

## JOURNAL OF THE HOUSE

## Fifty-first Legislative Assembly

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Bismarck, February 10, 1989

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

The prayer was offered by Rev. Ed Johnson, Chaplain, United Tribes Technical Institute, Bismarck.

The roll was called and all Representatives were present, except Representatives V. Olson, V. Thompson, and Timm.

A quorum was declared by the Speaker.

**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 Twenty-seventh Day and finds it to be correct.

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

**HOUSE ENGROSSING REPORT**

The following bills were engrossed: HB 1029, HB 1049, HB 1186, HB 1352, HB 1415, HB 1499, HB 1564, HB 1613, HB 1638, HB 1644, HB 1646.

**MOTIONS**

**REP. WENTZ MOVED** that that portion of House Rule 601(1) which prohibits a committee report recommending to amend and place on the calendar without recommendation, be suspended regarding HB 1292 and HB 1627, which motion prevailed.

**REP. WENTZ MOVED** that the amendments be adopted to HB 1292 and HB 1627, which motion prevailed.

HB 1292 and HB 1627 were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**REP. KLOUBEC MOVED** that the rules be suspended and that the committee reports on HB 1132, HB 1230, HB 1332, HB 1410, HB 1436, HB 1438, HB 1539, HB 1546, HB 1558, HB 1583, HB 1611, HB 1625, and HB 1651 recommending amendments on the Sixth order of business on the legislative calendar of the Twenty-eighth Day be adopted, which motion prevailed.

**SIXTH ORDER OF BUSINESS**

**REP. A. HAUSAUER MOVED** that the amendments to HB 1132 as recommended by the Committee on Finance and Taxation as printed on pages 633-634 of the House Journal be adopted, and when so adopted, recommends the same **DO NOT PASS**.

HB 1132 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**REP. GATES MOVED** that the amendments to HB 1230 as recommended by the Committee on Education as printed on page 634 of the House Journal be

adopted, and when so adopted, recommends the same DO PASS and be rereferred to the Committee on Appropriations.

HB 1230 was rereferred to the Committee on Appropriations.

REP. MARTINSON MOVED that the amendments to HB 1332 as recommended by the Committee on State and Federal Government as printed on pages 634-635 of the House Journal be adopted, and when so adopted, recommends the same DO NOT PASS.

HB 1332 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. GATES MOVED that the amendments to HB 1410 as recommended by the Committee on Education as printed on pages 635-636 of the House Journal be adopted, and when so adopted, recommends the same DO NOT PASS.

HB 1410 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. MARTINSON MOVED that the amendments to HB 1436 as recommended by the Committee on State and Federal Government as printed on page 636 of the House Journal be adopted, and when so adopted, recommends the same DO NOT PASS.

HB 1436 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. WENTZ MOVED that the amendments to HB 1438 as recommended by the Committee on Judiciary as printed on pages 636-637 of the House Journal be adopted, and when so adopted, recommends the same DO PASS and be rereferred to the Committee on Appropriations.

HB 1438 was rereferred to the Committee on Appropriations.

REP. A. HAUSAUER MOVED that the amendments to HB 1539 as recommended by the Committee on Finance and Taxation as printed on pages 638-639 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

HB 1539 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 1546 as recommended by the Committee on Finance and Taxation as printed on pages 639-644 of the House Journal be adopted, and when so adopted, recommends the same DO NOT PASS.

HB 1546 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 1558 as recommended by the Committee on Finance and Taxation as printed on pages 644-646 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

HB 1558 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. WENTZ MOVED that the amendments to HB 1583 as recommended by the Committee on Judiciary as printed on page 646 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

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

REP. MARTINSON MOVED that the amendments to HB 1611 as recommended by the Committee on State and Federal Government as printed on page 647 of the House Journal be adopted, and when so adopted, recommends the same DO NOT PASS.

HB 1611 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. GATES MOVED that the amendments to HB 1625 as recommended by the Committee on Education as printed on page 647 of the House Journal be adopted, and when so adopted, recommends the same DO NOT PASS.

HB 1625 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 1651 as recommended by the Committee on Finance and Taxation as printed on pages 648-649 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

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

REP. PETERSON MOVED that the amendments to HB 1058 as recommended by the Committee on Appropriations as printed on page 633 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1058 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

#### MOTION

REP. MERTENS MOVED that that portion of House Rule 601(1) which prohibits a committee report recommending to amend and be rereferred to a committee, be suspended regarding HB 1504, which motion prevailed.

#### SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to HB 1504 as recommended by the Committee on Appropriations as printed on page 638 of the House Journal be adopted, and when so adopted, recommends the same be rereferred to the Committee on Human Services and Veterans Affairs, which motion prevailed.

#### HOUSE ENGROSSING REPORT

The following bill was engrossed: HB 1504.

#### REFERRAL

HB 1504 was rereferred to the Committee on Human Services and Veterans Affairs.

#### SIXTH ORDER OF BUSINESS

REP. A. HAUSAUER MOVED that the amendments to HB 1513 as recommended by the Committee on Finance and Taxation as printed on page 638 of the House Journal be adopted, and when so adopted, recommends the same DO NOT PASS, which motion prevailed.

HB 1513 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

## THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative Don Lloyd  
 Former Representative Julie Hill  
 Former Representative Gordon Hill  
 Former Representative Herman Larson

## MOTION

REP. WHALEN MOVED that the House reconsider its action whereby HB 1036 passed.

## REQUEST

REP. WENTZ REQUESTED a recorded roll call vote on the motion to reconsider the action whereby HB 1036 passed, which request was granted.

## MOTION

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

## ROLL CALL

The question being on the motion to reconsider the action whereby HB 1036 passed, the roll was called and there were 52 YEAS, 51 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson, R.; Belter; Berg, R.; Bernstein; Christman; Clayburgh; Dalrymple; Dorso; Gates; Gerntholz; Goetz; Gorman; Gunsch; Hanson, O.; Haugen; Hausauer, A.; Hausauer, R.; Kingsbury; Kloubec; Kneil; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Martin; Martinson; Melby; Myrdal; Olsen, D.; Olson, A.; Olson, V.; Payne; Schatz; Schindler; Schmidt; Shaft; Shide; Skjerven; Smette; Solberg; Sorensen; Soukup; Stenhjem; Thompson, K.; Tokach; Urlacher; Vander Vorst; Wald; Whalen; Speaker Kretschmar

NAYS: Aarsvold; Anderson, B.; Berg, G.; Brokaw; Carlson; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gerhardt; Gerl; Gilmore; Graba; Halmrast; Hanson, L.; Haugland; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kolbo; Laughlin; Marks; Mertens; Murphy; Nelson; Ness; Nicholas; Nowatzki; Oban; O'Shea; Peterson; Ring; Rydell; Scherber; Schneider; Starke; Stofferahn; Tollefson; Tomac; Trautman; Ulmer; Watne; Wentz; Wilkie; Williams, A.; Williams, W.

ABSENT AND NOT VOTING: Shockman; Thompson, V.; Timm

So the motion to reconsider the action whereby HB 1036 passed, failed.

## MOTION

REP. PETERSON MOVED that the House reconsider its action whereby the amendments to HB 1029 were adopted.

## REQUEST

REP. PETERSON REQUESTED a recorded roll call vote on the motion to reconsider the action whereby the amendments to HB 1029 were adopted, which request was granted.

## ROLL CALL

The question being on the motion to reconsider the action whereby the amendments to HB 1029 were adopted, the roll was called and there were 51 YEAS, 52 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Berg, G.; Brokaw; Carlson; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gerhardt; Gerl; Gilmore; Graba; Hanson, L.; Haugland; Hausauer, R.; Hoffner; Hokana; Huether; Jensen; Kaldor; Kelly; Kolbo; Laughlin; Marks; Martin; Mertens; Nelson; Ness; Nicholas; Nowatzki; Oban; O'Shea; Peterson; Ring; Scherber; Schneider; Shockman; Skjerven; Starke; Stenehjem; Stofferahn; Ulmer; Urlacher; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Aas; Anderson, R.; Belter; Berg, R.; Bernstein; Christman; Clayburgh; Dalrymple; Dorso; Gates; Gerntholz; Goetz; Gorman; Gunsch; Halmrast; Hanson, D.; Haugen; Hausauer, A.; Howard; Kingsbury; Kloubec; Knell; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Martinson; Melby; Murphy; Myrdal; Olsen, D.; Olson, A.; Olson, V.; Payne; Rydell; Schatz; Schindler; Schmidt; Shaft; Shide; Smette; Solberg; Sorensen; Soukup; Thompson, K.; Tokach; Tollefson; Trautman; Vander Vorst; Waid; Whalen

ABSENT AND NOT VOTING: Thompson, V.; Timm; Tomac

So the motion to reconsider action whereby the amendments to HB 1029 were adopted failed.

#### MOTION

REP. A. OLSON MOVED that HB 1550 be returned to the House floor from the Committee on Natural Resources, which motion prevailed.

#### REQUEST

REP. G. BERG REQUESTED the unanimous consent of the House to withdraw HB 1550. There being no objection, it was so ordered by the Speaker.

#### HOUSE ENROLLING REPORT

The following resolution was enrolled: HCR 3030.

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 1083, HB 1130, HB 1131, HB 1140, HB 1184, HB 1196, HB 1280, HB 1312, HB 1342, HB 1387, HB 1394, HB 1412, HB 1429, HB 1444, HB 1450, HB 1462, HB 1463, HB 1485, HB 1489, HB 1502, HB 1519, HB 1520, HB 1537, HB 1545, HB 1573, HB 1575, HB 1601, HB 1610, HB 1623, HB 1632, HCR 3047.

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

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following enrolled resolution: HCR 3030.

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

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested: HCR 3030.

#### SECOND READING OF HOUSE BILLS

HB 1276: A BILL for an Act to create and enact a new section to chapter 44-08 of the North Dakota Century Code, relating to recall of elected officials of political subdivisions; and to amend and reenact subsection 4 of section 16.1-01-09 of the North Dakota Century Code, relating to recall petitions.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 101 YEAS, 0 NAYS, 5 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; Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Tokach; Tollefson; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Gilmore; Peterson; Thompson, V.; Timm; Tomac

HB 1276 passed and the title was agreed to.

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HB 1471: A BILL for an Act to amend and reenact subsection 1 of section 47-30.1-06 of the North Dakota Century Code, relating to abandonment of certificates of deposit.

## ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Anderson, R.; Peterson; Thompson, V.; Timm; Tomac

HB 1471 passed and the title was agreed to.

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HB 1505: A BILL for an Act to amend and reenact subsections 1 and 2 of section 20.1-02-17.1 and section 20.1-02-18.1 of the North Dakota Century Code, relating to land acquisitions for wildlife and fish restoration.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 101 YEAS, 0 NAYS, 5 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; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Tokach; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Peterson; Shaft; Thompson, V.; Timm; Tollefson

HB 1505 passed and the title was agreed to.

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HB 1532: A BILL for an Act to amend and reenact subsection 5 of section 20.1-03-11 of the North Dakota Century Code, relating to preferential landowner antelope licenses.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 83 YEAS, 17 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Christman; Clayburgh; Dalrymple; DeMers, P.; Dorso; Enget; Flaagan; Gates; Gerhardt; Gerl; Goetz; Gorman; Gunsch; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Larson, D.; Larson, R.; Laughlin; Lindgren; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Tokach; Tollefson; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Speaker Kretschmar

**NAYS:** Aarsvold; Anderson, B.; Carlson; DeMers, J.; Frey; Gerntholz; Gilmore; Graba; Halmrast; Hanson, L.; Marks; Ness; Olson, V.; O'Shea; Ring; Trautman; Williams, W.

**ABSENT AND NOT VOTING:** Lang; Peterson; Shaft; Thompson, V.; Timm; Tomac

HB 1532 passed and the title was agreed to.

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

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SB 2200, SB 2219, SB 2232, SB 2246, SB 2295, SB 2299, SB 2317, SB 2419, SB 2501, SB 2510, SB 2514, SCR 4014, SCR 4029.

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

**MR. SPEAKER:** The President has signed and your signature is respectfully requested: SB 2279, SCR 4027.

#### SECOND READING OF HOUSE BILLS

**HB 1533:** A BILL for an Act to create and enact a new subsection to section 53-06.1-01 and two new sections to chapter 53-06.1 of the North Dakota Century Code, relating to electronic video gaming devices, taxes on proceeds from games of chance conducted by electronic video gaming devices, and the foundation aid reserve fund; to amend and reenact sections 53-06.1-07, 53-06.1-07.1, 53-06.1-12, 53-06.1-12.1, 53-06.1-14, and 53-06.1-17 of the North Dakota Century Code, relating to electronic video gaming devices; and to provide a continuing appropriation.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 51 YEAS, 50 NAYS, 5 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Anderson, R.; Berg, G.; Berg, R.; Bernstein; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Flaagan; Frey; Gates; Gerl; Gorman; Graba; Halmrast; Hanson, L.; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Huether; Jensen; Kelly; Kloubec; Kouba; Lindgren; Martin; Martinson; Mertens; Ness; Nicholas; Oban; O'Shea; Peterson; Ring; Schatz; Scherber; Schneider; Solberg; Soukup; Stenehjem; Tomac; Ulmer; Urlacher; Vander Vorst; Williams, W.; Speaker Kretschmar

**NAYS:** Aarsvold; Aas; Belter; Brokaw; Enget; Gerhardt; Gerntholz; Gilmore; Goetz; Gunsch; Hanson, O.; Haugen; Haugland; Howard; Kaldor; Kingsbury; Knell; Kolbo; Lang; Larson, D.; Larson, R.; Laughlin; Marks; Melby; Myrdal; Nelson; Nowatzki; Olsen, D.; Olson, A.; Olson, V.; Payne; Rydell; Schindler; Schmidt; Shaft; Shide; Shockman; Skjerven; Smette; Sorensen; Starke; Stofferahn; Thompson, K.; Tokach; Tollefson; Trautman; Watne; Wentz; Wilkie; Williams, A.

**ABSENT AND NOT VOTING:** Murphy; Thompson, V.; Timm; Wald; Whalen

HB 1533 lost for want of a Constitutional majority.

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HB 1029: A BILL for an Act to amend and reenact subsection 1 of section 26.1-03-17 of the North Dakota Century Code, relating to the rate of insurance premium tax on accident and health insurance and other lines of insurance; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 101 YEAS, 1 NAY, 4 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; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Mertens; Murphy; Myrdal; Nelson; Ness; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stofferahn; Thompson, K.; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Melby

ABSENT AND NOT VOTING: Nicholas; Stenehjelm; Thompson, V.; Timm

HB 1029 passed and the title was agreed to.

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CONFLICT OF INTEREST

REP. AAS stated that he had a conflict of interest on HB 1049.

MOTIONS

REP. KLOUBEC MOVED that Rep. Aas and any other Representative who may have a conflict of interest be allowed to vote, which motion prevailed.

REP. R. ANDERSON MOVED that the House waive the reading of the title to HB 1049, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1049: A BILL for an Act to create and enact a new subsection to section 10-30.1-04 and two new sections to chapter 10-30.2 of the North Dakota Century Code, relating to investments made by venture capital corporations and procedures for claiming the income tax credit for investment in the Myron G. Nelson Fund, Incorporated, and venture capital corporations; and to amend and reenact sections 10-30.1-01, 10-30.1-06, subsection 2 of section 10-30.1-07, and sections 10-30.2-06, 10-30.2-11, 10-30.2-12, 10-30.2-13, and 10-30.2-14 of the North Dakota Century Code, relating to investments made by venture capital corporations and tax credits for investment in the Myron G. Nelson Fund, Incorporated, and venture capital corporations, and board of director liability and investment policy of the Myron G. Nelson Fund, Incorporated.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 97 YEAS, 5 NAYS, 4 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; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Tokach; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Haugland; Kingsbury; Murphy; Tollefson; Wentz

ABSENT AND NOT VOTING: Gerl; Peterson; Thompson, V.; Timm

HB 1049 passed and the title was agreed to.

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

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following enrolled bill and resolution: SB 2279, SCR 4027.

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

MR. PRESIDENT: The Speaker has signed: SB 2279, SCR 4027.

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

MR. SPEAKER: The President has signed: HCR 3030.

## MOTION

REP. R. ANDERSON MOVED that the House waive the reading of the title to HB 1186, which motion prevailed.

## SECOND READING OF HOUSE BILLS

HB 1186: A BILL for an Act to create and enact three new sections to chapter 43-13 of the North Dakota Century Code, relating to optometry board disciplinary powers and board immunity and impaired optometrists; and to amend and reenact sections 43-13-02, 43-13-03, 43-13-04, 43-13-06, 43-13-07, 43-13-11, 43-13-12, 43-13-13, 43-13-15, 43-13-16, 43-13-17, 43-13-18, 43-13-19, 43-13-20, 43-13-21, 43-13-22, 43-13-23, 43-13-24, 43-13-25, 43-13-26, 43-13-28, and 43-13-31 of the North Dakota Century Code, relating to licensing of optometrists.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 103 YEAS, 0 NAYS, 3 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; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; 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: Peterson; Thompson, V.; Timm

HB 1186 passed and the title was agreed to.

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HB 1352: A BILL for an Act to create and enact a new section to chapter 19-04 of the North Dakota Century Code, relating to the distribution of anabolic steroids; and to provide a penalty.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 101 YEAS, 0 NAYS, 5 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; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Tokach; Tollefson; Tomac; Trautman; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Berg, G.; Peterson; Thompson, V.; Timm; Ulmer

HB 1352 passed and the title was agreed to.

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HB 1499: 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 a reduced sales and use tax rate for

manufacturing equipment purchased by a new or expanding business; and to amend and reenact section 57-40.2-02.1 of the North Dakota Century Code, relating to a reduced use tax rate for manufacturing equipment purchased by a new business.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 74 YEAS, 29 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg, G.; Berg, R.; Bernstein; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Halmrast; Haugland; Hausauer, A.; Hausauer, R.; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Ness; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Rydell; Schatz; Scherber; Schindler; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Tollefson; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Wentz; Williams, A.; Williams, W.

NAYS: Aas; Anderson, B.; Anderson, R.; Brokaw; Carlson; Enget; Gerhardt; Gerl; Gilmore; Gunsch; Hanson, L.; Hanson, O.; Haugen; Hoffner; Kolbo; Lindgren; Nelson; Oban; Ring; Schmidt; Schneider; Stofferahn; Thompson, K.; Tokach; Tomac; Watne; Whalen; Wilkie; Speaker Kretschmar

ABSENT AND NOT VOTING: Dorso; Thompson, V.; Timm

HB 1499 passed and the title was agreed to.

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HB 1564: A BILL for an Act to create and enact a new section to chapter 31-01 of the North Dakota Century Code, relating to duty of courts to warn parties of perjury; and to amend and reenact section 28-32-11 of the North Dakota Century Code, relating to duty of administrative hearing officers to warn parties of perjury.

#### ROLL CALL

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

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

NAYS: DeMers, J.; Kelly

ABSENT AND NOT VOTING: Peterson; Ring; Thompson, V.; Timm; Whalen

HB 1564 passed and the title was agreed to.

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HB 1613: A BILL for an Act to create and enact a new subsection to section 57-39.2-04, a new subsection to section 57-40.2-04, two new subsections to section 57-60-01, and a new subsection to section 57-60-02 of the North Dakota Century Code, relating to the exemption of beneficiated coal from the sales tax and use tax, the definition of coal beneficiation and the definition of, and the imposition of a tax upon the operator of a coal beneficiation plant; and to amend and reenact subsections 1 and 2 of section 57-60-01 and section 57-60-03 of the North Dakota Century Code, relating to the inclusion of coal beneficiation plants in the definition of a coal conversion facility and the measurement and recording of beneficiated coal.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 102 YEAS, 0 NAYS, 4 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; Gerntholz; Gilmore; Goetz; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; 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: Gorman; Melby; Thompson, V.; Timm

HB 1613 passed and the title was agreed to.

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HB 1638: A BILL for an Act to create and enact a new section to chapter 26.1-03 of the North Dakota Century Code, relating to imposition of an insurance claims tax, deposit of tax revenues in the uninsured children's benefit account, and grants from the uninsured children's benefit account; and providing a continuing appropriation.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 94 YEAS, 9 NAYS, 3 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; Gerntholz; Gilmore; Goetz; Gorman; Graba; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Kolbo; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Scherber; Schindler; Schmidt; Schneider; Shaft; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Gunsch; Hanson, O.; Knell; Kouba; Melby; Schatz; Shide; Thompson, K.; Urlacher

ABSENT AND NOT VOTING: Hausauer, R.; Thompson, V.; Timm

HB 1638 passed and the title was agreed to.

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HB 1644: A BILL for an Act to amend and reenact section 31-01-16.2 of the North Dakota Century Code, relating to compensation of municipal court witnesses.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 98 YEAS, 4 NAYS, 4 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; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kelly; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Enget; Gunsch; Laughlin; Nelson

ABSENT AND NOT VOTING: Kaldor; Kingsbury; Thompson, V.; Timm

HB 1644 passed and the title was agreed to.

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HB 1043: A BILL for an Act to provide an appropriation to the educational broadcasting council for the purpose of developing telecommunication programs and systems.

## ROLL CALL

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

YEAS: Brokaw; Hokana; Vander Vorst

NAYS: 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; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Howard; Huether; Jensen; Kaldor; Kelly; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

ABSENT AND NOT VOTING: Kingsbury; Ness; Thompson, V.; Timm

HB 1043 lost.

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HB 1085: A BILL for an Act to amend and reenact section 26.1-17-02 of the North Dakota Century Code, relating to the application of insurance laws to nonprofit health service corporations.

## ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 38 YEAS, 64 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Brokaw; Carlson; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gerhardt; Gerl; Gilmore; Graba; Halmrast; Hanson, L.; Hoffner; Hokana; Huether; Kaldor; Kolbo; Laughlin; Marks; Nelson; Nicholas; Nowatzki; Oban; Payne; Ring; Scherber; Schneider; Shockman; Skjerven; Starke; Stofferahn; Ulmer; Watne; Wilkie; Williams, W.

NAYS: Aas; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Christman; Clayburgh; Dalrymple; Dorso; Gates; Gerntholz; Goetz; Gorman; Gunsch; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Howard; Jensen; Kelly; Kloubec; Knell; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Ness; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Rydell; Schatz; Schindler; Schmidt; Shaft; Shide; Smette; Solberg; Sorensen; Soukup; Stenehjem; Thompson, K.; Tokach; Tollefson; Tomac; Trautman; Urlacher; Vander Vorst; Wald; Wentz; Whalen; Williams, A.; Speaker Kretschmar

ABSENT AND NOT VOTING: Kingsbury; Peterson; Thompson, V.; Timm

HB 1085 lost.

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HB 1126: A BILL for an Act to amend and reenact section 54-12-14 of the North Dakota Century Code, relating to the assets forfeiture fund; and to provide a continuing appropriation.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 100 YEAS, 1 NAY, 5 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; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Murphy

ABSENT AND NOT VOTING: Kelly; Kingsbury; Peterson; Thompson, V.; Timm

HB 1126 passed and the title was agreed to.

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#### REQUEST

REP. KLOUBEC REQUESTED that the record show that Rep. V. Thompson was absent due to a business emergency and Rep. Timm was absent because he was attending a funeral, which request was granted.

#### REPORTS OF PROCEDURAL COMMITTEE

MR. SPEAKER: Your procedural Committee on Delayed Bills (Rep. Kloubec, Chairman) has examined a bill to provide for deposit of certain revenue in a rainy day fund and other special funds if general fund revenue is in excess of estimates; and to provide a continuing appropriation.

Your Committee on Delayed Bills cast a unanimous ballot in favor of this bill.

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

MR. SPEAKER: Your procedural Committee on Delayed Bills (Rep. Kloubec, Chairman) has examined a bill to create and enact a new section to chapter 24-02 and three new sections to chapter 54-34 of the North Dakota Century Code, relating to the transfer of responsibility for state tourism promotion activities to the state highway commissioner, the establishment of state

foreign trade offices and a Washington, D.C., office of economic development, and the role of state agencies and political subdivisions in state economic development activities; and to amend and reenact sections 24-03-21, 54-34-01, and 54-34-06 of the North Dakota Century Code, relating to the preparation of road maps by the state highway commissioner and duties of the economic development commission and the director of the economic development commission.

Your Committee on Delayed Bills cast a unanimous ballot in favor of this bill.

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

MR. SPEAKER: Your procedural Committee on Delayed Bills (Rep. Kloubec, Chairman) has examined a bill to amend and reenact section 54-03-20 of the North Dakota Century Code, relating to travel expense reimbursement for members of the legislative assembly; to provide an effective date; and to declare an emergency.

Your Committee on Delayed Bills cast a unanimous ballot in favor of this bill.

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

MR. SPEAKER: Your procedural Committee on Delayed Bills (Rep. Kloubec, Chairman) has examined a bill to provide tuition waivers for severely disabled students attending institutions under the state board of higher education.

Your Committee on Delayed Bills cast a unanimous ballot in favor of this bill.

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

#### 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, February 13, 1989, which motion prevailed.

#### REPORTS OF STANDING COMMITTEES

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was referred HB 1016 has had the same under consideration and recommends by a vote of 19 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 2, after "departments" insert "; and to amend and reenact section 18-04-05 of the North Dakota Century Code, relating to payments by the commissioner of insurance to cities, rural fire protection districts, and rural fire departments"

Page 1, after line 9, insert:

"SECTION 2. AMENDMENT. Section 18-04-05 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

18-04-05. Amount due cities, rural fire protection districts, or rural fire departments - Certificate of commissioner of insurance to office of management and budget. The commissioner of insurance shall compute the amounts due to the several cities, townships, certified rural fire departments, or fire protection districts entitled to benefits under this chapter, and shall certify such amounts for payment to the office of management and budget on or before June first of each year, in the following manner:

1. To cities not within the boundaries of a fire protection district, a sum equal to two and one-fourth percent of the premiums received by insurance companies issuing policies for fire, allied lines, homeowner's multiple peril, farmowner's multiple peril, and commercial multiple peril insurance on property in such cities.
2. To each city fire department performing service outside of its incorporated limits, the sum of one hundred dollars.
3. To each rural fire department not certified by the state fire marshal, the sum of two hundred dollars per year.
4. To each rural fire protection district organized within the provisions of this title or rural fire department certified by the state fire marshal, two hundred dollars plus a sum equal to two and one-fourth percent of the premiums received by insurance companies issuing policies for fire, allied lines, homeowner's multiple peril, farmowner's multiple peril, and commercial multiple peril insurance on property within the boundaries of such rural fire protection districts or property served by certified rural fire departments.

The amount distributed by the commissioner of insurance pursuant to this section may not exceed the amount of the biennial appropriation made by the legislative assembly. ~~Payments by the commissioner of insurance in any fiscal year may not exceed one-half of the biennial appropriation made by the legislative assembly are to be distributed in July of each year beginning with July 1990. If the appropriation is less than the amount determined by applying the formula pursuant to this section, the commissioner of insurance by proration shall provide each eligible recipient the same proportion of the appropriation as the percent of the total funds it would have received pursuant to such formula."~~

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

This amendment combines the provisions contained in House Bill No. 1215 with the insurance premium tax payments distribution to fire departments' appropriation contained in House Bill No. 1016. House Bill No. 1215 was introduced at the request of the Office of Management and Budget and provides for the annual payments of the insurance premium tax to fire departments to be made in July of each year beginning with July 1990. These payments are

now made in June. By delaying the payments from June 1990 to July 1990 and from June 1991 to July 1991, only one payment is necessary during the 1989-91 biennium and consequently the 1989-91 biennium appropriation is \$2,600,000 or one-half of the 1987-89 biennium appropriation.

HB 1016 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was referred HB 1018 has had the same under consideration and recommends by a vote of 23 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 3, after "Dakota" insert "; to amend and reenact section 57-58-01 of the North Dakota Century Code as amended by section 2 of chapter 35 of the 1987 Session Laws of North Dakota, relating to the distribution of personal property tax replacement funds to political subdivisions; and to provide a statement of legislative intent"

Page 1, line 12, replace "51,497,900" with "54,208,300"

Page 1, line 13, replace "51,497,900" with "54,208,300"

Page 1, after line 13, insert:

"SECTION 2. AMENDMENT. Section 57-58-01, as amended by section 2 of chapter 35 of the 1987 Session Laws of North Dakota, effective July 1, 1989, is hereby amended and reenacted to read as follows:

57-58-01. Distribution to counties and local subdivisions. It is hereby provided that any political subdivision which has an existing bonded indebtedness for which a tax levy must be made in 1970 or any year thereafter, shall reduce its levy in each such year for current operating purposes by the amount which its tax levy on taxable property in that year for retirement of the bonded indebtedness is increased because of the exemption of personal property by subsection 25 of section 57-02-08. On or before February 1, 1971, the county auditor of each county shall certify to the state tax commissioner the total amount of taxes levied in the year 1968 for the state, county, cities, park boards, school districts, airport authorities, townships, and all other units of government having the authority to levy taxes, and levies voted by the people, new or present levies increased by legislative action of such county on those items of personal property exempt under the provisions of section 57-02-08, and, in addition, the total valuation of real estate and taxes levied on real estate for the year 1968. On or before ~~June 1, 1980~~ June 30, 1990, and each year thereafter, the state tax commissioner shall certify for payment to the state treasurer an amount, for payment by the state treasurer to each county, determined to be due such county based upon the personal property taxes levied in the year 1968 for the political subdivisions herein mentioned on the items of personal property exempt from the personal property tax under the provisions of section 57-02-08, the per capita school tax under the provisions of former section 57-15-23, and the grain tax under the provisions of former chapter 57-03, together with any adjustments to be made in the manner hereinafter provided. Within sixty days after the receipt of the revenue as provided by this section, the county treasurer shall allocate and remit to the county, cities, park boards, school districts, airport authorities, townships,

and all other units of government having the authority to levy taxes that amount of revenue which is received from the state in the same ratio as he would have distributed the revenue from the personal property tax, adjusting such amount by any increase or decrease in real property taxes as levied by each taxing authority according to the formula hereinafter provided. Any amount that would be apportioned and credited to the retirement of a bonded indebtedness existing in 1970 for which a tax levy was made in 1970 and in any year thereafter, shall be credited to the general fund of the political subdivision. In the years after 1971, payments to the counties under this section shall be made based upon ninety-five percent of such payment for 1971 together with a growth factor which shall be based upon the dollar amount of increase or decrease in real property taxes levied within each county. For each seven dollar increase in real property taxation within a county, the state shall contribute an additional one dollar over that amount which equals ninety-five percent of such payment in the base year. For each seven dollar decrease in real property taxation within a county, the state shall contribute one dollar less than that amount which equals ninety-five percent of such payment in the base year.

On or before ~~June 7, 1966~~ June 30, 1990, and each year thereafter, the state tax commissioner shall certify to the state treasurer the amount determined to be due to the state based upon the personal property taxes levied in the year 1968 for the North Dakota state medical center. The amount so certified shall be computed in accordance with the formula provided in this section for computing the amounts to be certified and paid to the counties. The state treasurer upon receiving the certification from the tax commissioner shall transfer from the general fund to the credit of the North Dakota state medical center the amount so certified.

Any political subdivision which levied taxes on taxable property in the year 1970 for a specific fund or purpose for which a levy was not made by it in the year 1968 shall be entitled to a distribution of revenue from the state in the year 1971 for any such levy. The amount of such distribution shall be determined as follows: the county auditor shall certify to the state tax commissioner as soon as possible after March 30, 1971, the amount of each such levy made by and spread for each political subdivision on taxable real property in the county in the year 1970; the tax commissioner shall forthwith determine the correctness of such amounts and certify to the state treasurer for immediate payment to the county an amount that is determined by dividing the total of such levies made and spread in 1970 on taxable real property in the county by the growth factor that is provided in the first paragraph of this section; the county treasurer within fifteen days after the receipt of such revenue from the state treasurer shall allocate and remit to each political subdivision its proportionate amount of that revenue.

If the classification of any property for taxation purposes is changed from real to personal property or from personal to real property because of legislative or judicial action, the county auditor of the county in which the property is located shall forthwith certify to the tax commissioner the amount of real estate taxes or personal property taxes that was levied on all such property by each taxing district in the year 1968 and in any other year thereafter that the tax commissioner may request. The tax commissioner, in determining the amount to be certified to the state treasurer for payment to the county

pursuant to this section, shall adjust the amounts of taxes certified by the county auditor as levied on real property and on personal property in 1968 and in any other year as may be necessary by adding to or subtracting from each such amount the taxes on the reclassified property so that the distribution by the state to the county will be determined as though such property had been taxed in 1968 and all later years in the classification into which it was reclassified.

Notwithstanding the other provisions of this section, personal property tax replacement is an amount as determined under section 57-39.2-26.1, subject to legislative appropriation. If moneys appropriated by the legislative assembly for personal property tax replacement are not in the amount that would be provided under this section for distribution, the tax commissioner and the state treasurer shall provide for pro rata distribution of available funds on the basis of the formula contained in this section.

**SECTION 3. STATEMENT OF INTENT.** It is the intent of the legislative assembly that the lesser of five percent of the distributions to each political subdivision for revenue sharing and personal property tax replacement or the amount distributed to each political subdivision from the total appropriated in excess of its share of fifty-seven percent of an equivalent of one percent of the sales, use, and excise tax; or so much thereof as may be necessary, must be used to complete handicap accessibility projects on property of the political subdivision. The state auditor must include or require a statement of compliance with this section in each political subdivision's audit report.

**SECTION 4. STATEMENT OF INTENT.** It is the intent of the legislative assembly that, if the amount appropriated in this Act is less than the amount deposited in the state aid distribution during the 1989-91 biennium, the legislative assembly shall provide a deficiency appropriation of the excess amount deposited and that the deficiency appropriation be for the 1989-91 biennium, and not be considered in appropriations for the 1991-93 biennium."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

Adds \$2,710,400 to the grants line item to provide funding of \$54,208,300 to political subdivisions which is at a level equal to 60 percent of an equivalent of one percent of the sales, use, and excise tax; amends North Dakota Century Code Section 57-58-01 to give the State Tax Commissioner an additional 29 days to certify to the State Treasurer the amount to be paid each county and the Medical Center for personal property tax replacement, thus providing that an additional month of sales and use tax collected be deposited in the state aid distribution fund for this purpose; and provides for a statement of legislative intent that a portion of the funds received by each political subdivision must be used to complete handicap accessibility projects of the political subdivision and that should deposits to the state aid distribution fund exceed \$54,208,300, the 1991 Legislative Assembly will provide a deficiency appropriation for the balance of the fund.

HB 1018 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was referred HB 1020 has had the same under consideration and recommends by a vote of 19 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

HB 1020 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was referred HB 1021 has had the same under consideration and recommends by a vote of 18 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

HB 1021 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation (Rep. Belter, Vice Chairman) to which was referred HB 1173 has had the same under consideration and recommends by a vote of 13 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1173 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 1189 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 1189 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 (Rep. Whalen, Chairman) to which was referred HB 1213 has had the same under consideration and recommends by a vote of 17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 5, after line 10, insert:

"7. 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 workers compensation bureau in accordance with chapter 65-04.

8. A public warehouseman as defined in section 60-02-01."

Page 5, line 20, replace "seven" with "twenty-eight"

Page 5, line 25, replace "seven-day" with "twenty-eight-day"

Renumber accordingly

HB 1213 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 1215 has had the same under consideration

and recommends by a vote of 12 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1215 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation (Rep. Belter, Vice Chairman) to which was referred HB 1217 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 1217 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 1235 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 1235 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 1402 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 1402 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 1249 has had the same under consideration and recommends by a vote of 8 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

HB 1249 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 1296 has had the same under consideration and recommends by a vote of 13 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

Page 1, line 3, after the semicolon insert "and"

Page 1, replace line 4 with "sections"

Page 1, line 5, remove "subsection 3 of section 20.1-05-04, and sections", after "20.1-07-03" insert a comma, and after the second "and" insert "20.1-07-03.1"

Page 1, line 6, remove "20.1-07-05"

Page 1, line 7, remove "; and to repeal sections 20.1-01-09 and 20.1-07-03.1 of"

Page 1, remove line 8

Page 1, line 9, remove "snares in taking coyotes"

Page 1, remove lines 11 through 22

Page 2, remove lines 1 through 23

Page 2, line 26, after "commissioner" insert ", with the advice of the game and fish advisory board,"

Page 2, line 28, remove "Franklin's ground squirrels, owls,"

Page 2, line 29, after "weasels" insert "and shall prescribe the manner, number, and places for the taking of these migratory waterfowl predators"

Page 3, line 9, replace "4" with "1"

Page 3, remove lines 26 through 28

Page 4, remove lines 1 through 6

Page 4, replace lines 15 through 28 with:

"SECTION 5. AMENDMENT. Section 20.1-07-03.1 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-07-03.1. Use of snares for taking coyotes - Restrictions - Identification - Snare standards.

1. ~~The governor shall establish by proclamation an upland snaring season for the taking of coyotes-~~
- 2- No person may set or lay any snare for the purpose of taking coyotes on land belonging to another private person without receiving written permission from that person.
- 3- 2. A person using a snare for the purpose of taking coyotes shall permanently affix with a metal or plastic tag that person's name, address, and telephone number to each snare being used.
- 4- 3. The commissioner shall establish and publish in pamphlet form safety standards for snares used for the taking of coyotes, which will prevent the accidental holding of deer and other appropriate animals. These standards must be followed by any person using a snare pursuant to this section."

Renumber accordingly

HB 1296 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 1300 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 2, line 6, after "engineer" insert "or the board may deny the application, in which case the project for which the application is made may not be constructed"

Page 2, line 10, overstrike "his" and insert immediately thereafter "the"

Renumber accordingly

HB 1300 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Agriculture (Rep. Nicholas, Chairman) to which was rereferred HB 1309 has had the same under consideration and recommends by a vote of 11 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

HB 1309 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 1319 has had the same under consideration and recommends by a vote of 8 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1319 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 1321 has had the same under consideration and recommends by a vote of 10 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING that the same DO PASS.

HB 1321 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 1324 has had the same under consideration and recommends by a vote of 12 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 20, replace "; however" with ". However"

Page 2, line 1, after "charge" insert "for fourteen days"

Page 2, line 2, after "diabetes" insert ". Nothing in this section requires the director to provide camp services if the camp facilities are otherwise closed due to adverse administrative or fiscal impacts upon the department"

Renumber accordingly

HB 1324 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 1357 has had the same under consideration and recommends by a vote of 14 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING that the same DO PASS.

HB 1357 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 1362 has had the same under consideration and recommends by a vote of 15 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same DO PASS.

HB 1362 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 1385 has had the same under consideration and recommends by a vote of 11 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1385 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Agriculture (Rep. Nicholas, Chairman) to which was rereferred HB 1388 has had the same under consideration and recommends by a vote of 8 YEAS, 6 NAYS, 2 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1388 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 1398 has had the same under consideration and recommends by a vote of 10 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1398 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 1437 has had the same under consideration and recommends by a vote of 14 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1437 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Agriculture (Rep. Nicholas, Chairman) to which was referred HB 1440 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 1440 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 1459 has had the same under consideration and recommends by a vote of 11 YEAS, 2 NAYS, 4 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

Page 1, line 13, after the period insert "At least ten days before entry, the surveyor shall notify the owner of the area to be entered. The notice of entry must be by personal service or by certified mail, return receipt requested, to the owner's last known address."

Page 1, line 19, after "claims" insert "against the owner"

Page 1, line 22, replace "another" with "the owner"

Re-number accordingly

HB 1459 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 1494 has had the same under consideration and recommends by a vote of 8 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

HB 1494 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 (Rep. Whalen, Chairman) to which was referred HB 1515 has had the same under consideration and recommends by a vote of 17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 12, after "full-time" insert "postsecondary"

Page 1, line 15, after "full-time" insert "postsecondary"

Re-number accordingly

HB 1515 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 1535 has had the same under consideration and recommends by a vote of 10 YEAS, 5 NAYS, 1 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 "the use of" with "any entity or employee of an entity that receives" and remove "and proceeds derived"

Page 1, line 2, remove "games of chance for", after "providing" insert "or referring a child to", and remove "for school"

Page 1, line 3, remove "children"

Page 1, line 9, replace "No" with "Except as required for purposes of the medical assistance program under title XIX of the Social Security Act [Pub. L. 89-97; 79 Stat. 343; 42 U.S.C. 1396 et seq.] as amended, and the aid to families with dependent children program under title IV-A of the Social Security Act [Pub. L. 74-271; 49 Stat. 627; 42 U.S.C. 601 et seq.] as amended, for continued receipt of federal funds, no entity or employee of an entity that receives"

Page 1, line 10, replace "no" with "or"

Page 1, line 11, remove "and no"

Page 1, remove line 12

Page 1, line 13, remove "chance" and "be used to"

Page 1, line 14, after "years" insert "or refer any school children under the age of eighteen years to the following services without the prior consent of the child's parent"

Renumber accordingly

HB 1535 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 1565 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 3, after "township" insert "; and to declare an emergency"

Page 1, after line 20, insert:

"SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

HB 1565 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 1572 has had the same under consideration and recommends by a vote of 11 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

HB 1572 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 1587 has had the same under consideration and recommends by a vote of 12 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1587 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 1593 has had the same under consideration and recommends by a vote of 8 YEAS, 4 NAYS, 3 ABSENT AND NOT VOTING that the same DO NOT PASS.

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

MR. SPEAKER: Your Committee on Agriculture (Rep. Nicholas, Chairman) to which was referred HB 1598 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 1598 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 1605 has had the same under consideration and recommends by a vote of 8 YEAS, 5 NAYS, 4 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1605 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 (Rep. Whalen, Chairman) to which was referred HB 1608 has had the same under consideration and recommends by a vote of 17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 7, overstrike "of" and remove "eighteen"

Page 1, line 8, overstrike "percent per annum" and insert immediately thereafter "as established by section 47-14-09"

Renumber accordingly

HB 1608 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 (Rep. Haugland, Chairman) to which was referred HB 1622 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 1622 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 1655 has had the same under consideration and recommends by a vote of 10 YEAS, 4 NAYS, 3 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1655 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation (Rep. Belter, Vice Chairman) to which was referred HB 1657 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1657 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Joint Constitutional Revision (Rep. Martin, Chairman) to which was referred HCR 3008 has had the same under consideration and recommends by a vote of 8 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

HCR 3008 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation (Rep. Belter, Vice Chairman) to which was referred HCR 3031 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

HCR 3031 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation (Rep. Belter, Vice Chairman) to which was referred HCR 3034 has had the same under consideration and recommends by a vote of 12 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

HCR 3034 was placed on the Tenth 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 HCR 3036 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

HCR 3036 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation (Rep. Belter, Vice Chairman) to which was referred HCR 3042 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

HCR 3042 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Agriculture (Rep. Nicholas, Chairman) to which was referred HCR 3043 has had the same under consideration and recommends by a vote of 11 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

HCR 3043 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Agriculture (Rep. Nicholas, Chairman) to which was referred HCR 3044 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 3044 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education (Rep. Gates, Chairman) to which was referred HCR 3045 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:

Page 2, line 2, replace the period with "; and"

Page 2, after line 2, insert:

"BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded by the Secretary of State to the Governor."

Renumber accordingly

HCR 3045 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Agriculture (Rep. Nicholas, Chairman) to which was referred HCR 3049 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 3049 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Agriculture (Rep. Nicholas, Chairman) to which was referred HCR 3051 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.

HCR 3051 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Agriculture (Rep. Nicholas, Chairman) to which was referred HCR 3053 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 3053 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

#### FIRST READING OF HOUSE BILLS

Rep. Kloubec introduced:

HB 1658: A BILL for an Act to provide for deposit of certain revenue in a rainy day fund and other special funds if general fund revenue is in excess of estimates; and to provide a continuing appropriation.  
Was read the first time and referred to the Committee on Finance and Taxation.

Rep. Kloubec introduced:

HB 1659: A BILL for an Act to create and enact a new section to chapter 24-02 and three new sections to chapter 54-34 of the North Dakota Century Code, relating to the transfer of responsibility for state tourism promotion activities to the state highway commissioner, the establishment of state foreign trade offices and a Washington, D.C., office of economic development, and the role of state agencies and political subdivisions in state economic development activities; and to amend and reenact sections 24-03-21, 54-34-01, and 54-34-06 of the North Dakota Century Code, relating to the preparation of road maps by the state highway commissioner and duties of the economic development commission and the director of the economic development commission.  
Was read the first time and referred to the Committee on Appropriations.

Reps. Stofferahn, R. Hausauer introduced:

HB 1660: A BILL for an Act to amend and reenact section 54-03-20 of the North Dakota Century Code, relating to travel expense reimbursement for members of the legislative assembly; to provide an effective date; and to declare an emergency.

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

Reps. Kolbo, Ulmer introduced:

HB 1661: A BILL for an Act to provide tuition waivers for severely disabled students attending institutions under the state board of higher education.

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

#### FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

Reps. Wentz, Goetz, Clayburgh and Sens. Nalewaja, Waldera introduced:

HCR 3054: A concurrent resolution directing the Legislative Council to study the desirability of changing the criteria for licensing of social workers to allow persons with degrees in sociology and psychology to practice as licensed social workers.

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

Reps. Wald, Kloubec, Schneider and Sens. Maixner, Olson introduced:

HCR 3055: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of the state contracting with a fiscal intermediary for administration of the Medicaid program.

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

Reps. Mertens, Kloubec, Schneider and Sens. Olson, Heigaard introduced:

HCR 3056: A concurrent resolution urging Congress to pass and present to the states for ratification a constitutional amendment limiting federal taxation of state and local obligations.

Was read the first time and referred to the Committee on Joint Constitutional Revision.

#### FIRST READING OF SENATE BILLS

SB 2031: A BILL for an Act to create and enact a new section to chapter 60-02 of the North Dakota Century Code, relating to the posting of a notice of grain dispute resolution procedures; and to amend and reenact section 60-02-05 of the North Dakota Century Code, relating to the resolution of disputes concerning grain.

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

SB 2059: A BILL for an Act to create and enact a new section to chapter 50-25.1 of the North Dakota Century Code, relating to the adoption of rules by the department of human services to resolve complaints and conduct reviews concerning investigations of reports of child abuse or neglect.

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

SB 2067: A BILL for an Act to establish a state advisory commission on intergovernmental relations; and to provide an appropriation.

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

SB 2077: A BILL for an Act to create and enact a new subsection to section 39-06.1-06 of the North Dakota Century Code, relating to fees assessed for parking violations in parking spaces designated for use by mobility impaired persons; and to amend and reenact subsections 7 and 8 of section 39-01-15 and subsection 7 of section 39-06.1-06 of the North Dakota Century Code, relating to parking privileges for mobility impaired persons and to fees assessed for parking violations on state charitable and penal institution property or on the state capitol grounds; and to provide a penalty.

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

SB 2078: A BILL for an Act to amend and reenact section 38-18.1-02, subsection 4 of section 38-18.1-03, subsections 2 and 3 of section 38-18.1-05, and subsection 4 of section 38-18.1-06 of the North Dakota Century Code, relating to the termination of mineral interests.

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

SB 2159: A BILL for an Act to amend and reenact sections 60-02-07, 60-02-09.1, 60-02-11, 60-02-22, 60-02-35, 60-02-35.1, and 60-04-09 of the North Dakota Century Code, relating to grain and seed warehouses and insolvent grain warehousemen.

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

SB 2168: A BILL for an Act to create and enact a new subsection to section 57-40.3-04 of the North Dakota Century Code, relating to an exemption from motor vehicle excise tax for specialty motor vehicles.

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

SB 2173: A BILL for an Act to amend and reenact sections 65-02-08 and 65-10-03 of the North Dakota Century Code, relating to the payment of attorneys' fees by the North Dakota workers compensation bureau; and to provide an effective date.

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

SB 2220: A BILL for an Act to create and enact a new subsection to section 53-06.1-15.1 and a new section to chapter 53-06.1 of the North Dakota Century Code, to allow the attorney general to enter into an agreement to exchange information with the internal revenue service; and to amend and reenact subsections 1, 3, and 7 of section 53-06.1-01, section 53-06.1-02, subdivision b of subsection 2 of section 53-06.1-03, sections 53-06.1-03.1, 53-06.1-03.2, 53-06.1-03.3, 53-06.1-04, 53-06.1-05, subsections 2 and 8 of section 53-06.1-06, sections 53-06.1-07, 53-06.1-07.1, 53-06.1-08, 53-06.1-08.1, 53-06.1-10, subsection 2 of section 53-06.1-14, subsections 3 and 4 of section 53-06.1-15.1, and section 53-06.1-16.2 of the North Dakota Century Code, relating to definitions, use of gaming funds to promote initiatives and referendums, the use of funds, rent for bingo sites, charitable gaming tickets, sports pools, lending gaming equipment, twenty-one players playing two hands, the attorney general seizing gaming materials without a court order, and sales by distributors and manufacturers.

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

- SB 2262: A BILL for an Act to repeal section 19-02-24 of the North Dakota Century Code, relating to the use of rooms in which food is stored, prepared, or sold.  
Was read the first time and referred to the Committee on Human Services and Veterans Affairs.
- SB 2268: A BILL for an Act to authorize the director of institutions to sell and convey certain land owned by the state of North Dakota to Burleigh County for use as fairgrounds; and to declare an emergency.  
Was read the first time and referred to the Committee on State and Federal Government.
- SB 2292: A BILL for an Act to amend and reenact section 39-10-21.1 of the North Dakota Century Code, relating to closing roads because of hazardous conditions.  
Was read the first time and referred to the Committee on Transportation.
- SB 2315: A BILL for an Act to amend and reenact subsection 1 of section 41-03-06 of the North Dakota Century Code, relating to the definition of a sum certain.  
Was read the first time and referred to the Committee on Judiciary.
- SB 2319: A BILL for an Act to create and enact a new section to chapter 35-01 of the North Dakota Century Code, relating to priority of a lien securing future advances.  
Was read the first time and referred to the Committee on Judiciary.
- SB 2329: A BILL for an Act to amend and reenact sections 12-60-17, 28-01-17, 29-05-10, 32-22-36, 58-04-10, 58-05-02, 58-05-05, 58-05-07, 58-07-03, 58-15-03, and 58-15-04 of the North Dakota Century Code, relating to the office of township constable; and to repeal sections 58-10-03, 58-10-04, and 58-10-05 of the North Dakota Century Code, relating to township constables.  
Was read the first time and referred to the Committee on Political Subdivisions.
- SB 2337: A BILL for an Act to amend and reenact subsection 13 of section 49-18-02 of the North Dakota Century Code, relating to the regulation of the transportation of saltwater by the public service commission.  
Was read the first time and referred to the Committee on Natural Resources.
- SB 2340: A BILL for an Act to amend and reenact subsection 1 of section 12.1-32-02 of the North Dakota Century Code, relating to sentencing alternatives in criminal cases.  
Was read the first time and referred to the Committee on Judiciary.
- SB 2365: A BILL for an Act to amend and reenact section 20.1-01-02 of the North Dakota Century Code, relating to the definition of hunt or hunting.  
Was read the first time and referred to the Committee on Natural Resources.
- SB 2410: A BILL for an Act to provide gender balance in the appointment of members of state boards, commissions, committees, and councils; and to amend and reenact sections 15-39.1-05 and 23-14-04 of the North Dakota Century Code, relating to the appointment of members of the board of trustees of the teachers' fund for retirement and district boards of health.

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

SB 2425: A BILL for an Act to create and enact a new section to chapter 39-04 of the North Dakota Century Code, relating to registration fees of motor vehicles owned by collectors.

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

SB 2437: A BILL for an Act to amend and reenact subdivision b of subsection 1, subdivision b of subsection 2, and subdivision f of subsection 3 of section 39-12-04 of the North Dakota Century Code, relating to width and height exemptions for implements of husbandry and length limitations for towed vehicles.

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

SB 2442: A BILL for an Act to amend and reenact section 40-18-15.1 of the North Dakota Century Code, relating to the division of funds between cities and counties that contract for prosecution and defense services.

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

SB 2455: A BILL for an Act to create and enact a new section to chapter 53-06.1 of the North Dakota Century Code, relating to allocation of revenue in the foundation aid reserve fund; to amend and reenact sections 53-06.1-10, 53-06.1-12, and 53-06.1-12.1 of the North Dakota Century Code, relating to the maximum wager in twenty-one, the games of chance tax, and allocation of games of chance tax revenues to the foundation aid reserve fund; and to provide a continuing appropriation.

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

SB 2459: A BILL for an Act to create and enact a new section to chapter 14-15 of the North Dakota Century Code, relating to the right to counsel in termination proceedings under the Revised Uniform Adoption Act; and to amend and reenact sections 14-17-18 and 27-20-45 of the North Dakota Century Code, relating to the right to counsel in termination proceedings under the Uniform Parentage Act and the Uniform Juvenile Court Act.

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

SB 2465: A BILL for an Act to authorize wiretapping and eavesdropping in felony drug offense investigations; to create and enact a new section to chapter 19-03.1 of the North Dakota Century Code, relating to penalties for drug offenses involving certain aggravating factors; and to provide a penalty.

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

SB 2469: A BILL for an Act to amend and reenact section 24-02-03.4 of the North Dakota Century Code, relating to credit for transferring motor vehicles.

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

SB 2476: A BILL for an Act to create a legislative council interim committee on elections and provide a mechanism for a mail ballot primary election; to provide an appropriation; and to provide an expiration date.

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

SB 2492: A BILL for an Act to create and enact a new section to chapter 19-10 of the North Dakota Century Code, relating to aboveground storage tanks.

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

SB 2508: A BILL for an Act to amend and reenact subsection 4 of section 4-35-05, section 4-35-09, subsection 2 of section 4-35-13, subsection 1 of section 4-35-14, subsection 16 of section 4-35-15, section 4-35-19, and subsection 1 of section 4-35.1-01 of the North Dakota Century Code, relating to eliminating direct supervision of the application of pesticides and the definition of chemigation.

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

#### FIRST READING OF SENATE CONCURRENT RESOLUTION

SCR 4024: A concurrent resolution expressing opposition to federal acid rain legislation or amendments to the Clean Air Act that unnecessarily and unfairly burden consumers and businesses in clean, low-emission states such as North Dakota.

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

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

ROY GILBREATH, Chief Clerk