

## JOURNAL OF THE HOUSE

## Fifty-second Legislative Assembly

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Bismarck, February 19, 1991

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

The prayer was offered by Mary K. Vetter, Corpus Christi Catholic Church, Bismarck.

The roll was called and all members were present except Representatives Dorso, Gorman, and Thorpe.

A quorum was declared by the Speaker.

## MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2066, SB 2276, SB 2335, SB 2341, SB 2345, SB 2381, SB 2430, SB 2433, SB 2440, SB 2446.

## HOUSE ENROSSING REPORT

The following bills were engrossed: HB 1009, HB 1014, HB 1019, HB 1027, HB 1098, HB 1103, HB 1139, HB 1193, HB 1194, HB 1261, HB 1285, HB 1287, HB 1333, HB 1391, HB 1395, HB 1406, HB 1414, HB 1471, HB 1472, HB 1475, HB 1505, HB 1533, HB 1543, HB 1559, HB 1578, HB 1593, HB 1602.

## 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 1015, HB 1138, HB 1166, HB 1215, HB 1218, HB 1276, HB 1336, HB 1343, HB 1479, HB 1507, HB 1508, HB 1526, HB 1553, HB 1556, HCR 3038.

## 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 1593.

## SIXTH ORDER OF BUSINESS

## REQUEST

REP. KLOUBEC REQUESTED the unanimous consent of the House to amend the proposed amendment to HB 1266, as printed on HJ pages 603-604. There being no objection, unanimous consent of the House was given to amend the proposed amendment to HB 1266 as follows:

## HOUSE FLOOR AMENDMENT TO THE PROPOSED AMENDMENTS TO HB 1266

That the proposed amendments to HB 1266, as printed on pages 603 and 604 of the House Journal be amended as follows:

Page 603 of the House Journal, line 23, replace "6" with "5"

Renumber accordingly

## MOTIONS

REP. KLOUBEC MOVED that the rules be suspended and that the House consider all amendments on the Sixth order in one motion, which motion prevailed.

REP. KLOUBEC MOVED that the rules be suspended and that all amendments on the Sixth order of business to HB 1002, HB 1013, HB 1017, HB 1219, HB 1221, HB 1251, HB 1266, HB 1270, HB 1327, HB 1328, HB 1383, HB 1433, HB 1478, HB 1483, HB 1500, HB 1513, HB 1530, HB 1552, HB 1560, HB 1566, and HB 1568 be adopted, which motion prevailed.

HB 1002, HB 1013, HB 1017, HB 1219, HB 1221, HB 1251, HB 1266, HB 1270, HB 1327, HB 1328, HB 1383, HB 1433, HB 1478, HB 1483, HB 1500, HB 1513, HB 1530, HB 1552, HB 1560, HB 1566, and HB 1568, as amended, were placed on the Eleventh order of business for the succeeding legislative day.

SECOND READING OF HOUSE BILL

HB 1439: A BILL for an Act to provide for cleanup of petroleum spills through the establishment of a petroleum release compensation fund; to repeal sections 1 through 31 and section 33 of chapter 341 of the 1989 Session Laws of North Dakota; to provide a penalty; to provide a continuing appropriation; to provide an appropriation; to provide an expiration date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 98 YEAS, 6 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Clayburgh; Cleary; Coats; Dalrymple; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Meyer; Miller; Muhs; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkte; Williams; Speaker R. Anderson

NAYS: Carlisle; Carlson; Delzer; Martinson; Mutzenberger; Oban

ABSENT AND NOT VOTING: Gorman; Thorpe

HB 1439 passed, the title was agreed to, and the emergency clause carried.

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MOTIONS

REP. KLOUBEC MOVED that HB 1517 be placed immediately behind HB 1516 on the calendar, which motion prevailed.

REP. KLOUBEC MOVED that the House waive the reading of the titles to HB 1516 and HB 1517, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1516: A BILL for an Act to establish a single trial court of general jurisdiction through the abolition of county courts and the provision for additional district court judgeships; to create and enact two new sections to chapter 27-05 of the North Dakota Century Code, relating to vacancies in the office of district court judge and the appointment of magistrates; to amend and reenact sections 11-21-01, 12.1-20-16, 23-07.1-09, subsection 2 of section 25-03.1-21, sections 27-05-01, 27-05-06, subsection 1 of section 27-05-08, sections 27-06-07, 27-07.1-02, 27-07.1-03, 27-23-02, 29-07-01.1, 29-22-02, 30.1-02-02, 40-18-06.2, 40-18-15.1, 40-18-19, and 58-02-23 of the North Dakota Century Code, relating to references to county courts and county judges, chambers of district judges and jurisdiction of district courts, multicounty agreements to share county judge services, and vacancies in the office of county court judge; to repeal sections 11-09-22, 11-09-23, 11-11-12, 11-15-10, 24-07-25, 27-01-05, chapters 27-07.1 and 27-08.2, sections 27-09.1-21, 27-20-04, chapter 27-26, and section 31-09-07 of the North Dakota Century Code, relating to references to county courts and county court judges; and to provide an effective date.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 83 YEAS, 21 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brown; Byerly; Carlisle; Clayburgh; Cleary; Coats; Dalrymple; DeMers; DeWitz; Dorso; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Gorder; Grumbo; Hausauer; Henegar; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kloubec; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Mahoney; Martinson; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nowatzki; Oban; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjervén; Snyder; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Timm; Tollefson; Trautman; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

**NAYS:** Brokaw; Carlson; Delzer; Enget; Erickson; Goffe; Grosz; Hanson; Hokana; Kerzman; Kolbo; Linderman; Martin; Meyer; Nichols; Olsen, D.; Olson, A.; Stofferahn; Urlacher; Wald; Wardner

**ABSENT AND NOT VOTING:** Gorman; Thorpe

HB 1516 passed and the title was agreed to.

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HB 1517: A BILL for an Act to amend and reenact section 4-33-06, subsection 5 of section 6-05.1-05, sections 11-03-08, 11-05-16, subsection 2 of section 11-07-04, sections 11-08-06, 11-08-07, 11-09-29, subsection 3 of section 11-09.1-05, sections 11-10-02, 11-10-06, subsections 1, 4, and 7 of section 11-10-10, sections 11-10-11, 11-10-20, 11-11-10, 11-12-05, 11-15-24, 11-17-04, subsections 1 and 2 of section 11-17-08, sections 11-19-08, 11-19-13, 11-19-14, 11-19-15, 11-19-25, 11-20-01, 11-20-03, subsections 2, 4, and 5 of section 11-21-02, sections 11-21-03, 11-21-04, 11-21-12, 11-21-13, 11-21-14, 11-30-16, 12-45-01, 12-46-13, 12-51-07, subsection 2 of section 12-60-16.1, section 12-62-01.1, subsection 5 of section 12.1-01-04, sections 14-03-09, 14-03-10, 14-03-11, 14-03-17, 14-03-19, 14-03-20, 14-03-21, 14-03-22, 14-03-24, subsection 1 of section 14-07.1-02, sections 16.1-12-03, 16.1-15-08, 16.1-15-09, 16.1-15-11, 16.1-15-13, 16.1-16-07, 23-05-06, 23-07.1-08, 23-07.1-10, subsection 4 of section 23-07.4-01, sections 23-07.4-02, 23-07.6-05, 23-07.6-12, 24-06-05, 24-07-22, 24-07-24, 24-07-28, subsections 2 and 7 of section 25-03.1-02, sections 25-03.1-03, 25-03.1-38, 25-03.1-46, subsection 3 of section 25-04-05.1, subsections 2 and 3 of section 25-04-15, sections 25-11-05, 27-01-01, 27-01-01.1, 27-01-04, 27-01-09, subsections 1 and 3 of section 27-01-10, subsection 1 of section 27-08.1-01, sections 27-08.1-06, 27-08.1-08, 27-09.1-14, subsection 1 of section 27-15-01, sections 27-15-02, 27-19-08, subsection 2 of section 27-20-47, subsection 2 of section 27-23-01, sections 27-24-04, 28-20-22, 28-26-19, 28-29-04, subsection 3 of section 29-01-01, subsection 4 of section 29-01-09, subsection 3 of section 29-01-14, sections 29-01-15, 29-02-13, 29-07-06, 29-10.1-38, subsection 1 of section 29-15-21, subsection 6 of section 30.1-01-06, section 30.1-02-07, subdivision c of subsection 2 of section 30.1-10-01, sections 30.1-32-01, 30.1-32-03, 30.1-32-04, 30.1-33-01, 30.1-33-03, 30.1-33-04, 30.1-33-05, 30.1-33-06, subsection 1 of section 30.1-34-03, sections 30.1-34-04, 30.1-34-05, 31-01-16, 31-01-18, 32-19-23, 32-19-24, 32-19-30, 32-22-18, 32-24-01, 33-06-01, 33-06-03, 33-06-04, 36-01-18, 36-11-10, 36-11-11, 37-15-18, 37-16-04, subsection 1 of section 38-10-01, sections 38-10-03, 38-10-05, 38-10-06, 38-10-08, 39-06-16, subdivision a of subsection 5 and subsection 7 of section 39-06.1-03, sections 40-02-16, 40-09-16, 40-11-13, subsections 1 and 3 of section 40-18-01, sections 40-18-15, 40-18-20, subsection 3 of section 42-01-07, subsection 2 of section 43-23-07, sections 44-02-04, 44-02-05, 44-03-02, subsection 2 of

section 44-05-01, sections 44-08-09, 44-09-01, 44-11-12, 46-04-05, 47-03-06, 47-18-22, subsection 9 of section 47-19-02, section 47-19-06, subsection 5 of section 47-24.1-01, subsection 2 of section 50-01.1-04, sections 50-06.3-07, 50-06.3-09, 50-24.1-07, 54-12-01.3, 57-26-02, 57-37.1-06, 57-37.1-12, subsection 3 of section 59-01-11, section 59-02-12, subsection 6 of section 59-02-20, sections 59-04-02, 59-04-03, subsection 12 of section 59-04-04, sections 59-04-08, 59-04-10, 59-04-15, 59-04-24, 59-04-25, 59-04-26, 59-04-27, 59-04-29, 59-04-31, 59-05-28, and 59-05-55, relating to references to county courts and county judges, judicial districts, and the election, term of office, and chambers of district judges; and to provide an effective date.

#### ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 103 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Meyer; Thorpe

HB 1517 passed and the title was agreed to.

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HB 1009: A BILL for an Act making an appropriation for defraying the expenses of the veterans' home and the department of veterans' affairs.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 104 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Thorpe

HB 1009 passed and the title was agreed to.

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HB 1014: A BILL for an Act making an appropriation for defraying the expenses of the council on the arts; and providing for an appropriation of funds from the cultural endowment fund.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 99 YEAS, 5 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Berg, G.; Berg, R.; Bernstein; Bodine; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schindler; Schmidt; Schneider; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

NAYS: Belter; Boehm; Grosz; Schimke; Shide

ABSENT AND NOT VOTING: Gorman; Thorpe

HB 1014 passed and the title was agreed to.

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HB 1019: A BILL for an Act making an appropriation for defraying the expenses of the state industrial commission and the agencies under the management of the industrial commission; to amend and reenact section 57-61-01.5 of the North Dakota Century Code, relating to the lignite research fund; and to provide a continuing appropriation for the lignite research fund.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 102 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Hausauer; Schmidt; Thorpe

HB 1019 passed and the title was agreed to.

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**HB 1027:** A BILL for an Act providing optional property tax levy increase authority of political subdivisions and providing limitations on that authority; and to provide an effective date and an expiration date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 74 YEAS, 28 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Belter; Berg, G.; Byerly; Carlson; Clayburgh; Cleary; Coats; Dalrymple; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gerntholz; Gilmore; Goffe; Grumbo; Hanson; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kelsch; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Martin; Martinson; Mutzenberger; Myrdal; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schindler; Schneider; Shide; Skjerven; Snyder; Starke; Stofferahn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wardner; Wentz; Whalen; Williams; Speaker R. Anderson

**NAYS:** Aarsvold; Bateman; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Carlisle; Delzer; Gates; Gorder; Grosz; Kaldor; Kerzman; Mahoney; Meyer; Miller; Muhs; Nelson; Payne; Schimke; Schmidt; Skar; Soukup; St. Aubyn; Wilkie

**ABSENT AND NOT VOTING:** Gorman; Hausauer; Thorpe; Wald

HB 1027 passed and the title was agreed to.

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**MOTION**

REP. TOLLEFSON MOVED that the House waive the reading of the titles to HB 1098, HB 1139, HB 1193, and HB 1194, which motion prevailed.

**SECOND READING OF HOUSE BILLS**

**HB 1098:** A BILL for an Act to create and enact sections 57-51-02.2 and 57-51-02.3 of the North Dakota Century Code, relating to gross production tax on gas and oil; to amend and reenact sections 57-51-01, 57-51-02, 57-51-05, and subsections 1 and 2 of section 57-51-06 of the North Dakota Century Code, relating to imposition of gross production tax; to repeal section 57-51-18 of the North Dakota Century Code, relating to payment where ownership is in dispute; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 103 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

**ABSENT AND NOT VOTING:** Gorman; Hausauer; Thorpe

HB 1098 passed and the title was agreed to.

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HB 1103: A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota Century Code, relating to investment income of the state's colleges and universities; and to amend and reenact sections 6-09-07, 54-11-01, and 54-17-07 of the North Dakota Century Code, relating to investment income of the Bank of North Dakota, duties of the state treasurer with regard to receipts for deposits into the state treasury and allocation of certain investment income, and income on industrial commission deposits and investments.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 99 YEAS, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Berg, G.; Gorman; Hausauer; Nicholas; Stofferahn; Thorpe; Wilkie

HB 1103 passed and the title was agreed to.

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HB 1139: A BILL for an Act to amend and reenact sections 2-05-10, 2-05-11, 2-05-11.3, 2-05-12, 2-05-18, 2-08-03, 2-08-04, 57-40.5-09, 57-43.3-06, and 57-43.3-07 of the North Dakota Century Code, relating to the distribution of funding for the aeronautics commission; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 63 YEAS, 39 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Belter; Berg, R.; Bernstein; Brown; Byerly; Carlisle; Clayburgh; Cleary; Dalrymple; Enget; Freier; Gates; Gerntholz; Goffe; Gorder; Grumbo; Hanson; Henegar; Hokana; Howard; Huether; Jensen; Kelsch; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Martin; Martinson; Miller; Muhs; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ritter; Rydell; Schmidt; Shide; Skjerven; Snyder; Soukup; St. Aubyn; Svedjan; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Speaker R. Anderson

NAYS: Aarsvold; Anderson, B.; Bateman; Bodine; Boehm; Boucher; Brokaw; Carlson; Coats; Delzer; DeMers; DeWitz; Dorso; Erickson; Flaagan; Gabrielson; Gilmore; Grosz; Jacobson; Kaldor; Kerzman; Laughlin; Linderman; Mahoney; Meyer; Mutzenberger; Oban; Olsen, D.; Ring; Scherber; Schimke; Schindler; Schneider; Skar; Starke; Stofferahn; Thompson; Wilkie; Williams

ABSENT AND NOT VOTING: Berg, G.; Gorman; Hausauer; Thorpe

HB 1139 passed, the title was agreed to, but the emergency clause lost.

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HB 1193: A BILL for an Act to create and enact four new subsections to section 54-23.3-04 of the North Dakota Century Code, relating to giving the director of the department of corrections and rehabilitation powers and duties held by the director of institutions to issue bonds, contract for correctional services, lease and sell penitentiary lands, and provide certain meals to officers and employees; to amend and reenact subsection 48 of section 30.1-01-06 of the North Dakota Century Code, relating to trust accounts; and to repeal sections 54-21-07, 54-21-25, 54-21-26, 54-21-26.1, 54-23-22, 54-23-29, 54-23-45, 54-23-56, 54-23-57, and 54-23-59 of the North Dakota Century Code, relating to duties of the director of institutions in the operation of correctional institutions.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 79 YEAS, 24 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Belter; Berg, G.; Bernstein; Bodine; Boucher; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Goffe; Gorder; Grumbo; Hanson; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nowatzki; Oban; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schindler; Schmidt; Shide; Skar; Skjerven; Snyder; St. Aubyn; Starke; Stofferahn; Svedjan; Timm; Tollefson; Trautman; Wald; Wardner; Wentz; Williams

NAYS: Bateman; Berg, R.; Boehm; Brokaw; Brown; Delzer; DeMers; Dorso; Gilmore; Grosz; Kloubec; Martin; Nichols; Olsen, D.; Olson, A.; Payne; Schimke; Schneider; Soukup; Thompson; Urlacher; Whalen; Wilkie; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Hausauer; Thorpe

HB 1193 passed and the title was agreed to.

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HB 1194: A BILL for an Act to create and enact five new subsections to section 28-32-01 and twelve new sections to chapter 28-32 of the North Dakota Century Code, relating to practices and procedures in administrative proceedings; to amend and reenact subsection 3 of section 4-18.1-18, section 15-38.1-05, subsection 2 of section 15-47-38, subsection 7 of section 15-47-38.1, sections 28-32-05, 28-32-06, 28-32-07, 28-32-08, 28-32-09, 28-32-11, 28-32-12, 28-32-13, 28-32-14, 28-32-15, 28-32-17, 28-32-18, 28-32-19, 28-32-20, 28-32-21, 28-32-21.1, 38-08-11, 38-08-13, 38-08-14, subsection 3 of section 38-14.1-30, and subsection 3 of section 43-23-11.1 of the North Dakota Century Code, relating to administrative practices and procedures; to repeal section 28-32-10 of the North Dakota Century Code, relating to proceedings when subpoenas are disobeyed; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 101 YEAS, 2 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Grosz; Grumbo; Hanson; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

NAYS: Gorder; Schmidt

ABSENT AND NOT VOTING: Gorman; Hausauer; Thorpe

HB 1194 passed and the title was agreed to.

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HB 1261: A BILL for an Act to amend and reenact subsections 2 and 4 of section 6-08-16 and subsections 2, 3, and 7 of section 6-08-16.2 of the North Dakota Century Code, relating to fees for collection costs on checks or drafts issued without sufficient funds.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 10 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Miller; Muhs; Mutzenberger; Myrdal; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ritter; Rydell; Scherber; Schimke; Schindler; Schneider; Shide; Skar; Skjerven; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Wilkie; Williams; Speaker R. Anderson

NAYS: Boucher; Brokaw; Flaagan; Kerzman; Meyer; Nelson; Ring; Schmidt; Snyder; Stofferahn

ABSENT AND NOT VOTING: Gorman; Hausauer; Thorpe; Whalen

HB 1261 passed and the title was agreed to.

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HB 1285: A BILL for an Act to create and enact a new section to chapter 54-44.4 of the North Dakota Century Code, relating to purchase of paper or paper products containing recycled material for use by state entities.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 56 YEAS, 48 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Berg, G.; Bodine; Boucher; Brokaw; Carlson; Cleary; Coats; DeMers; DeWitz; Enget; Erickson; Flaagan; Gabrielson; Gerntholz; Gilmore; Gorder; Grumbo; Hanson; Hokana; Huether; Jacobson; Jensen; Kaldor; Kerzman; Kolbo; Kretschmar; Kroeber; Larson; Laughlin; Linderman; Mahoney; Meyer; Mutzenberger; Nelson; Nichols; Nowatzki; Oban; Peterson; Pyle; Ring; Ritter; Rydell; Scherber; Schindler; Schneider; Skar; Snyder; Starke; Stofferahn; Tollefson; Trautman; Wentz; Wilkie; Williams

NAYS: Bateman; Belter; Berg, R.; Bernstein; Boehm; Brown; Byerly; Carlisle; Clayburgh; Dalrymple; Delzer; Dorso; Freier; Gates; Goffe; Grosz; Hausauer; Henegar; Howard; Kelsch; Kloubec; Kunkel; Martin; Martinson; Miller; Muhs; Myrdal; Nicholas; Olsen, D.; Olson, A.; Payne; Porter; Price; Rennerfeldt; Schimke; Schmidt; Shide; Skjerven; Soukup; St. Aubyn; Svedjan; Thompson; Timm; Urlacher; Wald; Wardner; Whalen; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Thorpe

HB 1285 passed and the title was agreed to.

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HB 1287: A BILL for an Act to create and enact a new section to chapter 61-28 of the North Dakota Century Code, relating to water well testing.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 43 YEAS, 60 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Berg, G.; Bernstein; Bodine; Boucher; Brokaw; Carlson; Cleary; Coats; DeMers; Enget; Flaagan; Gabrielson; Gilmore; Goffe; Grumbo; Hokana; Huether; Jacobson; Kaldor; Kerzman; Kolbo; Linderman; Mutzenberger; Nelson; Nichols; Nowatzki; Oban; Olsen, D.; Peterson; Pyle; Ring; Ritter; Scherber; Schindler; Schneider; Shide; Skar; Snyder; Starke; Stofferahn; Wilkie

NAYS: Bateman; Belter; Berg, R.; Boehm; Brown; Byerly; Carlisle; Clayburgh; Dalrymple; Delzer; DeWitz; Dorso; Erickson; Freier; Gates; Gerntholz; Gorder; Grosz; Hanson; Hausauer; Henegar; Howard; Jensen; Kelsch; Kloubec; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Myrdal; Nicholas; Olson, A.; Payne; Porter; Price; Rennerfeldt; Rydell; Schimke; Schmidt; Skjerven; Soukup; St. Aubyn; Svedjan; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Thompson; Thorpe

HB 1287 was declared lost.

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HB 1333: A BILL for an Act to amend and reenact sections 38-08-09.5 and 38-08-09.9 of the North Dakota Century Code, relating to ratification or approval of unitization plans.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 68 YEAS, 35 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Byerly; Carlisle; Clayburgh; Cleary; Dalrymple; Delzer; DeWitz; Dorso; Erickson; Flaagan; Freier; Gates; Gerntholz; Goffe; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Kelsch; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Mahoney; Martin;

Martinson; Meyer; Miller; Mutzenberger; Myrdal; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Porter; Price; Rennerfeldt; Ritter; Rydell; Schindler; Shide; Skjervan; Soukup; St. Aubyn; Starke; Svedjan; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Whalen; Williams

NAYS: Aarsvold; Anderson, B.; Bateman; Boucher; Brokaw; Brown; Carlson; Coats; DeMers; Enget; Gabrielson; Gilmore; Gorder; Jacobson; Kaldor; Kerzman; Linderman; Muhs; Nelson; Nichols; Payne; Peterson; Pyle; Ring; Scherber; Schimke; Schmidt; Schneider; Skar; Snyder; Stofferahn; Thompson; Wentz; Wilkie; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Jensen; Thorpe

HB 1333 passed and the title was agreed to.

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HB 1395: 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 a motor vehicle excise tax exemption for motor vehicles acquired by nonprofit corporations.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 102 YEAS, 1 NAY, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gertholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjervan; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

NAYS: DeMers

ABSENT AND NOT VOTING: Gorman; Jensen; Thorpe

HB 1395 passed and the title was agreed to.

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HB 1406: A BILL for an Act to create and enact a new chapter to title 43 of the North Dakota Century Code, relating to ophthalmic practice by opticians.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 58 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Bateman; Belter; Berg, G.; Boehm; Brown; Byerly; Carlisle; Clayburgh; Cleary; Dalrymple; DeWitz; Freier; Gates; Gertholz; Henegar; Howard; Kelsch; Kretschmar; Kunkel; Larson; Linderman; Martin; Martinson; Miller; Muhs; Nicholas; Porter; Price; Rennerfeldt; Rydell; Schimke; Schindler; Shide; Skjervan; St. Aubyn; Svedjan; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Speaker R. Anderson

**NAYS:** Aarsvold; Anderson, B.; Berg, R.; Bernstein; Bodine; Boucher; Brokaw; Carlson; Coats; Delzer; DeMers; Dorso; Enget; Erickson; Flaagan; Gabrielson; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Hausauer; Hokana; Huether; Jacobson; Kaldor; Kerzman; Kloubec; Kolbo; Kroeber; Laughlin; Mahoney; Meyer; Mutzenberger; Myrdal; Nelson; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Pyle; Ring; Ritter; Scherber; Schneider; Skar; Snyder; Soukup; Starke; Stofferahn; Thompson; Timm; Wilkie; Williams

**ABSENT AND NOT VOTING:** Gorman; Jensen; Schmidt; Thorpe

HB 1406 was declared lost.

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HB 1414: A BILL for an Act to amend and reenact subsections 5 and 6 of section 57-51.1-01 and sections 57-51.1-02 and 57-51.1-03 of the North Dakota Century Code, relating to an exemption from the oil extraction tax for production from secondary or tertiary recovery projects; and to provide an effective date.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 85 YEAS, 18 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brown; Byerly; Carlisle; Clayburgh; Coats; Dalrymple; Delzer; DeWitz; Dorso; Enget; Erickson; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Gorder; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Kaldor; Kelsch; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Linderman; Mahoney; Martin; Martinson; Miller; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Porter; Price; Rennerfeldt; Ritter; Rydell; Schimke; Schindler; Schmidt; Schneider; Shide; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

**NAYS:** Anderson, B.; Brokaw; Carlson; Cleary; DeMers; Flaagan; Goffe; Jacobson; Kerzman; Laughlin; Meyer; Muhs; Peterson; Pyle; Ring; Scherber; Skar; Skjervén

**ABSENT AND NOT VOTING:** Gorman; Jensen; Thorpe

HB 1414 passed and the title was agreed to.

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HB 1471: A BILL for an Act to amend and reenact subsection 3 of section 61-33-01 of the North Dakota Century Code, relating to the definition of sovereign lands for purposes of sovereign land management.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 89 YEAS, 14 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Myrdal; Nelson; Nichols; Olsen, D.; Olson, A.; Payne; Porter; Price; Pyle; Rennerfeldt; Rydell; Schimke;

Schindler; Schmidt; Shide; Skar; Skjervén; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Whalen; Wilkie; Williams; Speaker R. Anderson

**NAYS:** Aarsvold; Kaldor; Mutzenberger; Nicholas; Nowatzki; Oban; Peterson; Ring; Ritter; Scherber; Schneider; Snyder; Stofferahn; Wentz

**ABSENT AND NOT VOTING:** Gorman; Jensen; Thorpe

HB 1471 passed and the title was agreed to.

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**HB 1472:** A BILL for an Act to amend and reenact sections 14-02.4-19 and 14-02.4-21 of the North Dakota Century Code, relating to claims of discriminatory employment practices adjudicated by the department of labor.

#### ROLL CALL

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

**YEAS:** Aarsvold; Anderson, B.; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjervén; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

**ABSENT AND NOT VOTING:** Bateman; Gorman; Jensen; Nicholas; Thorpe

HB 1472 passed and the title was agreed to.

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**HB 1475:** A BILL for an Act to amend and reenact section 14-15-16 of the North Dakota Century Code, relating to disclosure of adoption records.

#### ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 98 YEAS, 1 NAY, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Anderson, B.; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Shide; Skar; Skjervén; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wardner; Wentz; Wilkie; Williams; Speaker R. Anderson

**NAYS:** Schneider

ABSENT AND NOT VOTING: Bateman; Gorman; Jensen; Miller; Thorpe; Wald; Whalen  
HB 1475 passed and the title was agreed to.

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HB 1505: A BILL for an Act to amend and reenact subsections 2 and 4 of section 6-08-16 and subsections 2, 3, and 7 of section 6-08-16.2 of the North Dakota Century Code, relating to fees for collection costs on checks or drafts issued without sufficient funds.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 5 YEAS, 96 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Belter; Martinson; Olsen, D.; Wald; Wardner

NAYS: Aarsvold; Anderson, B.; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Bateman; Gorman; Jensen; Schmidt; Thorpe

HB 1505 was declared lost.

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HB 1543: A BILL for an Act to create and enact a new section to chapter 54-44.2 of the North Dakota Century Code, relating to a grant program to assist counties in developing a uniform accounting and records maintenance system; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 99 YEAS, 1 NAY, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Gorder; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

NAYS: Goffe

ABSENT AND NOT VOTING: Bateman; Boehm; Gorman; Jensen; Schmidt; Thorpe

HB 1543 passed and the title was agreed to.

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HB 1578: A BILL for an Act to create and enact a new section to chapter 15-59 of the North Dakota Century Code, relating to payment of attorney fees for persons with handicaps.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 97 YEAS, 2 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boucher; Brokaw; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wardner; Wentz; Wilkie; Williams; Speaker R. Anderson

NAYS: Brown; Whalen

ABSENT AND NOT VOTING: Bateman; Boehm; Gorman; Jensen; Schmidt; Thorpe; Wald

HB 1578 passed and the title was agreed to.

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HB 1602: A BILL for an Act to permit state agencies, departments, and institutions to allow charitable organizations to establish recycling collection areas within the facilities of the state agencies, departments, and institutions.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 53 YEAS, 50 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Berg, G.; Bodine; Boucher; Brokaw; Carlson; Cleary; Coats; DeMers; Enget; Erickson; Flaagan; Gabrielson; Gilmore; Goffe; Grumbo; Hanson; Hokana; Huether; Jacobson; Kaldor; Kelsch; Kerzman; Kolbo; Kretschmar; Kroeber; Laughlin; Linderman; Mahoney; Martin; Meyer; Muhs; Mutzenberger; Nelson; Nicholas; Nowatzki; Oban; Peterson; Pyle; Ring; Ritter; Rydell; Scherber; Schneider; Skar; Skjerven; Snyder; Starke; Stofferahn; Wentz; Wilkie; Williams

NAYS: Bateman; Belter; Berg, R.; Bernstein; Boehm; Brown; Byerly; Carlisle; Clayburgh; Dalrymple; Delzer; DeWitz; Dorso; Freier; Gates; Gerntholz; Gorder; Grosz; Hausauer; Henegar; Howard; Kloubec; Kunkel; Larson; Martinson; Miller; Myrdal; Nicholas; Olsen, D.; Olson, A.; Payne; Porter; Price; Rennerfeldt; Schimke; Schindler; Schmidt; Shide; Soukup; St. Aubyn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Whalen; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Jensen; Thorpe

HB 1602 was declared lost for want of a Constitutional majority.

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HB 1058: A BILL for an Act to create and enact a new section to chapter 23-29 of the North Dakota Century Code, relating to solid waste

management plans; and to amend and reenact section 23-29-06 of the North Dakota Century Code, relating to regional solid waste management.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 1 YEA, 99 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Muhs

NAYS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martinson; Meyer; Miller; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjervan; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Jensen; Martin; Olson, A.; Svedjan; Thorpe

HB 1058 was declared lost.

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MOTION

REP. KLOUBEC MOVED that the House waive the reading of the titles to HB 1059, HB 1062, and HB 1063, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1059: A BILL for an Act to create and enact a new section to chapter 23-29 of the North Dakota Century Code, relating to a public educational program by the state department of health and consolidated laboratories to encourage reduction of solid waste; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 0 YEAS, 102 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

NAYS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjervan; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Jensen; Olson, A.; Thorpe

HB 1059 was declared lost.

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**HB 1062:** A BILL for an Act to provide for the establishment of solid waste management authorities; and to create and enact a new subsection to section 57-15-06.7, a new subsection to section 57-15-10, and a new subsection to section 57-15-20.2, relating to tax levies for regional solid waste management authorities; and to repeal section 23-29-06 of the North Dakota Century Code, relating to the establishment of regional solid waste management agencies or programs.

#### ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 0 YEAS, 102 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**NAYS:** Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

**ABSENT AND NOT VOTING:** Gorman; Jensen; Meyer; Thorpe

HB 1062 was declared lost.

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**HB 1063:** A BILL for an Act to create and enact two new subsections to section 23-29-03 and a new section to chapter 23-29 of the North Dakota Century Code, relating to definitions and to littering and open burning; to amend and reenact section 23-29-12 and subsection 1 of section 39-10-59 of the North Dakota Century Code, relating to penalties for solid waste management violations and to depositing rubbish upon highways; to repeal sections 20.1-01-25 and 24-12-03 of the North Dakota Century Code, relating to the deposit of refuse; and to provide a penalty.

#### ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 0 YEAS, 100 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**NAYS:** Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

**ABSENT AND NOT VOTING:** Brown; Gorman; Jensen; Kroeber; Meyer; Thorpe

HB 1063 was declared lost.

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MOTION

REP. KLOUBEC MOVED that HB 1113 be placed at the top of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1113: A BILL for an Act to create and enact six new sections to chapter 23-29 of the North Dakota Century Code, relating to the review of any proposed landfill by the state engineer and state geological survey prior to site development and operation, financial assurance prior to construction or operation of any landfills, criminal background review prior to permitting waste hauling or waste disposal facilities, and waste characterization review prior to acceptance of any waste not generated within the state; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 0 YEAS, 103 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

NAYS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Jensen; Thorpe

HB 1113 was declared lost.

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MOTION

REP. KLOUBEC MOVED that HB 1210 be placed at the top of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1210: A BILL for an Act to amend and reenact section 23-29-06 of the North Dakota Century Code, relating to regional solid waste management; and to provide a penalty.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 0 YEAS, 102 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

NAYS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; GorJer; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne;

Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Brokaw; Gorman; Jensen; Thorpe

HB 1210 was declared lost.

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HB 1111: A BILL for an Act to amend and reenact section 23-20.3-10 of the North Dakota Century Code, relating to applicability of hazardous waste laws.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 103 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gordor; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Jensen; Thorpe

HB 1111 passed and the title was agreed to.

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MOTION

REP. KLOUBEC MOVED that HB 1169 be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1177: A BILL for an Act to create and enact a new subsection to section 11-11.1-03, a new section to chapter 11-11.1, a new subsection to section 40-57.4-03, and a new section to chapter 40-57.4 of the North Dakota Century Code, relating to county and city jobs development authorities; and to amend and reenact subsection 4 of section 11-11.1-01 and subsection 29 of section 57-15-06.7 of the North Dakota Century Code, relating to the membership of the county jobs development authority.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 9 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; DeMers; DeWitz; Dorso; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gordor; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel;

Larson; Laughlin; Linderman; Mahoney; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schindler; Schmidt; Schneider; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Timm; Tollefson; Trautman; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

NAYS: Brown; Delzer; Enget; Grosz; Martin; Nichols; Schimke; Shide; Urlacher

ABSENT AND NOT VOTING: Gorman; Jensen; Thorpe; Wald

HB 1177 passed and the title was agreed to.

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MOTIONS

REP. KLOUBEC MOVED that House Rule 506, which states that no bill or resolution, except an appropriations measure, may be held in a committee for more than 21 legislative days after it is referred to the committee, and House Rule 330, which speaks to bills to be rereferred to the Committee on Appropriations be suspended for one legislative day, which motion prevailed.

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 9:00 a.m., Wednesday, February 20, 1991, which motion prevailed.

REPORTS OF STANDING COMMITTEES

HB 1020: Committee on Appropriations (Rep. Thompson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (19 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 10, replace "65,000" with "55,000"

Page 1, line 12, replace "428,772" with "418,772"

Page 1, line 13, remove "- APPROPRIATION"

Page 1, line 14, replace "\$65,000. or so much thereof as is necessary," with "\$55,000"

Page 1, line 15, remove "hereby appropriated to"

Page 1, line 16, remove "the international peace garden"

Page 1, line 17, remove "for the biennium beginning July 1, 1991, and ending"

Page 1, line 18, remove "June 30, 1993"

Page 1, line 19, replace "Section" with "The capital improvements line item in section 1 and section", replace "is" with "are", and remove "an"

Page 1, line 20, replace "measure" with "measures"

Reumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 704 - INTERNATIONAL PEACE GARDEN

This amendment reduces funding from the general fund for the improvements to the International Peace Garden administration building by \$10,000, from \$65,000 to \$55,000. In addition, the appropriation language is removed from Section 2 of the bill relating to the \$55,000 for remodeling the administration building which is appropriated in Section 1. This amendment also provides that the capital improvements line item in Section 1, relating to remodeling the administration building, is an emergency measure.

HB 1060: Committee on Natural Resources (Rep. A. Olson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new subsection to section 23-29-02, four new subsections to section 23-29-04, and ten new sections to chapter 23-29 of the North Dakota Century Code, relating to solid waste management; to amend and reenact subsections 3 and 5 of section 23-20.2-02, section 23-29-03, subsection 8 of section 23-29-04, sections 23-29-05, 23-29-06, 23-29-12, and subsection 1 of section 39-10-59 of the North Dakota Century Code, relating to solid waste management; to repeal sections 23-29-15 and 24-12-03 of the North Dakota Century Code, relating to a short title and to the deposit of garbage; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsections 3 and 5 of section 23-20.2-02 of the 1989 Supplement to the North Dakota Century Code are amended and reenacted as follows:

3. "Underground disposal facility" means any drilled, bored, or excavated device or installation to provide for the subsurface disposal of waste, ~~but shall~~. The term does not include a solid waste management facility, ~~sanitary landfill~~, authorized under chapter 23-29.
5. "Waste" includes liquid wastes, gaseous wastes, and solid wastes as defined in ~~subsection 5 of~~ section 23-29-03, and all unusable industrial material including spent nuclear fuels and other unusable radioactive material not brought into this state for disposal.

SECTION 2. A new subsection to section 23-29-02 of the 1989 Supplement to the North Dakota Century Code is created and enacted as follows:

Encourage by 1995 at least a ten percent reduction in volume of municipal waste deposited in landfills, by 1997 at least a twenty-five percent reduction, and by 2000 at least a forty percent reduction.

SECTION 3. AMENDMENT. Section 23-29-03 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

23-29-03. Definitions.

1. "Collection" means the ~~act of removing aggregation of solid wastes waste~~ from the ~~central storage point of the primary source or residential container places at which the waste was generated.~~
2. "Department" means the state department of health and consolidated laboratories ~~charged with the administration and enforcement of this chapter.~~

3. "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water including ground water.
4. "Infectious waste" means solid waste that may contain pathogens with sufficient virulence and in sufficient quantity that exposure of a susceptible human or animal to the solid waste could cause the human or animal to contract an infectious disease.
5. "Landfill" means a publicly or privately owned area of land where solid wastes are permanently disposed.
6. "Litter" means discarded and abandoned solid waste materials.
7. "Major appliance" means an air conditioner, clothes dryer, clothes washer, dishwasher freezer microwave oven, oven, refrigerator, stove, or other similar appliance.
8. "Municipal waste" means solid waste that includes garbage, refuse, and trash generated by households, motels, hotels, and recreation facilities, by public and private facilities, and by commercial, wholesale, and private and retail businesses. The term does not include special waste.
9. "Open burning" means the combustion of solid waste without control of combustion air to maintain adequate temperature for efficient combustion, containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion, and control of the emission of the combustion products.
10. "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, federal agency, political subdivision of this state or any other state or political subdivision thereof, and any legal successor, representative agent, or agency of the foregoing.
11. "Political subdivision" means a city, county, township, or solid waste management authority.
- 5- 12. "Resource recovery" means the recovery of material or energy use, reuse, or recycling of materials, substances, energy, or products contained within or derived from solid wastes municipal waste.
- 6- "Sanitary landfilling" means an engineered method of disposing of solid wastes on land in a manner that protects the environment by spreading the waste in thin layers, compacting it to the smallest practical volume, and covering it with soil by the end of each working day.
- 7- 13. "Solid wastes waste" means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities; but. The term does not include solid or dissolved materials in domestic sewage, or solid or dissolved material in irrigation return flows or industrial discharges which that are point sources subject to permits under section 402 of the Federal Water Pollution Control Act, as amended [Pub. L. 92-500, 86 Stat. 816, 33 U.S.C. 1251 et seq.], or source, special nuclear, or byproduct material as defined by the Atomic

Energy Act of 1954, as amended [68 Stat. 919, 42 U.S.C. 2011 et seq.].

- ~~8-~~ 14. "Solid waste management" means the purposeful systematic control of the storage, collection, transport, ~~handling, composting, resource recovery, land treatment,~~ and disposal of solid ~~wastes~~ waste.
- ~~9-~~ 15. "Special waste" means nonhazardous solid waste, including: waste from the combustion or gasification of municipal waste; waste from industrial and manufacturing processes; waste from energy conversion facilities; waste from crude oil and natural gas exploration and production; waste from mineral and ore mining, beneficiation, and extraction; and waste generated by surface coal mining operations. The term does not include municipal waste.
16. "Storage" means the containment and holding of solid waste after generation for a temporary period, at the end of which the solid waste is processed for resource recovery, treated, disposed of, or stored elsewhere.
- ~~10-~~ 17. "Transport" means the offsite movement of solid waste subsequent to collection and prior to disposal.

SECTION 4. AMENDMENT. Subsection 8 of section 23-29-04 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

8. ~~Prepare, adopt, promulgate, modify, repeal.~~ Adopt and enforce rules and regulations governing solid waste storage, collection, transport, handling, resource recovery, and disposal management, in order to conserve the air, water, and land resources of the state; protect the public health; prevent environmental pollution and public nuisances; and enable it the department to carry out the purposes and provisions of administer this chapter and, the adopted solid waste management plan, and delegated federal programs.

SECTION 5. Four new subsections to section 23-29-04 of the 1989 Supplement to the North Dakota Century Code are created and enacted as follows:

Adopt rules to establish categories of solid waste and solid waste management facilities based on waste type, facility operation, or other facility characteristics.

Adopt rules to establish standards and requirements for each category of solid waste management facility.

Adopt rules to establish financial assurance requirements to be met by any person proposing construction or operation of a solid waste management facility sufficient to provide for closure and postclosure activities. Financial assurance requirements must include any or all of the following: insurance, trust funds, surety bonds, letters of credit, personal bonds, certificates of deposit, and financial tests or corporate guarantees.

Conduct an environmental compliance background review of any applicant for any permit requested after the effective date of this Act.

SECTION 6. AMENDMENT. Section 23-29-05 of the North Dakota Century Code is amended and reenacted as follows:

23-29-05. Municipal Local government ordinances. Any political subdivision of the state may enact and enforce a solid waste management ordinance if such ordinance is equal to or more stringent than this chapter and the rules ~~and regulations authorized herein~~ adopted pursuant to this chapter.

SECTION 7. A new section to chapter 23-29 of the North Dakota Century Code is created and enacted as follows:

Littering and open burning prohibited - Penalty.

1. No person may discard and abandon any litter, furniture, or major appliances upon public property or upon private property not owned by that person, unless the property is designated for the disposal of litter, furniture, or major appliances and that person is authorized to use the property for that purpose.
2. No person may engage in the open burning of solid waste, unless the burning is conducted in accordance with rules adopted by the department.
3. A person violating this section is guilty of an infraction, except if the litter discarded and abandoned amounted to more than one cubic foot [0.0283 cubic meters] in volume or if the litter consisted of furniture or a major appliance, the offense is a class B misdemeanor.

SECTION 8. AMENDMENT. Section 23-29-06 of the North Dakota Century Code is amended and reenacted as follows:

23-29-06. Regional District solid waste management - Penalty.  
~~Cities, townships, counties, and agencies, and any combination thereof, may by ordinance or contract join in a regional solid waste management agency or program.~~

1. All land in this state must be within a solid waste management district.
2. The boundaries of each district must be established pursuant to chapter 54-40.1 and as delineated by executive order of the governor number 1978-12, affirmed by executive order number 1986-4.
3. The governing board of each solid waste management district must include a representative of each county within the district, one representative from cities within each county within the district, a representative of the licensed disposal facilities within the district, and a representative of the waste haulers within the district. Members representing political subdivisions must be appointed by the subdivisions involved. The members representing licensed disposal facilities and waste haulers must be selected by the members appointed by the political subdivisions from a list of candidates submitted by each of those groups. The members of the board may be the members of the regional planning councils appointed under subdivision a of subsection 1 of section 54-40.1-03.
4. The members of the district board annually shall select a chairman and vice chairman. Each member may receive compensation for service on the board and is entitled to reimbursement of expenses at the rate provided by law for state officials. Any compensation and reimbursement of expenses of the public entity representatives must be made by the governing bodies of the entities making the appointments to the district board and any compensation and reimbursement

of expenses of the private entity representatives must be made by the private entity represented by the member.

5. A political subdivision may opt out of one solid waste management district and join another if the board of each district involved consents to the change.
6. Solid waste must be managed at solid waste management facilities identified in the district's solid waste management plan. A person who violates this subsection is subject to a civil penalty not to exceed twenty-five thousand dollars per day per violation.
7. By January 1, 1992, the department shall adopt rules establishing guidelines for the submission of comprehensive solid waste management plans as required under subsection 8.
8. By January 1, 1993, each solid waste management district shall submit a comprehensive solid waste management plan to the department for approval. The plan must include the district's ability to properly manage and plan for adequate capacity, accessibility, and waste flow control. The plan must take into consideration existing waste transportation patterns and the ability of existing landfills to handle solid waste.
9. By July 1, 1993, the department shall incorporate all of the district solid waste management plans into a comprehensive statewide solid waste management plan.

SECTION 9. A new section to chapter 23-29 of the North Dakota Century Code is created and enacted as follows:

Powers of a solid waste management district. A solid waste management district may:

1. Execute contracts and take other actions necessary to carry out the purposes of the district.
2. Accept and administer federal and state grants and loans.
3. Appropriate and expend moneys.
4. Establish bylaws for the management of the affairs of the district and enact and enforce rules necessary for the conduct of the district.

SECTION 10. A new section to chapter 23-29 of the North Dakota Century Code is created and enacted as follows:

District authority limitation. Sections 8 and 9 of this Act apply to energy conversion facilities and coal mining operations that dispose their solid waste onsite, only to the extent that these facilities provide the districts with sufficient information to include in the district's development of a comprehensive plan for the district.

SECTION 11. A new section to chapter 23-29 of the North Dakota Century Code is created and enacted as follows:

Solid waste management districts - Authorities or programs. The governing bodies of political subdivisions participating in a solid waste management district may establish and operate a waste management authority pursuant to chapter 54-40 and section 11-11-14 or may establish a solid waste management program pursuant to section 40-05-01. The waste management authority or program may provide solid waste management services and determine charges for those services.

SECTION 12. A new section to chapter 23-29 of the North Dakota Century Code is created and enacted as follows:

Prohibition in landfill disposal - Lead-acid batteries accepted as trade-ins.

1. Infectious waste must be properly treated before disposal by methods approved by the department. A person may not knowingly deposit in a landfill untreated infectious waste.
2. Except as provided in subsection 3, after January 1, 1992, a person may not place in municipal waste or discard or dispose of in a landfill lead-acid batteries, used-motor oil, or major appliances.
3. If resource recovery markets are not available for the items listed in subsection 2, the items must be disposed of in a manner approved by the department.
4. Lead-acid batteries must be accepted as trade-ins for new lead-acid batteries by any person who sells lead-acid batteries at retail.

SECTION 13. A new section to chapter 23-29 of the North Dakota Century Code is created and enacted as follows:

Preconstruction site review. The department, in cooperation with the state engineer and the state geologist, shall develop criteria for siting a solid waste disposal facility based upon potential impact on environmental resources. Any application for a landfill permit received after the department develops siting criteria as required by this section must be reviewed for site suitability by the department after consultation with the state engineer and state geologist before any site development. Site development does not include the assessment or monitoring associated with the review as required by the department in consultation with the state engineer and state geologist.

SECTION 14. A new section to chapter 23-29 of the North Dakota Century Code is created and enacted as follows:

Review of existing municipal waste landfills. By July 1, 1995, the state engineer and state geologist shall complete site suitability reviews of all existing municipal waste landfills within the state. The reports of such reviews must be provided to the department for use in site improvement, site remediation, or landfill closure.

SECTION 15. A new section to chapter 23-29 of the North Dakota Century Code is created and enacted as follows:

Waste characterization. The department may not allow the storage or disposal of solid waste from outside this state, unless it is demonstrated that the governing authority or the generator of the solid waste from outside this state has an effective program for waste quality control and for waste characterization.

SECTION 16. A new section to chapter 23-29 of the North Dakota Century Code is created and enacted as follows:

Municipal waste landfills and incinerators - Certification. A municipal waste landfill and a municipal waste incinerator must have at least one individual certified by the department onsite at all times during the operation of the landfill or incinerator. The department shall adopt training standards and certification requirements.

SECTION 17. A new section to chapter 23-29 of the North Dakota Century Code is created and enacted as follows:

Public educational materials - Municipal waste reduction and recycling. The department, after consulting with the superintendent of public instruction, shall develop and disseminate educational materials to encourage voluntary municipal waste reduction, source separation, reuse of materials, recycling efforts, and appropriate management of municipal waste.

SECTION 18. AMENDMENT. Section 23-29-12 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

23-29-12. Penalties. ~~Any~~ Unless another penalty is specifically prescribed, a person violating any provision of this chapter, or any rule, regulation, order, or condition in a permit condition issued thereunder under this chapter, is subject to a civil penalty not to exceed three hundred one thousand dollars per day of such violation.

SECTION 19. AMENDMENT. Subsection 1 of section 39-10-59 of the North Dakota Century Code is amended and reenacted as follows:

1. No person may throw or deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans, ~~rubbish~~, or any other substance likely to injure any person, animal, or vehicle; ~~or throw or deposit rubbish of any kind upon the highway.~~

SECTION 20. REPEAL. Sections 23-29-15 and 24-12-03 of the North Dakota Century Code are repealed."

Renumber accordingly

HB 1061: Committee on Natural Resources (Rep. A. Olson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact four new sections to chapter 23-29 of the North Dakota Century Code, relating to solid waste management; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 23-29 of the North Dakota Century Code is created and enacted as follows:

Solid waste management fund - Administration. The solid waste management fund is a special fund in the state treasury. The Bank of North Dakota shall administer the fund. The fund is a revolving fund, subject to appropriation by the legislative assembly. The Bank may annually deduct up to one-half of one percent of the fund balance including the principal balance of the outstanding loans as a service fee for administering the fund. The Bank shall contract with a certified public accounting firm to audit the fund once every two years. The cost of the audit and any other actual costs incurred by the Bank on behalf of the fund must be paid from the fund. Section 54-44.1-11 does not apply to the fund.

SECTION 2. A new section to chapter 23-29 of the North Dakota Century Code is created and enacted as follows:

Surcharge - Penalty. Beginning January 1, 1992, any person or political subdivision that provides services for the collection of municipal waste shall pay to the state tax commissioner twenty-five cents for each household account, which includes any account resulting from the collection of municipal waste generated by a household, single or multiple residence, bunkhouse, crew quarters, campground, or picnic ground, and seventy-five cents for each commercial account, which

includes any account resulting from the collection of municipal waste generated by a motel, hotel, store, office, restaurant, or warehouse. The surcharge must be added to the price or charge for collection services, constitutes a part of that price or charge, is a debt from the generator of the waste to the collector until paid, and is recoverable at law in the same manner as other debts. The surcharge must accompany the monthly report required by section 3 of this Act. The state tax commissioner shall forward all moneys collected under this section to the state treasurer monthly. The state treasurer shall place the moneys in the solid waste management fund. A person who violates this section is guilty of a class B misdemeanor.

SECTION 3. A new section to chapter 23-29 of the North Dakota Century Code is created and enacted as follows:

Report of surcharge collection. No later than the twenty-fifth day of each month, each person or political subdivision operating a service for collection of municipal waste shall send to the state tax commissioner a correct report of the surcharge collected for the previous month as required under section 2 of this Act.

SECTION 4. A new section to chapter 23-29 of the North Dakota Century Code is created and enacted as follows:

Applications for grants or loans - Loan terms. Moneys appropriated under section 1 of this Act may be used to make grants or low interest loans to political subdivisions for waste reduction, planning, resource recovery, and recycling projects with an emphasis on marketing. An application for a grant or loan out of moneys in the solid waste management fund must be made to the department. The department shall review an application to determine if the purpose of the grant or loan is consistent with the purposes of the fund and the district solid waste management plan. The department shall adopt rules to implement this section. If the department approves an application, the department shall forward the application and the results of the department's review of the application to the Bank of North Dakota. The Bank, in consultation with the department, shall determine the financial criteria that must be met for an application to be approved. A loan must be repaid within a period not exceeding twenty years at an interest rate of four percent."

ReNUMBER accordingly

HB 1227: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 6, remove "26.1-04-08,"

Page 2, remove lines 7 through 17

Page 5, line 13, after the second comma insert "abusive"

Page 5, line 19, replace "rations" with "ratios"

Page 10, line 3, remove "group and individual annuities, life, and"

Page 12, line 4, remove "However, the commissioner may for good cause"

Page 12, remove lines 5 and 6

Page 12, line 7, remove "certificates on a statewide basis."

Page 19, line 7, after "for" insert "correcting abusive"

Page 19, line 8, replace "agent compensation" with "replacement forms"

Re-number accordingly

HB 1232: Committee on Agriculture (Rep. Nicholas, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 2, line 11, after "department" insert an underscored comma and after "rule" insert an underscored comma

Page 2, line 25, overstrike "mixture"

Page 3, line 26, after "15." insert ""Pet" means any domesticated animal normally maintained in or near the household of the owner."

16."

Page 3, line 27, replace "dogs or cats" with "pets"

Page 3, line 28, replace "16" with "17"

Page 4, line 1, replace "17" with "18"

Page 4, line 2, replace "18" with "19"

Page 4, line 3, replace "19" with "20"

Page 4, line 7, replace "20" with "21"

Page 5, line 12, after "manufactures" insert "commercial feed" and replace "sells at retail commercial feed" with "whose name appears on the label of a commercial feed"

Page 5, line 13, after "a" insert "feed manufacturer's"

Page 5, line 14, after the underscored period insert "Each person who sells commercial feed, other than pet food or specialty pet food, at retail, shall obtain a feed retailer's license from the department."

Page 5, line 15, replace "state" with "department"

Page 5, line 16, remove "twenty-five dollars for retailers or" and after the second "for" insert "feed"

Page 5, line 17, after "manufacturers" insert "or twenty-five dollars for feed retailers" and replace "the person both manufactures and retails feeds," with "a manufacturer is also a retailer of feed, the retail license fee is waived"

Page 5, line 18, remove "the fee is fifty dollars" and after the underscored period insert "A feed retailer's license must be obtained for each location used by the retailer."

Page 5, line 19, replace "thirty-first" with "thirty-first"

Page 5, line 20, replace "must" with "may"

Page 5, line 22, after the underscored period insert "This subsection does not apply to any person who custom manufactures feed only for another person at that person's request and for that person's own use."

Page 5, line 23, replace "retailer" with "manufacturer"

Page 7, line 14, after "feeds" insert ", except pet foods and specialty pet foods,"

Page 16, remove lines 12 through 17

Renumber accordingly

HB 1265: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (10 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 3, after "medical" insert "and hospital"

Page 1, line 8, after "medical" insert "and hospital"

Page 1, line 9, after "medical" insert "or hospital"

Page 1, line 11, after "medical" insert "or hospital"

Page 1, line 13, after "medical" insert "or hospital"

Page 1, line 15, after "medical" insert "or hospital"

Page 1, line 16, after "medical" insert "or hospital"

Page 1, line 19, after "medical" insert "or hospital"

Renumber accordingly

HB 1300: Committee on Finance and Taxation (Rep. Timm, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 16, remove "no", replace "other than" with "that include" and remove the comma

Page 1, remove lines 17 through 20

Page 1, line 21, remove "including receivables, in obligations"

Page 2, line 2, remove "and"

Page 2, line 3, replace "c" with "b" and replace "sixty" with "thirty"

Page 2, line 6, replace the period with "; and"

Page 2, after line 6, insert:

"c. Has, within thirty days after the close of the calendar year, provided to each shareholder a statement of the amount of distributions earned by the shareholder in the calendar year which are attributable to income from obligations issued by or on behalf of this state, any political subdivision of this state, or any instrumentality of the United States government."

Page 2, line 10, after "distribution" insert "described in subdivision c of section 1 of this Act"

Page 2, line 23, after "distributions" insert "described in subdivision c of section 1 of this Act"

Page 3, line 4, after "distributions" insert "described in subdivision c of section 1 of this Act"

Renumber accordingly

HB 1305: Committee on Appropriations (Rep. Thompson, Chairman) recommends DO NOT PASS (16 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). HB 1305 was placed on the Eleventh order on the calendar.

HB 1321: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (15 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new section to chapter 65-04 of the North Dakota Century Code, relating to workers' compensation wage rates and the basis on which workers' compensation premium is paid; to" and after "65-04-01" insert ", 65-04-04,"

Page 1, line 3, after "premiums" insert "; and to provide an effective date"

Page 1, line 8, after the period insert "1."

Page 1, line 11, overstrike the colon

Page 1, line 12, overstrike "1. The" and insert immediately thereafter "the" and overstrike the semicolon and insert immediately thereafter an underscored comma

Page 1, line 13, overstrike "2. The" and insert immediately thereafter "the"

Page 1, line 14, overstrike the semicolon and insert immediately thereafter an underscored comma

Page 1, line 15, overstrike "3. The" and insert immediately thereafter "the"

Page 1, line 18, remove "The"

Page 1, line 19, overstrike "bureau shall fix and maintain for each class of occupation"

Page 1, line 21, remove "an average required rate necessary to balance premiums received with"

Page 1, line 22, remove "benefits paid" and overstrike the period and insert:

"2. For each calendar year, the bureau shall estimate the amount of income needed to pay benefits and maintain a balance in accordance with section 65-04-02.

3. Rates must be determined as follows:

a. The income required for the calendar year for any single rate class must be divided by the estimated gross wages for the calendar year. The result rounded to the next higher one-hundredth of one percent is the average required rate for that rate class.

b. The minimum rate for any single rate class for a calendar year is the average required rate, multiplied by one-fourth, rounded to the nearest one-tenth of one percent.

c. The maximum rate for any single rate class for a calendar year is the average required rate, multiplied by three, rounded to the nearest one-tenth of one percent. The maximum rate, however, must be at least twenty-two and one-fifth percent.

4. a. Except as otherwise provided in this subsection, an employer's rate for any single rate class may not be reduced below the maximum rate for that rate class for a calendar year unless the employer's account has been chargeable with benefits through out the thirty-six

consecutive calendar month period ending on September thirtieth of the preceding calendar year.

b. If an employer has not been subject to this title as required under subdivision a, that employer qualifies for a reduced rate if the account has been chargeable with benefits throughout the twenty-four consecutive calendar month period ending on September thirtieth of the preceding calendar year.

c. An employer that does not qualify under either subdivision a or b is subject to a rate determined as follows:

(1) For each calendar year a new employer must be assigned a rate of thirteen and two-fifths percent unless the employer is classified in an industry that the bureau determines has a negative reserve on the computation date. However, an employer must be assigned the maximum rate in a particular rate class for any year if, as of the computation date, the cumulative benefits charged to the employer's account equal or exceed the cumulative contributions paid on or before October thirty-first with respect to wages paid by that employer for that rate class before October first of that year.

(2) A new employer in an industry that has a negative reserve on the computation date and an employer that has failed to provide correct industrial classification information must be assigned the maximum rate for that rate class.

(3) Assignment by the bureau of an employer's industrial classification for the purposes of this subdivision must be in accordance with classification practices established by the bureau.

5. An employer who has ceased to be liable for premiums shall continue its established experience rating account if it again becomes liable within three years from the date that it ceased to be liable. The employer's rate, however, must be determined in accordance with subsection 4."

Page 1, after line 22, insert:

"SECTION 2. AMENDMENT. Section 65-04-04 of the North Dakota Century Code is amended and reenacted as follows:

65-04-04. Employers obligated to pay premiums - ~~Determination of premiums~~— Premium receipts and certificates to be mailed. Each employer subject to the provisions of this title shall pay into the fund annually the amount or premiums determined and fixed by the bureau for the employment or occupation of such employer, which amount shall be determined by the classifications, rules, and rates made and published by the bureau and shall be based on a proportion of the annual expenditure of money by such employer for the service of persons subject to the provisions of this title; ~~provided, however, that the computation of such premiums shall not be based upon any premium wages in excess of the basic hourly rate of pay or any annual remuneration; in whatever form; in excess of the sum of thirty-six hundred dollars paid to any employee by any employer.~~ A receipt or certificate specifying that such payment has been made shall be mailed to such employer by the bureau immediately after such payment is made, and such receipt or certificate, attested by the seal of the bureau, shall be prima facie evidence of the payment of the premium. The bureau shall provide that premiums to be paid by school districts, townships, and

all public corporations or agencies, except municipal corporations, fall due at the end of the fiscal year of such entity, and that premiums to be paid by all municipal corporations fall due at the end of the calendar year, and may make provisions so that premiums of other employers fall due on different or specified dates and for the purpose of effectuating such due dates the bureau may carry new or current risks for a period of less than one year and not to exceed fifteen months, either by request of the employer or action of the bureau.

SECTION 3. A new section to chapter 65-04 of the North Dakota Century Code is created and enacted as follows:

Rates and base of contributions of wages paid by employer.

1. Subject to this section and other provisions of this chapter, each employer shall pay premiums to the fund equal to two and seven-tenths percent of wages paid by that employer to an employee during a calendar year with respect to employment in any single rate class.
2. For the year 1991 and each year thereafter, the amount of an employee's wages subject to premium calculations must be determined as an amount equal to seventy percent of the statewide average annual wage, rounded to the nearest one hundred dollars, determined by the bureau on or before October first by the following computation: the total wages reported on premium reports for a single rate class for the third and fourth quarters of the preceding calendar year and the first and second quarters of the current calendar year must be divided by the average monthly number of covered employees for that rate class for the same four quarters, which number must be determined by dividing by twelve the total covered employment reported on premium reports for those quarters for that rate class. The quotient obtained by dividing the total wages for that rate class by the average monthly number of covered employees in that rate class is the statewide average annual wage for that rate class.
3. Notwithstanding subsection 2, the amount of an individual's wages subject to premium calculation must be at least equal the amount that is subject to tax under the Federal Unemployment Tax Act (68a Stat. 439; 26 U.S.C. 3301 et seq.)

Page 2, line 3, after the second period insert "1." and overstrike "may" and insert immediately thereafter "shall"

Page 2, line 5, remove "The", overstrike "system", remove "must", and overstrike "provide for the credit rating and the"

Page 2, line 6, overstrike "penalty rating of individual risks"

Page 2, line 7, remove "by establishing a maximum allowable discount of"

Page 2, remove lines 8 through 14

Page 2, line 15, remove "have been operating in North Dakota for more than twenty-four months"

Page 2, after line 15, insert:

2. All employers eligible for an experience rating computation must be ranked in descending order by their reserve ratios. An employer's reserve ratio is the percentage of the average annual payroll by which the cumulative premiums paid by that employer on or before October thirty-first of any year, with

- respect to wages paid by that employer for that rate class before October first of that same year, exceeds the cumulative benefits charged to that employer's account before October first of that year.
3. For each calendar year the bureau shall establish a schedule of rates, with the minimum rate determined under section 65-04-01 assigned to the first rate group. Each successive rate group must be assigned a rate equal to the previous group's rate plus one-fifth of one percent. The number of rate groups in the schedule must be the number required to provide for a rate group at each one-fifth of one percent interval between the minimum rate and two and one-fourth times the average required rate determined under section 65-04-01.
  4. Employers must be assigned to the groups in the rate schedule in the rank order of their reserve ratios as determined in subsection 2, with the highest reserve ratio employers assigned to the first rate group. Each successively ranked employer must be assigned to the groups and the rate schedule so that those employers reporting seventy-eight percent of the eligible employer's prior years gross wages are equally distributed in those rate groups at or below the average rate required of employers eligible for experience rating and twenty-two percent of those wages are equally distributed in those rate groups above the average rate.
  5. The average rate of employers eligible for experience rating is determined as follows:
    - a. The estimated amount of premiums to be paid each year by employers not eligible for experience rating must be subtracted from the total required income for the year determined under section 65-04-01.
    - b. The remainder must be divided by the estimated gross wages of those employers eligible for experience rating, with the result rounded to the nearest one-tenth of one percent.
  6. After each year's rate schedule has been established, an employer may pay into the fund an amount in excess of the premiums required to be paid under this section. That amount must be credited to the employer's separate account. The employer's rate must be recomputed with the amount included in the calculation only if that amount was paid by April thirtieth of that year. Payments may not be refunded or used as credit in the payment of premiums.
  7. In the bureau's determination of the projected income requirements for computing premium rates and wage base, only the wages paid by, and the cost of benefits attributed to, rated employers may be taken into account.
  8. If an employer has a quarterly gross payroll in excess of fifty thousand dollars and at least three times its established average annual payroll, the rate for that employer for that rate class is the maximum rate of premium in effect that year, beginning the first day of the calendar quarter in which it occurred and for the remainder of the calendar year.

SECTION 5. EFFECTIVE DATE. Sections 2 and 3 of this Act become effective July 1, 1991, and sections 1 and 4 of this Act become effective July 1, 1993."

Renumber accordingly

HB 1354, as engrossed: Committee on Appropriations (Rep. Thompson, Chairman) recommends DO NOT PASS (17 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1354 was placed on the Eleventh order on the calendar.

HB 1363, as engrossed: Committee on Appropriations (Rep. Thompson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (17 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 7, replace "The" with "For purposes of the biennial budget building process, the" and replace "charged" with "budgeted"

Page 1, line 8, remove "in any year"

Page 1, line 10, after the period insert "For purposes of this section, the combined budgets do not include the budgets of the agricultural experiment station, cooperative extension service, medical center, medical center rehabilitation hospital, state forester, state toxicologist, university system office, and the upper great plains transportation institute."

Renumber accordingly

HB 1368: Committee on Appropriations (Rep. Thompson, Chairman) recommends DO NOT PASS (22 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1368 was placed on the Eleventh order on the calendar.

HB 1385: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, replace "subsection to section 65-05.1-01," with "section"

Page 1, line 2, remove "a new subsection to section 65-05.1-02, and two new sections"

Page 1, line 4, remove "on"

Page 1, line 5, remove "a case-by-case basis"

Page 1, remove lines 7 through 21

Page 2, remove lines 1 through 3

Page 2, line 6, replace "initial assessment" with "vocational rehabilitation services" and remove "the"

Page 2, line 7, replace "vendor pool" with "vendors" and remove "initial"

Page 2, line 8, replace "disability assessment" with "vocational rehabilitation" and replace "low" with "lowest and best"

Page 2, line 9, remove "bidder or low" and after "The" insert "bureau shall determine the criteria that render a vocational rehabilitation vendor qualified."

Page 2, remove lines 10 through 22

Page 2, line 23, remove "history in the claim."

Page 2, line 24, remove "those" and after "services" insert "each vendor will be expected to provide"

Page 2, remove lines 25 through 29

Page 3, remove lines 1 and 2

Page 3, line 3, remove "3."

Page 3, line 6, replace the first "the" with "an"

Page 3, line 11, replace "award" with "use" and remove "the contract"

Renumber accordingly

HB 1388: Committee on Appropriations (Rep. Thompson, Chairman) recommends DO NOT PASS (17 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1388 was placed on the Eleventh order on the calendar.

HB 1420: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, replace the first "a" with "two", replace "section" with "sections", and after the comma insert "a new subsection to section 5-01-01,"

Page 1, line 2, remove "and" and after "5-03-01" insert ", and a new section to chapter 5-03"

Page 1, line 3, remove "penalties for"

Page 1, line 5, after the first comma insert "5-02-10,"

Page 1, after line 8, insert:

"SECTION 1. A new subsection to section 5-01-01 of the North Dakota Century Code is created and enacted as follows:

"Microbrew pub" means a brewer that brews twenty-five or fewer barrels of beer per week and sells beer produced or manufactured on the premises for consumption on or off the premises, or serves beer produced or manufactured on the premises for purposes of sampling the beer."

Page 1, line 12, remove "or any of its employees or members of the manufacturer's or"

Page 1, line 13, remove "supplier's immediate family", replace "own, or enjoy" with "either directly or indirectly,", after "any" insert "financial", and after "interest" insert ", in whole or in part,"

Page 1, line 15, remove "or any of its"

Page 1, remove line 16

Page 1, line 17, remove "immediate family", replace "own, or enjoy" with "either directly or indirectly,", after "any" insert "financial", and after "interest" insert ", in whole or in part,"

Page 1, line 19, remove "or any of its employees or members of the"

Page 1, line 20, remove "retailer's immediate family"

Page 2, line 23, after the period insert "This section does not apply to a microbrew pub."

Page 2, after line 23, insert:

"SECTION 3. A new section to chapter 5-01 of the North Dakota Century Code is created and enacted as follows:

Microbrew pubs - Licensing - Taxes. A microbrew pub shall obtain a brewer license and a retailer license as required under this title. A microbrew pub may not engage in any wholesaling activities. A microbrew pub is liable for taxes imposed pursuant to section 5-03-07, in addition to any other taxes imposed on brewers and retailers. A microbrew pub is not precluded from retailing beer it purchases from a wholesaler."

Page 3, after line 5, insert:

"SECTION 6. AMENDMENT. Section 5-02-10 of the North Dakota Century Code is amended and reenacted as follows:

5-02-10. Hearing on alleged violations. Any person having information that a licensed retailer of alcoholic beverages has violated any provisions of this title may file with the attorney general, city attorney, or state's attorney an affidavit specifically setting forth such the violation. Upon receipt of such affidavit, the A city attorney or state's attorney shall set the matter for hearing not later than the next regular meeting of the governing body or, upon receipt of an affidavit alleging a violation of this title, shall forward such the affidavit to the attorney general. Upon receipt of any such affidavit the attorney general shall set the matter for hearing in the local county courthouse not less than ten days after copies of the affidavit and notice of hearing have been mailed to the licensee by registered mail. If the hearing is held by the local governing body, a copy of this affidavit and notice of hearing must be mailed the licensee by registered mail not less than five days before such hearing. A record of such hearings will be made by stenographic notes or the use of an electronic recording device."

Page 4, line 16, after "manufacturer" insert ", microbrew pub"

Page 4, line 19, after "wholesaler" insert "or microbrew pub"

Page 4, line 22, after "wholesaler" insert "or microbrew pub"

Page 4, line 25, after "wholesaler" insert "or microbrew pub"

Page 4, line 27, after "wholesaler" insert "or microbrew pub"

Page 5, line 3, after "wholesaler" insert "or microbrew pub"

Page 5, after line 5, insert:

"SECTION 11. A new section to chapter 5-03 of the North Dakota Century Code is created and enacted as follows:

Hearing on alleged violations - Denial of license. On licenses that are renewable annually, the state treasurer may not revoke or suspend a license or deny a renewal prior to conducting a hearing in accordance with chapter 28-32."

Renumber accordingly

HB 1428: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends DO NOT PASS (9 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1428 was placed on the Eleventh order on the calendar.

HB 1443: Committee on Finance and Taxation (Rep. Timm, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 4, after the semicolon insert "to create and enact a new subsection to section 57-38-30.3 of the North Dakota Century Code, relating to an income tax credit for purchase of shares of stock,

memberships, payments of dues, or making contributions by individuals to certified domestic development corporations;"

Page 1, line 8, remove "to repeal sections 10-24-39,"

Page 1, remove lines 9 through 11

Page 1, line 12, remove "to provide for transition;"

Page 1, line 16, remove "nonprofit or"

Page 1, line 17, replace "in this state" with "under chapter 10-30"

Page 2, line 8, replace "purchased for resale" with "produced for sale or offers a service for sale"

Page 2, line 24, replace "or" with an underscored comma and after "57-38-30" insert ", or 57-38-30.3"

Page 2, line 27, after the period insert "The tax commissioner shall allow tax credits pursuant to this section which are attributable to not more than the first seven million dollars of total qualifying investments."

Page 3, line 5, overstrike "or" and insert immediately thereafter an underscored comma and after "57-38-30" insert ", or 57-38-30.3"

Page 3, line 7, remove the overstrike over "~~nonprofit~~" and insert immediately thereafter "or" and remove the overstrike over "~~10-24-41~~" and insert immediately thereafter "or section"

Page 3, replace lines 9 and 10 with:

"SECTION 5. A new subsection to section 57-38-30.3 of the North Dakota Century Code is created and enacted as follows:

An individual, estate, or trust must be allowed a credit against the tax otherwise due under this section for the amount of the credit provided in section 10-24-41 and section 3 of this Act."

Page 3, line 11, remove "- TRANSITION"

Page 3, line 12, remove "Any taxpayer who qualified"

Page 3, remove lines 13 through 17

Renumber accordingly

HB 1491: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (10 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 13, remove "initiate an audit of any"

Page 1, line 14, remove "contested portion," and replace "a single" with "an initial"

Page 1, line 17, after the underscored period insert "Nothing in this notification precludes the insurer from denying the claim in whole or in part, for other reasons at a later date."

Page 1, line 18, after "information" insert "initially"

Renumber accordingly

HB 1498: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends DO NOT PASS (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1498 was placed on the Eleventh order on the calendar.

HB 1510, as engrossed: Committee on Appropriations (Rep. Thompson, Chairman) recommends DO NOT PASS (20 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1510 was placed on the Eleventh order on the calendar.

HB 1522: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (15 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact subsections 11, 12, and 13 of section 26.1-26-42 of the North Dakota Century Code, relating to grounds for revocation of an insurance agent's license.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsections 11, 12, and 13 of section 26.1-26-42 of the North Dakota Century Code are amended and reenacted as follows:

11. The licensee has been found guilty of any unfair trade practice defined in this title or fraud ~~defined in this title~~.
12. A violation of ~~or~~ noncompliance with, any insurance laws of this state, or a violation of or noncompliance with any lawful rules or orders of the commissioner or of a commissioner of another state.
13. The licensee's license has been suspended or revoked in any other state, province, district, or territory for any reason or purpose other than noncompliance with continuing education programs, or noncompliance with mandatory filing requirements imposed upon a licensee by the state, province, district, or territory provided the filing does not directly affect the public interest, safety, or welfare."

Renumber accordingly

HB 1524: Committee on Finance and Taxation (Rep. Timm, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Committee on Appropriations (9 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 13, replace "nonprofit economic development organizations" with "certified development corporations"

Page 2, after line 28, insert:

"b. "Certified development corporation" or "recipient organization" means a nonprofit or for profit corporation organized in this state, certified by the secretary of state under section 10-24-40 or section 2 of House Bill No. 1443 as approved by the fifty-second legislative assembly and which is:

- (1) A corporation organized to promote, investigate, and assist in local economic and jobs development;
- (2) A corporation with at least twenty stockholders, members, or contributors who are residents of the

community identified in the corporations' charter;  
and

(3) A corporation with outstanding stock and accumulated  
holdings of a total value of not more than one  
million dollars."

Page 3, line 1, replace "b" with "c"

ReNUMBER accordingly

HB 1525: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact subsection 19 of section 43-12.1-08 of the North Dakota Century Code, relating to the powers and duties of the board of nursing to issue temporary licenses; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 19 of section 43-12.1-08 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

19. Issue temporary licenses to persons who do not meet the educational qualifications in section 43-12.1-12 but meet all other requirements. ~~A temporary license may be issued only once and may be renewed for a period not to exceed two consecutive years for a temporary practical nurse license or four consecutive years for a temporary registered nurse license.~~ The board by administrative rule may identify the requirements for renewal of the temporary license each year based upon progress towards meeting the educational requirements identified in section 43-12.1-12.

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

ReNUMBER accordingly

HB 1544: Committee on Natural Resources (Rep. A. Olson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (11 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act relating to the siting and modification of certain solid waste disposal facilities.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Siting and modification of solid waste disposal facilities. Any state law or rule and any local zoning ordinance related to the siting and modification of solid waste disposal facilities in this state are hereby declared to be equal to the most stringent requirements for similar purposes in any contiguous state during the period beginning July 1, 1991, and ending June 30, 1993."

ReNUMBER accordingly

HB 1554: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends DO NOT PASS (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1554 was placed on the Eleventh order on the calendar.

HB 1563: Committee on Education (Rep. Gates, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (12 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, replace "a" with "two" and "section" with "sections"

Page 1, line 3, replace "subsection" with "subsections 1 and"

Page 1, line 5, after the first comma insert "15-44-03,"

Page 1, line 6, after "repeal" insert "subsection 3 of section 15-40.1-06 and"

Page 1, line 7, after "to" insert "the school district equalization factor and"

Page 1, line 10, replace "Subsection" with "Subsections 1 and"

Page 1, line 11, replace "is" with "are"

Page 1, after line 12, insert:

- "1. It is the intent of the legislative assembly, not considering any separate and supplemental payments as may be provided by law, to support elementary and secondary education in this state from state funds based on the educational cost per pupil. It is the intent of the legislative assembly to provide, by the year 2000, state aid to school districts at a level of at least seventy percent of the funds required to meet the educational cost per pupil in elementary and secondary education, as determined pursuant to this chapter, and that to meet that goal the educational support per pupil be increased on an incremental basis of three percent of the educational cost per pupil per year, plus the annual percentage increase in the consumer price index. In determining the educational cost per pupil, the following criteria shall not be used:
  - a. Expenditures for capital outlay for buildings and sites, or debt service.
  - b. Expenditures from school activities and school lunch programs.
  - c. Expenditures for the cost of transportation, including the cost of schoolbuses."

Page 1, line 19, replace "2" with "3"

Page 2, line 3, replace "2" with "3"

Page 2, line 12, replace "2" with "3"

Page 2, line 23, replace "2" with "3"

Page 2, after line 26, insert:

"Definitions. In this Act, unless the context otherwise requires:

1. "In lieu of tax dollars" means the receipts from all mineral resources, Public Law No. 81-874 impact aid, Public Law No. 81-874 low income housing aid, and federal revenue in lieu of taxes.
2. "Statewide average local contribution per pupil" means the amount derived by adding the general fund levy, high school

tuition levy, tuition fees for regular education, special education, vocational education, summer school programs and drivers education, interest income, revenue from all local sources and county sources, Public Law No. 81-874 impact aid, Public Law No. 81-874 low income housing aid, Elementary and Secondary Education Act emergency school assistance, Indian education program aid, and federal revenue in lieu of taxes, and dividing the total by the full-time equivalent average daily membership.

SECTION 3. A new section to chapter 15-40.1 of the North Dakota Century Code is created and enacted as follows:"

Page 3, line 29, remove "the product of the"

Page 4, remove line 1

Page 4, line 2, remove "of the district. Divide that sum by two. Then"

Page 4, line 5, after the underscored period insert "Add the statewide average per-pupil local contribution to the above amount and divide the sum by two."

Page 4, line 7, after the underscored period insert "Any school district that falls below ninety percent of the statewide average cost per pupil is entitled to a supplemental payment. To determine a district's eligibility for a supplemental payment, compare the total district mill levy to the statewide average mill levy. If the district's mill levy is greater than the statewide average mill levy, compare the district's per-pupil expenditure for the various enrollment categories to ninety percent of the statewide average per-pupil expenditure for the various enrollment categories. If the district's per-pupil expenditure is less than ninety percent of the statewide average per-pupil expenditure for any expenditure category, the district is entitled to a supplemental payment in the amount needed to raise the district's per-pupil expenditure to ninety percent of the statewide average per-pupil expenditure for that enrollment category times the number of pupils in that enrollment category in the district."

Page 4, line 14, replace "2" with "3"

Page 4, line 22, replace "2" with "3"

Page 5, line 10, replace "2" with "3"

Page 6, line 10, replace "2" with "3"

Page 8, line 25, replace "2" with "3"

Page 9. after line 6, insert:

"SECTION 9. AMENDMENT. Section 15-44-03 of the North Dakota Century Code is amended and reenacted as follows.

15-44-03. Certificate by office of management and budget - Apportionment by superintendent of public instruction - Warrant - Payment. The office of management and budget on or before the third Monday in February, April, August, October, and December in each year, shall certify to the superintendent of public instruction the amount of the state tuition fund. The superintendent shall apportion such fund among the several school districts of the state in proportion to the number of children of school age residing in each as shown by the last enumeration provided for by law, and shall certify to the office of management and budget and state treasurer the amount apportioned to the respective school districts. Immediately upon receipt of the apportionment from the superintendent of public instruction, the office of management and budget shall pay each school district the amount to

which it is entitled from the state tuition fund and such payments shall be combined with and paid at the same time as per-pupil payments pursuant to section 15-40.1-05 certify to the state treasurer the amount to be placed in the state general fund and direct the office of management and budget to use that money for the support of foundation aid payments under chapter 15-40.1."

Page 10, line 7, replace "2" with "3"

Page 11, line 13, replace "Sections" with "Subsection 3 of section 15-40.1-06 and sections"

ReNUMBER accordingly

HB 1571: Committee on Agriculture (Rep. Nicholas, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (10 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new section to chapter 4-12.2 of the North Dakota Century Code, relating to revocation of registration of an apiary; to"

Page 2, line 21, overstrike the period

Page 2, remove lines 24 and 25

Page 3, line 1, remove the overstrike over the period

Page 3, line 7, remove the overstrike over the period

Page 3, after line 7, insert:

"10. "Property owner" means the person, including a lessee, who has actual use and exclusive possession of the land."

Page 6, line 20, remove "owner of"

Page 6, line 21, remove the overstrike over "owner"

Page 6, after line 26, insert:

"SECTION 7. A new section to chapter 4-12.2 of the North Dakota Century Code is created and enacted as follows:

Revocation of registration of an apiary. The commissioner of agriculture may cancel the registration of an apiary when the bees located on the apiary site are causing a nuisance as defined in chapter 42-01."

Page 8, line 12, after "disease" insert "without written permission of the department"

Page 8, line 25, after "months" insert "for all colonies for which an entrance permit is requested"

Page 9, line 3, replace "An entrance permit for a new applicant is effective ninety days after the" with "Entrance permits for applicants whose applications are received after March first are effective sixty days after the date of the application for a license"

Page 9, line 4, remove "date of application for license" and after the underscored period insert "For purposes of the 1991 season, the due date for license applications is May first."

Page 9, line 5, after the period insert "Upon showing of good cause, the commissioner may on a case-by-case basis waive the sixty-day waiting period."

Renumber accordingly

HB 1575: Committee on Finance and Taxation (Rep. Timm, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, remove "to provide for severability of provisions relating to"

Page 1, remove line 2

Page 1, line 3, remove "that contain a blend of qualifying alcohol;" and after "reenact" insert "section 39-04-19,"

Page 1, line 5, after "to" insert "motor vehicle registration fees,"

Page 1, line 6, after "alcohol" insert a comma

Page 1, line 8, replace "subsections" with "subsection" and remove "and 3"

Page 1, line 11, after "date" insert "and an expiration date"

Page 1, replace lines 13 through 19 with:

"SECTION 1. AMENDMENT. Section 39-04-19 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

39-04-19. Motor vehicle registration fees and mile tax. Motor vehicles required to pay registration fees or a mile tax shall pay the following fees:

1. Nonresidents electing to pay mile tax in lieu of registration, when authorized to do so by the department, shall pay a fee of twenty dollars for a trip permit which is valid for a period of seventy-two hours. All fees collected under the provisions of this subsection must be credited to the highway construction fund.
2. Motor vehicles required to be registered in this state must be furnished license plates upon the payment of the following annual fees; however, if a motor vehicle first becomes subject to registration other than at the beginning of the registration period, such fees must be prorated on a monthly basis. The minimum fee charged hereunder must be five dollars:

a. Passenger motor vehicles:

YEARS REGISTERED

Gross Weights	1st, 2nd, 3rd, and 4th Years		6th, 7th, and 8th Years		9th, 10th, and 11th Years		12th and Subsequent Years
	1st, 2nd, 3rd, and 4th Years	5th, 6th, 7th, 8th, and 9th Years	10th, 11th, and 12th Years	13th and Subsequent Years			
Less than 3,200	\$ 49.00	\$ 41.00	\$ 33.00	\$ 25.00			
3,200-4,499	69.00	57.00	45.00	33.00			
4,500-4,999	87.00	70.00	55.00	39.00			
5,000-5,999	118.00	96.00	74.00	52.00			

6,000-6,999	151.00	122.00	93.00	65.00
7,000-7,999	184.00	148.00	113.00	78.00
8,000-8,999	217.00	175.00	133.00	91.00
9,000 and over	250.00	201.00	153.00	104.00

A house car is subject to registration at the rates prescribed for other vehicles under this subdivision modified by using the weight applicable to a vehicle whose weight is forty percent of that of the house car, but not using a weight of less than four thousand pounds [1814.35 kilograms].

- b. Schoolbuses, buses for hire, buses owned and operated by religious, charitable, or nonprofit organizations and used exclusively for religious, charitable, or other public nonprofit purposes, and trucks or combination trucks and trailers, including commercial and noncommercial trucks, except those trucks or combinations of trucks and trailers which qualify for registration under subsection 5:

YEARS REGISTERED

Gross Weights	1st, 2nd, 3rd, and 4th Years	5th, 6th and 7th Years	8th and 9th Years	10th and Subsequent Years
	1st, 2nd, 3rd, and 4th Years	5th, 6th and 7th Years	8th and 9th Years	10th and Subsequent Years
not over 4,000	\$47.00	\$34.00	\$29.00	\$26.00
4,001- 6,000	52.00	39.00	33.00	27.00
6,001- 8,000	57.00	44.00	37.00	28.00
8,001-10,000	62.00	49.00	41.00	30.00
10,001-12,000	67.00	54.00	45.00	32.00
12,001-14,000	72.00	59.00	49.00	35.00
14,001-16,000	77.00	64.00	53.00	38.00
16,001-18,000	82.00	69.00	57.00	40.00
18,001-20,000	85.00	72.00	59.00	41.00

YEARS REGISTERED

Gross Weights	1st, 2nd, 3rd, 4th, 5th, and 6th Years	7th, 8th, 9th, 10th, and 11th Years	12th and Subsequent Years
	1st, 2nd, 3rd, 4th, 5th, 6th, and 7th Years	8th, 9th, 10th, and 11th Years	12th and Subsequent Years
20,001- 22,000	\$ 115.00	\$ 89.00	\$ 76.00
22,001- 26,000	167.00	137.00	121.00
26,001- 30,000	228.00	186.00	164.00
30,001- 34,000	294.00	239.00	211.00
34,001- 38,000	355.00	288.00	254.00
38,001- 42,000	416.00	337.00	296.00
42,001- 46,000	477.00	385.00	339.00
46,001- 50,000	538.00	434.00	382.00
50,001- 54,000	608.00	492.00	433.00
54,001- 58,000	669.00	541.00	476.00
58,001- 62,000	730.00	590.00	519.00
62,001- 66,000	791.00	638.00	562.00
66,001- 70,000	852.00	687.00	604.00
70,001- 74,000	913.00	736.00	647.00
74,001- 78,000	974.00	785.00	690.00
78,001- 82,000	1,035.00	834.00	733.00

82,001- 86,000	1,158.00	939.00	820.00
86,001- 90,000	1,280.00	1,043.00	907.00
90,001- 94,000	1,402.00	1,148.00	994.00
94,001- 98,000	1,524.00	1,253.00	1,082.00
98,001-102,000	1,646.00	1,357.00	1,169.00
102,001-105,500	1,768.00	1,462.00	1,256.00

c. Motorcycles, fifteen dollars.

3. Motor vehicles acquired by disabled veterans under the provisions of Public Law 79-663 [38 U.S.C. 1901] are exempt from the payment of state sales or use tax and, if paid, such veterans are entitled to a refund. This exemption also applies to any passenger motor vehicle or pickup truck not exceeding ten thousand pounds [4535.92 kilograms] gross weight but shall apply to no more than two such motor vehicles owned by a disabled veteran at any one time.
4. Every trailer, semitrailer, and farm trailer required to be registered under this chapter must be furnished registration plates upon the payment of a twenty dollar annual fee. Every trailer, semitrailer, or farm trailer not required to be registered under this chapter must be furnished an identification plate upon the payment of a fee of five dollars.
5. Trucks or combinations of trucks and trailers weighing more than twenty thousand but not more than one hundred five thousand five hundred pounds [more than 9071.84 but not more than 47854.00 kilograms] which are used as farm vehicles only, are entitled to registration under the following fee schedule and the provisions of this subsection. Farm vehicles are considered, for the purpose of this subsection, as trucks or combinations of trucks and trailers weighing more than twenty thousand but not more than one hundred five thousand five hundred pounds [more than 9071.84 but not more than 47854.00 kilograms] owned, or leased for at least one year by a bona fide resident farmer who uses the vehicles exclusively for transporting the farmer's own property or other property on a farm work exchange basis with other farmers between farms and the usual local trading places but not in connection with any commercial retail or wholesale business being conducted from those farms, nor otherwise for hire. In addition to the penalty provided in section 39-04-41, any person violating this subsection shall license for the entire license period the farm vehicle at the higher commercial vehicle rate in accordance with the weight carried by the farm vehicle at the time of the violation.

YEARS REGISTERED

Gross Weights	1st- 2nd- 3rd- 4th- 5th Years	6th and 7th Years	8th and 9th Years	10th and Subsequent Years
	1st, 2nd, 3rd, 4th, 5th, and 6th Years	7th and 8th Years	9th and 10th Years	11th and Subsequent Years
20,001- 22,000	\$ 88.00	\$ 74.00	\$ 60.00	\$ 42.00
22,001- 24,000	93.00	78.00	63.00	44.00
24,001- 26,000	101.00	84.00	67.00	46.00
26,001- 28,000	111.00	92.00	73.00	50.00
28,001- 30,000	121.00	100.00	79.00	54.00
30,001- 32,000	136.00	113.00	90.00	63.00
32,001- 34,000	146.00	121.00	96.00	67.00
34,001- 36,000	156.00	129.00	102.00	71.00

36,001- 38,000	166.00	137.00	108.00	75.00
38,001- 40,000	176.00	145.00	114.00	79.00
40,001- 42,000	186.00	153.00	120.00	83.00
42,001- 44,000	196.00	161.00	126.00	87.00
44,001- 46,000	206.00	169.00	132.00	91.00
46,001- 48,000	216.00	177.00	138.00	95.00
48,001- 50,000	226.00	185.00	144.00	99.00
50,001- 52,000	246.00	203.00	160.00	113.00
52,001- 54,000	256.00	211.00	166.00	117.00
54,001- 56,000	266.00	219.00	172.00	121.00
56,001- 58,000	276.00	227.00	178.00	125.00
58,001- 60,000	286.00	235.00	184.00	129.00
60,001- 62,000	296.00	243.00	190.00	133.00
62,001- 64,000	306.00	251.00	196.00	137.00
64,001- 66,000	316.00	259.00	202.00	141.00
66,001- 68,000	326.00	267.00	208.00	145.00
68,001- 70,000	336.00	275.00	214.00	149.00
70,001- 72,000	346.00	283.00	220.00	153.00
72,001- 74,000	356.00	291.00	226.00	157.00
74,001- 76,000	366.00	299.00	232.00	161.00
76,001- 78,000	376.00	307.00	238.00	165.00
78,001- 80,000	386.00	315.00	244.00	169.00
80,001- 82,000	396.00	323.00	250.00	173.00
82,001- 84,000	406.00	345.00	293.00	249.00
84,001- 86,000	426.00	362.00	307.00	261.00
86,001- 88,000	446.00	379.00	321.00	273.00
88,001- 90,000	466.00	396.00	335.00	285.00
90,001- 92,000	486.00	413.00	349.00	297.00
92,001- 94,000	506.00	430.00	363.00	309.00
94,001- 96,000	526.00	447.00	377.00	321.00
96,001- 98,000	546.00	464.00	391.00	333.00
98,001-100,000	566.00	481.00	405.00	345.00
100,001-102,000	586.00	498.00	419.00	357.00
102,001-104,000	606.00	515.00	433.00	369.00
104,001-105,500	626.00	532.00	447.00	381.00

6. A motor vehicle registered in subsection 5 may be used for custom combining operations by displaying identification issued by the department and upon payment of a fee of twenty-five dollars."

Page 2, line 11, replace "2001" with "1995"

Page 2, line 14, replace "2001" with "1995"

Page 2, line 26, replace "six" with "four"

Page 3, line 1, replace "four" with "two"

Page 3, line 4, replace "six" with "four"

Page 3, line 5, replace "six" with "four"

Page 3, line 20, replace "2001" with "1995"

Page 3, line 23, replace "2001" with "1995"

Page 3, line 25, after "TRANSFER" insert "- AUDIT REPORTS" and replace "\$4,000,000" with "\$3,650,000"

Page 3, line 29, after the period insert "It is the intent of the legislative assembly that, of the amount appropriated in this section, \$2,400,000 is added revenue from the amendment in section 1 of this Act and \$1,250,000 is added revenue from the amendment in section 3 of this Act, and that this added revenue is to be used to provide production incentives to North Dakota ethanol plants through June 30, 1993."

Page 4, line 1, replace "highway tax distribution fund" with "appropriation in this section"

Page 4, line 16, after the period insert "Within ninety days after the end of each fiscal year of the ethanol plant beginning after December 31, 1990, any North Dakota ethanol plant receiving production incentives from the state shall file with the state auditor a full financial statement, in such form as required by the state auditor, which will allow the state auditor to determine whether the operation of the ethanol plant is capable of producing a profit without production incentives. Before July first of each year, the state auditor shall report to the agricultural products utilization commission the auditor's determination under this section for the most recently ended fiscal year of each ethanol plant. If the state auditor's report indicates that an ethanol plant would produce a profit without receipt of production incentives, no further incentives may be paid to that ethanol plant. Notwithstanding any other provision of law, any information obtained by the state auditor under this section is confidential and may not be released or revealed by any person except for the purposes provided in this section."

Page 4, line 17, after "DATE" insert "- EXPIRATION DATE"

Page 4, line 24, after the period insert "Section 1 of this Act is effective from July 1, 1991, through June 30, 1993, and is thereafter ineffective. Section 3 of this Act is effective for motor vehicle fuel taxes paid from January 1, 1991, through December 31, 1992, and is thereafter ineffective."

Renumber accordingly

HB 1589: Committee on Political Subdivisions (Rep. Martin, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 13, after "district" insert "if the geographical area of the senatorial district exceeds fifteen hundred square miles [388500 hectares]"

Page 1, line 18, remove "Multimember senate"

Page 1, remove line 19

Renumber accordingly

HB 1590: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act relating to the establishment of alternative health care services pilot projects."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Alternative health care services pilot project - Application. At any time that the health care needs of a city, township, or other geographic area are not being adequately met, any person may apply to the state health council for approval to conduct an alternative health care services pilot project. The application must address the need for and benefits of the pilot project. It must also contain a detailed description of the nature and scope of the project, quality control, organization, accountability, responsibility, and financial feasibility.

**SECTION 2. Notice - Hearing.** Upon receipt of an application under section 1 of this Act, the state health council shall schedule a public hearing, send notice to all interested parties, and give public notice of the hearing by publication in the official newspaper of each county in the pilot project area. At the hearing, the council shall accept written and oral testimony. The council shall review the application and all testimony presented at the hearing and approve, disapprove, or modify and approve the application based on criteria established by the council. The criteria must address the availability and use of health personnel, facilities, and services.

**SECTION 3. Approval of pilot project - Duration.** Notwithstanding any other provisions of law, upon approval of an application submitted under section 1 of this Act, the state health council, in consultation with the state health officer and any other public or private entity consulted by the state health council, shall set the standards for the delivery of health care services by the pilot project. The standards may not adversely affect the state's participation in federal medicare and medicaid programs. No more than three separate projects may be operational at any time and no project may be operational for longer than five years.

**SECTION 4. Report to the fifty-third legislative assembly.** The state health council shall monitor all ongoing alternative health care services pilot projects to assess the need for statutory and regulatory changes and shall report its findings to the fifty-third legislative assembly."

Renumber accordingly

HB 1594: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (11 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact subsection 5 of section 26.1-39-16 of the North Dakota Century Code, relating to nonrenewal of property and casualty insurance policies and refusing to insure property risks.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1.** Subsection 5 of section 26.1-39-16 of the North Dakota Century Code is created and enacted as follows:

5. No insurer may fail to renew a property insurance policy solely because a claim has or claims have been filed against the policy which resulted from criminal activities of a person other than the named insured and resident relatives."

Renumber accordingly

HCR 3034: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, replace lines 7 through 10 with:

"WHEREAS, the North Dakota State Library contracts with the South Dakota Library for the Blind and Physically Handicapped, using federal funds provided by the United States Department of Education, pursuant to the Library Services and Construction Act; and

WHEREAS, the services rendered by the Library for the Blind and Physically Handicapped, particularly books on recorded discs, on

cassettes, and in braille, are both important and essential to persons who cannot use standard print material; and"

Page 1, line 11, replace "many" with "most"

Page 1, line 15, remove "and"

Page 1, remove lines 16 through 19

Page 1, line 22, remove "National"

Page 1, line 23, replace "Service" with "Services and Construction Act" and replace "nonstandard print materials" with "recorded and brailled material"

Renumber accordingly

SB 2098, as engrossed: Committee on Finance and Taxation (Rep. Timm, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2098 was placed on the Fourteenth order on the calendar.

SB 2124: Committee on Finance and Taxation (Rep. Timm, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2124 was placed on the Fourteenth order on the calendar.

SB 2128: Committee on Finance and Taxation (Rep. Timm, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2128 was placed on the Fourteenth order on the calendar.

SB 2140, as engrossed: Committee on Finance and Taxation (Rep. Timm, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2140 was placed on the Fourteenth order on the calendar.

SB 2155: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends DO PASS (11 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). SB 2155 was placed on the Fourteenth order on the calendar.

SB 2185, as engrossed: Committee on Finance and Taxation (Rep. Timm, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2185 was placed on the Fourteenth order on the calendar.

SB 2322, as engrossed: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends DO PASS (11 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). SB 2322 was placed on the Fourteenth order on the calendar.

SB 2367: Committee on Judiciary (Rep. Kretschmar, Chairman) recommends DO PASS (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2367 was placed on the Fourteenth order on the calendar.

SB 2368: Committee on Judiciary (Rep. Kretschmar, Chairman) recommends DO PASS (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2368 was placed on the Fourteenth order on the calendar.

SB 2369: Committee on Judiciary (Rep. Kretschmar, Chairman) recommends DO PASS (15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2369 was placed on the Fourteenth order on the calendar.

SB 2380: Committee on Judiciary (Rep. Kretschmar, Chairman) recommends DO PASS (15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2380 was placed on the Fourteenth order on the calendar.

SB 2412, as engrossed: Committee on Education (Rep. Gates, Chairman) recommends DO PASS (17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2412 was placed on the Fourteenth order on the calendar.

SCR 4004: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (13 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SCR 4004 was placed on the Tenth order.

#### FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

Rep. Kretschmar introduced:

HCR 3046: A concurrent resolution directing the Legislative Council to study the problems associated with unification of the state's judicial system into a one-level trial system.

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

Reps. Wardner, Martin introduced:

HCR 3047: A concurrent resolution directing the Legislative Council to study levy limitations for political subdivisions.

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

Reps. Muhs, Porter introduced:

HCR 3048: A concurrent resolution directing the Legislative Council to study the feasibility of restructuring school districts along county lines.

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

#### FIRST READING OF SENATE BILLS

SB 2100: A BILL for an Act to create and enact a new section to chapter 39-05 and new chapters 41-02.1, 41-03, 41-04, and 41-04.1 of the North Dakota Century Code, relating to the Uniform Commercial Code, article 2A - leases, article 3 - negotiable instruments, article 4 - bank deposits and collections, and article 4A - funds transfers; to amend and reenact subsection 3 of section 6-07-52, subsection 2 of section 41-01-05, subsections 20, 24, 37, 43, and 44 of section 41-01-11, section 41-01-17, subsection 3 of section 41-02-03, subsection 4 of section 41-02-48, subsection 3 of section 41-02-59, subsection 3 of section 41-05-03, subdivision a of subsection 2 of section 41-05-14, subsection 3 of section 41-09-05, section 41-09-13, subsection 1 of section 41-09-16, subdivision f of subsection 1 of section 41-09-23, and section 41-09-30, subsection 1 of section 41-09-33, and section 47-15-01 of the North Dakota Century Code, relating to the Uniform Commercial Code; to repeal the present chapters 41-03 and 41-04, chapter 41-06, and section 41-09-11 of the North Dakota Century Code, relating to negotiable instruments, bank deposits and collections, and bulk transfers; to provide for transition; and to provide an effective date.

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

SB 2145: A BILL for an Act to amend and reenact sections 36-04-03 and 36-04-05 of the North Dakota Century Code, relating to licensing and bonds of livestock dealers.

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

SB 2158: A BILL for an Act to amend and reenact section 23-16-11 of the North Dakota Century Code, relating to civil penalties for violating nursing facility licensing requirements.

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

SB 2178: A BILL for an Act to create and enact a new section to chapter 36-05 and a new subsection to section 36-05-02 of the North Dakota Century Code, relating to temporary livestock auction market licenses and premises excluded from the regulation of livestock auction markets; and to amend and reenact section 36-05-05 of the North Dakota Century Code, relating to livestock auction market license expiration and renewal.

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

SB 2189: A BILL for an Act to amend and reenact subsections 10 and 11 of section 6-06-06 of the North Dakota Century Code, relating to the powers of a credit union.

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

SB 2234: A BILL for an Act to create and enact a new section to chapter 28-32 of the North Dakota Century Code, relating to the appointment of independent administrative hearing officers.

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

SB 2257: A BILL for an Act to amend and reenact section 28-32-05 of the North Dakota Century Code, relating to a change of an administrative hearing officer.

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

SB 2266: A BILL for an Act to create and enact a new subsection to section 26.1-01-07, a new subsection to section 26.1-03-17, and a new section to chapter 26.1-08 of the North Dakota Century Code, relating to fees chargeable by the commissioner of insurance, collection of insurance premium taxes, and the comprehensive health association; to amend and reenact subsections 15 and 16 of section 26.1-01-07, subsection 2 of section 26.1-03-17, sections 26.1-04-11, 26.1-07-04, subdivision c of subsection 2 of section 26.1-10-02, sections 26.1-16-24, 26.1-17-23, 26.1-17-31, 26.1-19-10, 26.1-26-03, 26.1-33-02, subsections 9 and 13 of section 26.1-33-05, sections 26.1-33-12, 26.1-33-37, subdivisions e and o of subsection 1 of section 26.1-36-04, sections 26.1-36-29, 26.1-36-36.2, subsections 1 and 2 of section 26.1-38.1-01, subsections 2, 3, and 4 of section 26.1-38.1-05, subsection 2 of section 26.1-38.1-16, sections 26.1-42-01, 32-12.1-05, and subsection 1 of section 32-12.1-15 of the North Dakota Century Code, relating to fees chargeable by the commissioner of insurance, collection of insurance premium taxes, immunity from prosecution, investments of domestic insurance companies, insurance company annual statement filing date, licensing of sales representatives of nonprofit health service corporations, filing date for annual statements of nonprofit health service corporations, licensing of sales representatives of prepaid legal service organizations, penalty for selling insurance without a license, solicitation of life insurance, interest on death claims, group life policy conversion privileges, suicide defense to life policy or certificates, accident and health insurance policy provisions, coordination of benefits in individual and group accident and health policies, noncustodial care coverage, life and health insurance guaranty association, property and casualty insurance guaranty association, and purchase of liability insurance and participation in self-insurance pools by political subdivisions and state agencies; and to provide a penalty.

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

SB 2324: A BILL for an Act to amend and reenact section 54-06-14 of the North Dakota Century Code, relating to partial payment of sick leave benefits upon leaving the employ of the state.

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

SB 2339: A BILL for an Act to create and enact a new section to chapter 26.1-36 of the North Dakota Century Code, relating to payment for chiropractic services under health benefit policies, certificates, or contracts; and to provide a penalty.

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

SB 2356: A BILL for an Act to amend and reenact section 51-05.1-04 of the North Dakota Century Code, relating to written contracts for the sale of property by auctioneers and auction clerks.

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

SB 2411: A BILL for an Act to amend and reenact sections 53-01-02, 53-01-03, 53-01-07, 53-01-09, 53-01-17, 53-01-18, and 53-01-19 of the North Dakota Century Code, relating to a state athletic advisory board, regulation of boxing, kickboxing, and sparring, and duties of the secretary of state; to repeal sections 53-01-08, 53-01-10, 53-01-12, 53-01-13, 53-01-15, and 53-01-16 of the North Dakota Century Code, relating to regulation of boxing, kickboxing, and sparring; to provide a penalty; and to provide a continuing appropriation.

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

SB 2423: A BILL for an Act to create and enact two new sections to chapter 24-05 of the North Dakota Century Code, relating to bidding for construction contracts for county roads; and to amend and reenact section 24-05-04 of the North Dakota Century Code, relating to contracts for county road improvements.

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

SB 2429: A BILL for an Act to amend and reenact subsection 4 of section 30.1-12-08 of the North Dakota Century Code, relating to proceedings to establish inheritance or succession of titled property.

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

SB 2482: A BILL for an Act to amend and reenact sections 5-02-01.1, 5-02-05.1, and 5-02-05.2 of the North Dakota Century Code, relating to permits for special events and the definition of restaurant.

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

SB 2513: A BILL for an Act to amend and reenact section 61-32-07 of the North Dakota Century Code, relating to frivolous complaints concerning noncomplying drains.

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

SB 2534: A BILL for an Act to create and enact a new section to chapter 43-28 of the North Dakota Century Code, relating to fees assessed by the board of dental examiners; to amend and reenact sections 43-20-02, 43-20-06, 43-20-07, 43-20-12.1, 43-20-12.2, subsection 5 of section 43-28-02, sections 43-28-03, 43-28-04, 43-28-05, 43-28-06, 43-28-11, 43-28-12, 43-28-12.1, 43-28-12.2, 43-28-14, 43-28-15, 43-28-16, 43-28-17, 43-28-18, 43-28-22, and 43-28-24 of the North Dakota Century Code, relating to the regulation of dental hygienists and the regulation of the practice of dentistry; and to repeal section 43-20-04 of the North Dakota Century Code, relating to the recording of dental hygienist licenses.

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

SB 2553: A BILL for an Act to create and enact a new section to chapter 51-07 of the North Dakota Century Code, relating to prohibited practices for manufacturers, wholesalers, or distributors of farm implements, machinery, or repair parts.

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

#### FIRST READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4024: A concurrent resolution urging Congress and the President to take action to encourage citizens to plan for retirement needs to reduce the reliance of senior citizens on public financial assistance.

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

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

ROY GILBREATH, Chief Clerk