speaker.

## DOCTOR OF THE DAY SCHEDULE

January 23:	Erling D. Martinson, MD - Family Practice	Valley City
January 24:	Karen E. Aarestad, MD - IM Resident	Fargo
January 25:	Karen E. Aarestad, MD - IM Resident	Fargo
January 26:	Karen E. Aarestad, MD - IM Resident	Fargo
January 27:	Dale C. Moquist, MD - Family Practice	Grand Forks

## CORRECTION and REVISION of the JOURNAL (Rep. V. Olson, Chairman)

MR. SPEAKER: Your Committee on Correction and Revision of the Journal has carefully examined the Journal of the Twelfth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 250, line 16, replace "4013" with "4023"

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

## MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The President has signed and your signature is respectfully requested: SCR 4023.

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

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1094, HB 1136, HB 1154, HB 1180, HB 1239, HB 1256, HCR 3010.

## SPECIAL ORDER OF BUSINESS

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

REP. KLOUBEC MOVED that a committee of two be appointed to escort the Honorable James E. Downey, member of the Legislative Assembly, Province of Manitoba, to the rostrum, which motion prevailed.

SPEAKER KRETSCHMAR APPOINTED Reps. O. Hanson and Whalen to such committee and the Honorable James E. Downey was escorted to the rostrum.

## MOTIONS

REP. A. HAUSAUER MOVED that the House reconsider its action whereby the committee report was accepted and HB 1164 was placed on the Sixth order of business on the calendar, which motion prevailed.

REP. A. HAUSAUER MOVED that HB 1164 be rereferred to the Committee on Finance and Taxation, which motion prevailed. Pursuant to Rep. A. Hausauer's motion, HB 1164 was rereferred.

REP. WHALEN MOVED that the House reconsider its action whereby the committee report was accepted and HB 1160 was placed on the Sixth order of business on the calendar, which motion prevailed.

REP. WHALEN MOVED that HB 1160 be rereferred to the Committee on Industry, Business and Labor, which motion prevailed. Pursuant to Rep. Whalen's motion, HB 1160 was rereferred.

REP. WHALEN MOVED that HB 1516 be returned to the House floor from the Committee on Industry, Business and Labor and be rereferred to the Committee on State and Federal Government, which motion prevailed. Pursuant to Rep. Whalen's motion, HB 1516 was rereferred.

REP. WHALEN MOVED that HB 1345 be returned to the House floor from the Committee on Industry, Business and Labor, which motion prevailed.

## REQUEST

REP. AAS REQUESTED the unanimous consent of the House to withdraw HB 1345. There being no objection, it was so ordered by the Speaker.

## SIXTH ORDER OF BUSINESS

REP. A. HAUSAUER MOVED that the amendments to HB 1040 as recommended by the Committee on Finance and Taxation as printed on pages 240-242 of the House Journal be adopted, and when so adopted, recommends the same DO PASS and be rereferred to the Committee on Appropriations, which motion prevailed.

HB 1040 was rereferred to the Committee on Appropriations.

REP. WHALEN MOVED that the amendments to HB 1073 as recommended by the Committee on Industry, Business and Labor as printed on page 242 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1073 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. WHALEN MOVED that the amendments to HB 1117 as recommended by the Committee on Industry, Business and Labor as printed on page 242 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1117 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. MARTINSON MOVED that the amendments to HB 1133 as recommended by the Committee on State and Federal Government as printed on page 242 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1133 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. MARTINSON MOVED that the amendments to HB 1159 as recommended by the Committee on State and Federal Government as printed on page 243 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1159 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. WHALEN MOVED that the amendments to HB 1255 as recommended by the Committee on Industry, Business and Labor as printed on page 245 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1255 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. MARTINSON MOVED that the amendments to SB 2082 as recommended by the Committee on State and Federal Government as printed on page 246 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

#### MOTION

REP. KLOUBEC MOVED that the rules be suspended, and SB 2082 be placed on the Fourteenth order, as amended, for second reading and final passage, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2082: A BILL for an Act to amend and reenact section 54-03-20 of the North Dakota Century Code, relating to optional meals reimbursement in lieu of a portion of compensation for members of the legislative assembly; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 57 YEAS, 40 NAYS, 9 ABSENT AND NOT VOTING.

YEAS: Aas; Belter; Berg, G.; Berg, R.; Bernstein; Clayburgh; Dalrymple; DeMers, P.; Dorso; Goetz; Haugland; Hausauer, R.; Hokana; Howard; Jensen; Kelly; Kloubec; Kneil; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Oban; Olson, A.; Olson, V.; Payne; Peterson; Schatz; Schindler; Schneider; Shaft; Shide; Skjerven; Smette; Solberg; Sorensen; Soukup; Stenehjem; Stofferahn; Thompson, K.; Timm; Tollefson; Trautman; Urlacher; Vander Vorst; Wald; Wentz; Wilkie; Speaker Kretschmar

NAYS: Aarsvold; Anderson, B.; Anderson, R.; Brokaw; Carlson; Christman; DeMers, J.; Enget; Flaagan; Frey; Gates; Gerhardt; Gilmore; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Hausauer, A.; Hoffner; Huether; Kaldor; Marks; Nelson; Ness; Nowatzki; O'Shea; Ring; Rydell; Scherber; Schmidt; Starke; Thompson, V.; Tokach; Tomac; Ulmer; Watne; Williams, A.; Williams, W.

ABSENT AND NOT VOTING: Gerl; Gerntholz; Gorman; Kingsbury; Laughlin; Nicholas; Olsen, D.; Shockman; Whalen

SB 2082 passed, the title was agreed to, and the emergency clause was declared lost for lack of a two-thirds majority.

\*\*\*\*\*

THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative Robert P. Wells

MOTION

REP. KLOUBEC MOVED that HB 1269 be placed at the top of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1269: A BILL for an Act to amend and reenact section 54-01-17.2 of the North Dakota Century Code, establishing the North Dakota-Saskatchewan-Manitoba boundary advisory committee; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 98 YEAS, 0 NAYS, 8 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dairymples; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gilmore; Goetz; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kloube; Kneill; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nowatzki; Oban; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Uriacher; Vander Vorst; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Gertholz; Gorman; Kingsbury; Laughlin; Nicholas; Olsen, D.; Shockman; Whalen

HB 1269 passed and the title was agreed to.

\*\*\*\*\*

MOTIONS

REP. R. HAUSAUER MOVED that the House reconsider its action whereby HB 1065 failed to pass.

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

REQUEST

REP. A. HAUSAUER REQUESTED a recorded roll call vote on the motion to reconsider the action whereby HB 1065 failed to pass, which request was granted.

## ROLL CALL

The question being on the motion to reconsider the action whereby HB 1065 failed to pass, the roll was called and there were 55 YEAS, 44 NAYS, 7 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Anderson, B.; Berg, G.; Brokaw; Carlson; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gerhardt; Gerl; Gilmore; Graba; Halmrast; Hanson, L.; Hausauer, R.; Hoffner; Hokana; Huether; Jensen; Kaldor; Kelly; Kolbo; Larson, R.; Lindgren; Marks; Mertens; Myrdal; Nelson; Ness; Nowatzki; Oban; O'Shea; Peterson; Ring; Rydell; Scherber; Schmidt; Schneider; Skjervan; Solberg; Sorensen; Starke; Stenehjem; Stofferahn; Thompson, V.; Tomac; Ulmer; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

**NAYS:** Aas; Anderson, R.; Belter; Berg, R.; Bernstein; Christman; Clayburgh; Dalrymple; Dorso; Gates; Goetz; Gunsch; Hanson, O.; Haugen; Haugland; Hausauer, A.; Howard; Kloubec; Knell; Kouba; Lang; Larson, D.; Martin; Martinson; Melby; Murphy; Olson, A.; Olson, V.; Payne; Schatz; Schindler; Shaft; Shide; Smette; Soukup; Thompson, K.; Timm; Tokach; Tollefson; Trautman; Urlacher; Vander Vorst; Wald; Whalen

**ABSENT AND NOT VOTING:** Gerntholz; Gorman; Kingsbury; Laughlin; Nicholas; Olsen, D.; Shockman

So the motion to reconsider the action whereby HB 1065 failed to pass prevailed.

## MOTION

**REP. MERTENS MOVED** that HB 1065 be laid over one legislative day, which motion prevailed.

**MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)**

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SB 2039, SB 2056, SB 2061, SB 2113, SB 2117, SB 2129, SB 2146, SB 2174, SB 2189, SB 2212, SB 2236, SB 2239, SB 2267, SB 2269.

## SECOND READING OF HOUSE BILLS

**HB 1227:** A BILL for an Act to create and enact a new section to chapter 54-52 of the North Dakota Century Code, relating to postretirement adjustments under the public employees retirement system; to amend and reenact subsection 2 and paragraphs 1, 2, and 3 of subdivision a of subsection 4 of section 54-52-17 of the North Dakota Century Code, relating to computation of benefits under the public employees retirement system; and to provide for application of this Act.

## ROLL CALL

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

**YEAS:** Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gilmore; Goetz; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nowatzki; Oban; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt;

Schneider; Shaft; Shide; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehj em; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Berg, G.; Gerntholz; Gorman; Kingsbury; Larson, R.; Laughlin; Nicholas; Olsen, D.; Shockman

HB 1227 passed and the title was agreed to.

\*\*\*\*\*

HB 1092: A BILL for an Act to amend and reenact section 54-52-02.6 and subdivision c of subsection 3 and subdivision d of subsection 4 and subsections 5 and 6 of section 54-52-17 of the North Dakota Century Code, relating to vesting of benefits under the public employees retirement system.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 92 YEAS, 3 NAYS, 11 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gerhardt; Gerl; Gilmore; Goetz; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nowatzki; Oban; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehj em; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Haugen; Thompson, K.; Whalen

ABSENT AND NOT VOTING: Berg, G.; Gates; Gerntholz; Gorman; Kingsbury; Larson, R.; Laughlin; Nicholas; Olsen, D.; Shockman; Stofferahn

HB 1092 passed and the title was agreed to.

\*\*\*\*\*

HB 1093: A BILL for an Act to create and enact a new section to chapter 54-52 of the North Dakota Century Code, relating to the purchase of additional credit under the public employees retirement system.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 96 YEAS, 0 NAYS, 10 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Dalrymple; DeMers, J.;

DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gilmore; Goetz; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nowatzki; Oban; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Skjervan; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

**NAYS:** None

**ABSENT AND NOT VOTING:** Clayburgh; Gerntholz; Gorman; Kingsbury; Larson, R.; Laughlin; Nicholas; Olsen, D.; Shockman; Stofferahn

HB 1093 passed and the title was agreed to.

\*\*\*\*\*

#### REQUEST

REP. CLAYBURGH REQUESTED that the record show that he intended to vote "yea" on HB 1093, which request was granted.

#### SECOND READING OF HOUSE BILLS

HB 1156: A BILL for an Act to amend and reenact subsection 4 of section 54-52.1-01 of the North Dakota Century Code, relating to the definition of an eligible employee under the uniform group insurance program.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 93 YEAS, 4 NAYS, 9 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gilmore; Goetz; Graba; Halmrast; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kloubec; Kolbo; Kouba; Lang; Larson, D.; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nowatzki; Oban; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Skjervan; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

**NAYS:** Gunsch; Haugen; Knell; Thompson, K.

**ABSENT AND NOT VOTING:** Gerntholz; Gorman; Kingsbury; Larson, R.; Laughlin; Nicholas; Olsen, D.; Shockman; Stofferahn

HB 1156 passed and the title was agreed to.

\*\*\*\*\*

HB 1158: A BILL for an Act to create and enact a new section to chapter 54-52.1 of the North Dakota Century Code, relating to conducting nondiscrimination tests under the state health and life insurance programs.

#### ROLL CALL

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

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gilmore; Goetz; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nowatzki; Oban; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Gerntholz; Gorman; Kingsbury; Larson, R.; Laughlin; Nicholas; Olsen, D.; Shockman; Stofferahn

HB 1158 passed and the title was agreed to.

\*\*\*\*\*

HB 1143: A BILL for an Act to amend and reenact subsection 9 of section 54-52-01, subsections 4, 6, and 7 of section 54-52-04, and subsection 1 of section 54-52-05 of the North Dakota Century Code, relating to eligibility requirements under the public employees retirement system and the authority of the public employees retirement system board.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 92 YEAS, 5 NAYS, 9 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gilmore; Goetz; Graba; Halmrast; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nowatzki; Oban; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schneider; Shaft; Shide; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Brokaw; Gunsch; Haugen; Schmidt; Tokach

ABSENT AND NOT VOTING: Gerntholz; Gorman; Hausauer, R.; Kingsbury; Larson, R.; Laughlin; Nicholas; Olsen, D.; Shockman

HB 1143 passed and the title was agreed to.

\*\*\*\*\*

HB 1086: A BILL for an Act to amend and reenact subsection 6 of section 39-03.1-11 of the North Dakota Century Code, relating to retirement benefits payable to a surviving spouse under the highway patrolmen's retirement system.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 95 YEAS, 0 NAYS, 11 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gilmore; Goetz; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nowatzki; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Skjervan; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Clayburgh; Gerntholz; Gorman; Hausauer, R.; Kingsbury; Larson, R.; Laughlin; Nicholas; Oban; Olsen, D.; Shockman

HB 1086 passed and the title was agreed to.

\*\*\*\*\*

HB 1091: A BILL for an Act to amend and reenact subsection 9 of section 39-03.1-11 of the North Dakota Century Code, relating to optional forms of retirement benefits under the highway patrolmen's retirement system.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 96 YEAS, 0 NAYS, 10 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gilmore; Goetz; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nowatzki; Oban; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Skjervan; Smette; Solberg; Sorensen; Soukup; Starke; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach;

Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Carlson; Gerntholz; Gorman; Kingsbury; Larson, R.; Laughlin; Nicholas; Olsen, D.; Shockman; Stenehjem

HB 1091 passed and the title was agreed to.

\*\*\*\*\*

HB 1099: A BILL for an Act to amend and reenact subsections 3 and 4 of section 39-03.1-11 of the North Dakota Century Code, relating to disability retirement benefits under the highway patrolmen's retirement system.

#### ROLL CALL

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

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gilmore; Goetz; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nowatzki; Oban; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Gerntholz; Gorman; Kingsbury; Larson, R.; Laughlin; Nicholas; Olsen, D.; Shockman; Whalen

HB 1099 passed and the title was agreed to.

\*\*\*\*\*

HB 1203: A BILL for an Act to create and enact a new subsection to section 20.1-03-12 of the North Dakota Century Code, relating to the creation of a special three-day hunting license for nonresident upland game hunters.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 93 YEAS, 3 NAYS, 10 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gilmore; Goetz; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen;

Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Jensen; Kaldor; Kelly; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Lindgren; Marks; Martin; Martinson; Mertens; Murphy; Myrdal; Nelson; Ness; Nowatzki; Oban; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Belter; Huether; Melby

ABSENT AND NOT VOTING: Gerntholz; Gorman; Graba; Kingsbury; Larson, R.; Laughlin; Nicholas; Olsen, D.; Shockman; Whalen

HB 1203 passed and the title was agreed to.

\*\*\*\*\*

#### MOTION

REP. R. ANDERSON MOVED that HB 1228 be laid over one legislative day, which motion prevailed.

#### SECOND READING OF HOUSE BILLS

HB 1232: A BILL for an Act to amend and reenact section 15-40.1-07 of the North Dakota Century Code, relating to foundation aid payments for pupils educated by federal agencies.

#### ROLL CALL

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

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gilmore; Goetz; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kloubec; Knell; Kolbo; Kouba; Larson, D.; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nowatzki; Oban; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Olson, A.

ABSENT AND NOT VOTING: Gerntholz; Gorman; Kingsbury; Lang; Larson, R.; Laughlin; Nicholas; Olsen, D.; Shockman; Whalen

HB 1232 passed and the title was agreed to.

\*\*\*\*\*

HB 1238: A BILL for an Act providing optional property tax levy increase authority of political subdivisions and providing limitations on that authority; and to provide an effective date and an expiration date.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 90 YEAS, 5 NAYS, 11 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gilmore; Goetz; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kelly; Kloubec; Knell; Kolbo; Kouba; Larson, D.; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Myrdal; Nelson; Ness; Nowatzki; Oban; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schneider; Shaft; Shide; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Urlacher; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Aarsvold; Kaldor; Murphy; Schmidt; Vander Vorst

ABSENT AND NOT VOTING: Gerntholz; Gorman; Kingsbury; Lang; Larson, R.; Laughlin; Nicholas; Olsen, D.; Shockman; Ulmer; Whalen

HB 1238 passed and the title was agreed to.

\*\*\*\*\*

HB 1251: A BILL for an Act to amend and reenact section 57-15-27.1 of the North Dakota Century Code, relating to mill levy authority for townships and cities for maintenance of cemeteries; and to provide an effective date.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 81 YEAS, 14 NAYS, 11 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Flaagan; Frey; Gates; Gerhardt; Gerl; Gilmore; Goetz; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Jensen; Kaldor; Kelly; Kloubec; Knell; Kolbo; Larson, D.; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Myrdal; Nelson; Ness; Nowatzki; Oban; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Skjerven; Smette; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tollefson; Trautman; Ulmer; Urlacher; Vander Vorst; Watne; Wentz; Wilkie; Speaker Kretschmar

NAYS: Anderson, B.; Brokaw; Carlson; Dorso; Enget; Huether; Kouba; Murphy; Schatz; Solberg; Tokach; Tomac; Williams, A.; Williams, W.

ABSENT AND NOT VOTING: Gerntholz; Gorman; Kingsbury; Lang; Larson, R.; Laughlin; Nicholas; Olsen, D.; Shockman; Wald; Whalen

HB 1251 passed and the title was agreed to.

\*\*\*\*\*

HB 1273: A BILL for an Act to amend and reenact section 23-06-03.1 of the North Dakota Century Code, relating to designated depositories for pre-need funeral contracts.

#### ROLL CALL

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

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gilmore; Goetz; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nowatzki; Oban; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Gerntholz; Gorman; Kingsbury; Larson, R.; Laughlin; Nicholas; Olsen, D.; Shockman; Whalen

HB 1273 passed and the title was agreed to.

\*\*\*\*\*

#### SIGNING of BILLS and RESOLUTIONS (Roy Gilbreath, Chief Clerk)

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following enrolled resolution: SCR 4023.

#### MOTIONS

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

REP. KLOUBEC MOVED that the House be on the Fifth order of business, and at the conclusion of the Fifth order, the House be on the 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., Monday, January 23, 1989, which motion prevailed.

#### REPORTS OF STANDING COMMITTEES

MR. SPEAKER: Your Committee on Judiciary (Rep. Wentz, Chairman) to which was referred HB 1052 has had the same under consideration and recommends by a vote of 14 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 5, line 24, remove "and"

Page 10, line 15, after "convicted" add "except as provided by section 62.1-62-01"

Page 19, line 19, remove the overstrike over "suspended", after the word "suspended" insert "execution of sentence in accordance with subsection 3 of section 12.1-32-02", and remove the overstrike over "or"

Page 19, line 23, after "12.1-32-02" add "or section 5 of this Act"

Renumber accordingly

HB 1052 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Political Subdivisions (Rep. Lindgren, Chairman) to which was referred HB 1061 has had the same under consideration and recommends by a vote of 9 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide counties and cities the option of funding crime victim and witness programs through fees assessed as part of criminal sentences.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Fee assessments for funding crime victim and witness programs.

1. The governing body of a county may, by resolution, authorize a county judge to assess a fee under subsection 3 of not more than twenty-five dollars as part of a sentence imposed on a defendant who pleads guilty to or is convicted of a criminal offense or of violating a municipal ordinance for which the maximum penalty that may be imposed by law for the offense or violation includes imprisonment.
2. The governing body of a city may, by ordinance, authorize a municipal judge to assess a fee under subsection 3 of not more than twenty-five dollars as part of a sentence imposed on a defendant who pleads guilty to or is convicted of violating a municipal ordinance for which the maximum penalty that may be imposed under the ordinance for the violation includes imprisonment.
3. The governing body of the county or city may determine the amount of the fee to be assessed in all cases or it may authorize the county or municipal judge to determine the amount of the fee to be assessed in each case. The fee assessed under this section is in addition to any fine, penalty, costs, or administrative fee prescribed by law. The county or municipal judge may assess the fee when sentence is imposed or when sentence is suspended or imposition of sentence is deferred, unless the defendant is indigent and unable to pay the fee. All fees paid to a county or municipal court under this section must be deposited monthly in the county or city treasury for allocation by the

governing body of the county or city to one or more of the following programs as determined by the governing body:

- a. A private, nonprofit domestic violence or sexual assault program.
- b. A victim and witness advocacy program of which the primary function is to provide direct services to victims of and witnesses to crime."

Renumber accordingly

HB 1061 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education (Rep. Gates, Chairman) to which was referred HB 1139 has had the same under consideration and recommends by a vote of 8 YEAS, 7 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1139 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation (Rep. Timm, Chairman) to which was referred HB 1161 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1161 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation (Rep. Timm, Chairman) to which was referred HB 1166 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 NOT PASS.

HB 1166 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation (Rep. Timm, Chairman) to which was referred HB 1171 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1171 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation (Rep. Timm, Chairman) to which was referred HB 1174 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.

HB 1174 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Natural Resources (Rep. A. Olson, Chairman) to which was referred HB 1188 has had the same under consideration and recommends by a vote of 10 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

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

MR. SPEAKER: Your Committee on Human Services and Veterans Affairs (Rep. Haugland, Chairman) to which was referred HB 1194 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

HB 1194 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Human Services and Veterans Affairs (Rep. Haugland, Chairman) to which was referred HB 1197 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

HB 1197 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Finance and Taxation (Rep. A. Hausauer, Chairman) to which was referred HB 1245 has had the same under consideration and recommends by a vote of 16 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 3, line 9, after the period insert "Any person eligible for the exemption provided in this subsection must also sign an affidavit stating that the person has not divested the property within the last three years."

Page 5, line 7, replace "1988" with "1989"

Renumber accordingly

HB 1245 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Finance and Taxation (Rep. A. Hausauer, Chairman) to which was referred HB 1247 has had the same under consideration and recommends by a vote of 13 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

Page 1, line 1, replace "two" with "a" and replace "subdivisions" with "subdivision"

Page 1, line 4, remove "and for medicare part A and part B"

Page 1, remove line 5

Page 1, line 6, remove "1988", replace "and" with a comma, and after "4" insert ", and 5"

Page 1, line 9, replace "for medicare part A and part B premiums" with "excluding any liability calculated pursuant to"

Page 1, line 10, remove "that are payable because of passage of"

Page 1, line 11, after "1988" insert "from the definition of federal income tax liability"

Page 1, line 13, replace "Two" with "A" and replace "subdivisions" with "subdivision"

Page 1, line 14, replace "are" with "is"

Page 2, remove lines 1 through 3

Page 2, line 4, replace "and" with a comma and after "4" insert ", and 5"

Page 2, line 24, remove the underscored period

Page 2, remove lines 25 and 26

Page 2, line 27, remove "the Medicare Catastrophic Coverage Act of 1988"

Page 3, line 16, remove the underscored period

Page 3, remove lines 17 and 18

Page 3, line 19, remove "the Medicare Catastrophic Coverage Act of 1988"

Page 3, after line 19, insert:

"5. For the purposes of this section, the term "federal income tax liability" means the individual's, estate's, or trust's federal income tax liability as computed for federal income tax purposes using tax tables or schedule TC, plus additional taxes due on federal income tax schedules or forms 4970, 4972, 5544, 5405, section 72(m)(5) penalty tax, 4625, 6251, and 5329, and before credit for contributions to candidates for public office, credit for the elderly (schedule R&RP), credit for child and dependent care expenses (form 2441), investment credit (form 3468), foreign tax credit (form 1116), work incentive credit (form 4874), jobs credit (form 5884), residential energy credit (form 5695), and before reduction for federal income tax withheld, estimated payments, earned income credit, excess Federal Insurance Contributions Act (chapter 21 of the Internal Revenue Code of 1954, as amended), and the federal Railroad Retirement Tax Act (chapter 22 of the Internal Revenue Code of 1954, as amended), taxes withheld, credit for federal taxes on special fuels and oils, and regulated investment company credits. The term does not include amounts due for self-employment tax ~~or~~, social security tax ~~and~~, railroad retirement tax on tips, and any liability calculated pursuant to the Medicare Catastrophic Coverage Act of 1988. For purposes of this subsection, additional taxes due on federal income tax form 6251 must be reduced, but not below zero, by the amount of any investment credit used to reduce the federal tax liability before calculation of the additional tax due on form 6251."

Page 3, line 21, replace "1988" with "1991"

Renumber accordingly

HB 1247 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Agriculture (Rep. Vander Vorst, Vice Chairman) to which was referred HB 1248 has had the same under consideration and recommends by a vote of 9 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1248 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation (Rep. Timm, Chairman) to which was referred HB 1253 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.

HB 1253 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Political Subdivisions (Rep. Lindgren, Chairman) to which was referred HB 1263 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.

HB 1263 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Political Subdivisions (Rep. Lindgren, Chairman) to which was referred HB 1265 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.

HB 1265 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Natural Resources (Rep. A. Olson, Chairman) to which was referred HB 1268 has had the same under consideration and recommends by a vote of 12 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

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

MR. SPEAKER: Your Committee on Political Subdivisions (Rep. Lindgren, Chairman) to which was referred HB 1274 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:

Page 1, line 14, after "compensation" insert "except that each appointing board of county commissioners may reimburse its county representative for actual and necessary mileage to and from meetings of the commission at the same rate as state officers"

Renumber accordingly

HB 1274 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Natural Resources (Rep. A. Olson, Chairman) to which was referred HB 1279 has had the same under consideration and recommends by a vote of 13 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1279 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Agriculture (Rep. Vander Vorst, Vice Chairman) to which was referred HB 1281 has had the same under consideration and recommends by a vote of 12 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 7, replace "Allowing" with "Willfully allowing"

Page 1, line 9, after "to" insert "willfully"

Renumber accordingly

HB 1281 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Human Services and Veterans Affairs (Sen. Haugland, Chairman) to which was referred HCR 3009 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

HCR 3009 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

#### FIRST READING OF HOUSE BILLS

Reps. Goetz, Marks and Sens. D. Meyer, Lodoen introduced:

HB 1537: A BILL for an Act to create and enact a new section to chapter 23-25 of the North Dakota Century Code, relating to rulemaking authority of the state department of health and consolidated laboratories.

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

Rep. J. DeMers introduced:

HB 1538: A BILL for an Act to amend and reenact sections 57-43.2-03 and 57-43.2-04 of the North Dakota Century Code, relating to a special fuels excise tax levy and to the collection and payment of the tax.

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

Reps. Frey, Mertens, Peterson and Sens. Lips, Waldera, Mushik introduced:

HB 1539: A BILL for an Act to create and enact a new section to chapter 57-36 of the North Dakota Century Code, relating to wholesale sales of unstamped cigarettes to enrolled tribal members; and to amend and reenact sections 57-36-02, 57-36-07, 57-36-08, 57-36-10, and 57-36-11 of the North Dakota Century Code, relating to the requirement that all cigarettes sold in North Dakota be stamped within the state and to allow licensed distributors to sell unstamped cigarettes to enrolled tribal members.

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

Reps. Vander Vorst, Murphy, Belter and Sens. Krauter, Axtman, Streibel introduced:

HB 1540: A BILL for an Act to create and enact a new section to chapter 26.1-39 of the North Dakota Century Code, relating to the use of property and casualty insurance binders; and to provide a penalty.

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

Reps. Enget, P. DeMers, Vander Vorst introduced:

HB 1541: A BILL for an Act requiring a refundable deposit on beverage containers; providing a penalty; and providing an effective date.

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

Reps. Vander Vorst, Nowatzki, Gilmore and Sens. Tallackson, W. Meyer introduced:

HB 1542: A BILL for an Act to amend and reenact section 57-43.2-18 of the North Dakota Century Code, relating to allocation of a portion of the two percent special excise tax on special fuels to a special fund in the state treasury to be used for soil and water conservation programs within the soil conservation districts of the state; and to provide an effective date.

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

Reps. Martin, Timm, Urlacher and Sens. O'Connell, Krauter introduced:

HB 1543: A BILL for an Act to create and enact a new section to chapter 16.1-07 of the North Dakota Century Code, relating to the counting of absentee ballots.

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

Reps. Ulmer, Timm, Gerl, A. Hausauer introduced:

HB 1544: A BILL for an Act to create and enact a new subsection to section 11-10.1-05 of the North Dakota Century Code, relating to an ad valorem assessment that is made by an assessor who is not certified as qualified for that assessment jurisdiction.

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

Reps. Whalen, Kingsbury, K. Thompson and Sens. David, Olson introduced:

HB 1545: A BILL for an Act to provide certain architects and engineers with information about products manufactured in the state.

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

#### FIRST READING OF SENATE BILLS

SB 2011: A BILL for an Act making an appropriation for defraying the expenses of the securities commissioner of the state of North Dakota.

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

SB 2017: A BILL for an Act making an appropriation for defraying the expenses of the motor vehicle department of the state of North Dakota.

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

SB 2035: A BILL for an Act to amend and reenact sections 6-09.7-01, 19-01-07, 20.1-06-05, 37-01-38, 54-38-09, and 54-44-04.4 of the North Dakota Century Code, relating to continuing appropriations of the fuel production facility loan program of the Bank of North Dakota, the

department of health and consolidated laboratories contract servicers fund, moneys obtained from removing undesirable fish, the national guard operating fund, and revenues of the alcohol and drug abuse program of the department of human services, and to payment of unemployment compensation claims; and to repeal sections 6-07-46 and 54-44-04.3 of the North Dakota Century Code, relating to continuing appropriations of unclaimed dividends and other money delivered to the department of banking and financial institutions and unemployment compensation assessments of the office of management and budget.

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

SB 2040: A BILL for an Act to create and enact a new subsection to section 15-10-17 of the North Dakota Century Code, relating to the powers and duties of the board of higher education with respect to relationships between institutions of higher education and private business and industry.

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

SB 2042: A BILL for an Act to create and enact section 40-58-01.1 and a new section to chapter 40-58 of the North Dakota Century Code, relating to definitions concerning city development and renewal and the use of tax increment financing by cities for the development of certain industrial or commercial property; to amend and reenact sections 40-58-02, 40-58-03, 40-58-04, 40-58-05, 40-58-06, 40-58-07, 40-58-08, 40-58-09, 40-58-10, 40-58-12, 40-58-13, 40-58-15, 40-58-16, 40-58-17, 40-58-18, and 40-58-20 of the North Dakota Century Code, relating to city development and renewal; and to repeal sections 40-58-01 and 40-58-19 of the North Dakota Century Code, relating to the short title and definitions under the urban renewal law.

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

SB 2069: A BILL for an Act to amend and reenact section 21-09-05 of the North Dakota Century Code, relating to the validation of bonds issued by public bodies of the state prior to July 1, 1989.

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

SB 2075: A BILL for an Act to repeal chapter 23-20.4 of the North Dakota Century Code and chapter 297 of the 1985 Session Laws, relating to the Rocky Mountain and Dakota interstate low-level radioactive waste management compacts.

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

SB 2076: A BILL for an Act to enter into the southwestern low-level radioactive waste disposal compact.

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

SB 2097: A BILL for an Act to create and enact a new section to chapter 43-18 and a new subsection to section 43-18-18 of the North Dakota Century Code, relating to continuing education requirements for persons licensed by the state plumbing board; and to amend and reenact subsection 4 of section 43-18-01, sections 43-18-11.1, 43-18-12, subsection 3 of section 43-18-21, subsections 2 and 4 of section 43-18.2-01, and sections 43-18.2-03 and 43-18.2-09 of the North Dakota Century Code, relating to plumbing, household appliances, examination notice, grounds for revocation of license, apprenticeship credits,

continuing education, and sewer and water contractor's and installer's licenses.

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

SB 2099: A BILL for an Act to amend and reenact section 43-25-12 of the North Dakota Century Code, relating to powers of the board of massage therapists to revoke, suspend, or annul certificates.

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

SB 2126: A BILL for an Act to create and enact a new section to chapter 39-02 of the North Dakota Century Code, relating to cancellation of vehicle dealer bonds.

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

SB 2138: A BILL for an Act to amend and reenact subsection 1 of section 39-05-20 of the North Dakota Century Code, relating to obtaining certificate of title upon inability to obtain an assigned certificate of title for a vehicle.

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

SB 2161: A BILL for an Act to amend and reenact subsection 2 of section 10-06-08 of the North Dakota Century Code, relating to the address and agent of a North Dakota farm corporation as reported on the annual report.

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

SB 2167: A BILL for an Act to amend and reenact subsection 9 of section 61-28-04 and subsection 2 of section 61-28-06 of the North Dakota Century Code, relating to submission of information concerning disposal systems to the state water commission and permits for disposal systems.

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

#### FIRST READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4006: A concurrent resolution directing the Legislative Council to study issues and the feasibility of various options relating to the provision of adequate and affordable health insurance coverage for retired members of the Teachers' Fund for Retirement and the judges' retirement program, and for other retired state employees and officials not participating in the Public Employees Retirement System or the Highway Patrolmen's Retirement System.

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

SCR 4007: A concurrent resolution urging the Secretary of the Navy to name an appropriate United States naval vessel in honor of General Clifton B. Cates.

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

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

ROY GILBREATH, Chief Clerk