

JOURNAL OF THE SENATE

Fifty-third Legislative Assembly

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Bismarck, March 26, 1993

The Senate convened at 9:00 a.m., with President Pro Tem Mushik presiding.

The prayer was offered by Senator Graba.

The roll was called and all members were present except Senators Holmberg, Naaden, and Redlin.

A quorum was declared by the President Pro Tem.

MOTION

SEN. MATHERN MOVED that the Senate stand in recess until 12:30 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Pro Tem Mushik presiding.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

March 26, 1993

This is to inform you that on March 25, 1993, I signed the following: SB 2026, SB 2050, SB 2052, SB 2053, SB 2076, SB 2089, SB 2229, SB 2239, SB 2271, SB 2294, SB 2296, SB 2298, SB 2303, SB 2315, SB 2331, SB 2336, SB 2337, SB 2354, SB 2355, SB 2356, SB 2369, SB 2377, SB 2410, SB 2419, SB 2445, SB 2457, SB 2458, SB 2474, SB 2493, SB 2495, SB 2497, SB 2506, SB 2513, SB 2514, SB 2520, SB 2521, and SB 2533.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has amended and subsequently failed to pass: SB 2471.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2216.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2216

In lieu of the amendments adopted by the House as printed on pages 1137 and 1138 of the House Journal, Engrossed Senate Bill No. 2216 is amended as follows:

Page 1, line 7, after "students" insert "; and to declare an emergency"

Page 2, overstrike line 14

Page 2, line 15, overstrike "if requested by the parent, by a state-approved"

Page 2, line 16, remove "nonpublic" and overstrike "school"

Page 4, line 4, overstrike "employed by the public"

Page 4, overstrike line 5

Page 4, line 6, overstrike "parent, employed by a state-approved" and remove "nonpublic"

Page 4, line 7, overstrike "school" and remove "A nationally standardized academic aptitude test must be"

Page 4, remove line 8

Page 4, line 9, remove "students by the state."

Page 4, line 13, after "teacher" insert "not" and overstrike "state-approved"

Page 4, line 14, replace "nonpublic" with "public"

Page 4, line 23, replace "mutidisciplinary" with "multidisciplinary"

Page 7, line 5, overstrike "state-approved"

Page 7, line 6, remove "nonpublic", overstrike "school" and insert immediately thereafter "certified teacher", and overstrike "employed by a"

Page 7, line 7, overstrike "state-approved", remove "nonpublic", and overstrike "school"

Page 7, line 8, remove the overstrike over "a", remove the overstrike over "~~test~~", and remove "and"

Page 7, line 9, remove "aptitude tests"

Page 7, line 13, after "teacher" insert "not" and overstrike "state-approved"

Page 7, line 14, replace "nonpublic" with "public" and overstrike "by the"

Page 7, line 15, overstrike "state-approved private or parochial school"

Page 7, after line 18, insert:

"SECTION 7. EMERGENCY. This Act is declared to be an emergency measure."

Re-number accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2367, SCR 4038.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2367

Page 1, line 1, remove "create and enact a new section to chapter 14-02.4 of the"

Page 1, line 2, remove "North Dakota Century Code, relating to limitation of damages; and to"

Page 1, line 3, after the third comma insert "and" and remove ", and"

Page 1, line 4, remove "14-02.4-20"

Page 1, line 14, replace "work-related" with "business-related"

Page 2, line 10, replace "work-related" with "business-related"

Page 3, line 3, replace "work-related" with "business-related"

Page 3, line 23, replace "work-related" with "business-related"

Page 3, remove lines 28 and 29

Page 4, remove lines 1 through 28

Page 5, remove lines 1 through 8

Renumber accordingly

HOUSE AMENDMENTS TO SENATE CONCURRENT RESOLUTION NO. 4038

Page 1, line 1, after "resolution" replace the remainder of the resolution with "directing the Legislative Council to study the variables that affect the costs of workers' compensation coverage and the impact that allowing employers to self-insure for workers' compensation coverage or to receive additional coverage from the Workers Compensation Bureau would have on the cost of delivering workers' compensation in this state.

WHEREAS, the Legislative Assembly has explored a variety of options for solving the continuing problems with workers' compensation in North Dakota, including enacting legislation in 1991 to establish programs to provide for more efficient and effective administration of benefits by the bureau; and

WHEREAS, the Legislative Assembly has before it several proposals regarding the administration of, and the benefits and coverage provided by, the Workers Compensation Bureau; and

WHEREAS, government self-insurance pools have successfully provided property and casualty coverage to state agencies and political subdivisions in North Dakota; and

WHEREAS, self-insurance has successfully provided workers' compensation coverage to employers in other jurisdictions and may be a viable option for some North Dakota employers to provide workers' compensation coverage to their employees; and

WHEREAS, many North Dakota employers must provide workers' compensation coverage for their employees in other states and the bureau may be the appropriate vehicle to provide such coverage for employees of North Dakota employers who work in other states;

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

That the Legislative Council study the variables that affect the costs of workers' compensation coverage and the impact that allowing employers to self-insure for workers' compensation coverage or to receive additional coverage from the Workers Compensation Bureau would have on the cost of delivering workers' compensation coverage and benefits in the state; and

BE IT FURTHER RESOLVED, that the Legislative Council report its findings and recommendations, together with any legislation required to implement the recommendations, to the Fifty-fourth Legislative Assembly."

Renumber accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1023, HB 1091, HB 1097, HB 1103, HB 1134, HB 1138, HB 1211, HB 1394, HB 1400, HB 1405, HB 1417, HB 1426, HB 1429, HB 1436.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1474, HB 1475, HB 1484, HB 1485, HB 1488, HB 1491, HB 1495, HB 1497, HCR 3019, HCR 3026, HCR 3039, HCR 3041, HCR 3043, HCR 3050.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1139, HB 1142, HB 1163, HB 1165, HB 1184, HB 1203, HB 1234, HB 1247, HB 1286, HB 1306, HB 1335, HB 1337, HB 1347, HB 1357.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1376.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1096, HB 1168, HB 1181, HB 1225.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2505.

HOUSE AMENDMENTS TO SENATE BILL NO. 2505

Page 1, line 11, remove "first"

Page 1, remove line 12

Page 1, line 13, remove "tons] of" and after "production" insert "not exceeding the production limitation"

Page 1, line 16, after the underscored period insert "For purposes of this subdivision, the production limitation is three million eight hundred thousand tons [3447302.02 metric tons] through calendar year 1995, three million six hundred thousand tons [3265865.07 metric tons] in calendar years 1996 and 1997, and three million four hundred thousand tons [3084428.12 metric tons] in calendar years after 1997."

Page 1, line 17, replace "three million four hundred" with "the production limitation"

Page 1, line 18, remove "thousand tons [3,084,428.12 metric tons]"

Page 4, line 29, replace "1992" with "1993"

Re-number accordingly

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The President has appointed as a conference committee to act with a like committee from the House on:

HB 1349: Sens. Jerome; Graba; Lindgren

HB 1504: Sens. Krauter; Mathern; Nalewaja

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2085, SB 2222, SB 2223, SB 2228, SB 2244, SB 2305, SB 2308, SB 2339, SB 2360, SB 2361, SB 2370, SB 2400, SB 2418, SB 2449.

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SCR 4048, SCR 4052, SCR 4057, SCR 4060, SCR 4065, SCR 4068.

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2004, SB 2007, SB 2009, SB 2011, SB 2012, SB 2015, and SB 2016 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2004: Sens. Lindaas; Redlin; Naaden

SB 2007: Sens. Tallackson; DeMers; Thane

SB 2009: Sens. Robinson; Kelly; Thane
 SB 2011: Sens. Redlin; Robinson; Lips
 SB 2012: Sens. DeMers; Mushik; Thane
 SB 2015: Sens. Yockim; Redlin; Lips
 SB 2016: Sens. Mushik; Kelly; Nething

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2018, SB 2019, SB 2020, SB 2096, SB 2225, and SB 2227 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2018: Sens. Robinson; Lindaas; Lips
 SB 2019: Sens. Yockim; DeMers; Thane
 SB 2020: Sens. Yockim; Lindaas; Holmberg
 SB 2096: Sens. Schoenwald; Keller; Krebsbach
 SB 2225: Sens. Keller; Schoenwald; Mutch
 SB 2227: Sens. Keller; Krauter; Mutch

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2231 and SB 2295 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2231: Sens. Krauter; Keller; Streibel
 SB 2295: Sens. Yockim; Mathern; Thane

CONSIDERATION OF AMENDMENTS

HB 1006: SEN. LIPS (Appropriations Committee) MOVED that the amendments on SJ page 1272 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1006: A BILL for an Act to provide an appropriation for defraying the expenses of the division of emergency management.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Nalewaja; Nelson; Nething; O'Connell; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Holmberg; Keller; Naaden; Redlin

HB 1006 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1009: SEN. YOCKIM (Appropriations Committee) MOVED that the amendments on SJ pages 1272-1273 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1009: A BILL for an Act making an appropriation to the state tax commissioner for payment of state reimbursement under the homestead tax credit.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Nalewaja; Nelson; Nething; O'Connell; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Holmberg; Keller; Naaden; Redlin

HB 1009 passed and the title was agreed to.

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The Senate has failed to pass: HCR 3017, HCR 3070.

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The Senate has passed unchanged: HB 1313, HCR 3014, HCR 3035.

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1007, HB 1011, HB 1062, HB 1120, HB 1179, HB 1193, HB 1437.

CONSIDERATION OF AMENDMENTS

HB 1026: SEN. SCHERBER (Appropriations Committee) MOVED that the amendments on SJ pages 1273-1275 be adopted and then be placed on the Fourteenth order **WITHOUT RECOMMENDATION**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1026: A BILL for an Act to create and enact a new section to chapter 54-06 and a new section to chapter 54-52.1 of the North Dakota Century Code, relating to discharge or replacement of certain governmental employees to avoid providing benefits; to amend and reenact section 54-06-14 and subsection 4 of section 54-52.1-01 of the North Dakota Century Code, relating to sick, annual, and family leave and group medical benefits; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 24 YEAS, 21 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: DeMers; Dotzenrod; Graba; Heinrich; Jerome; Kelly; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Lips; Marks; Mathern; Mushik; O'Connell; Robinson; Scherber; Schoenwald; Tallackson; Thane; Tomac; Wogsland; Yockim

NAYS: Andrist; Bowman; Evanson; Freborg; Goetz; Grindberg; Krebsbach; Lindgren; Maxson; Mutch; Nalewaja; Nelson; Nething; Sand; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Traynor; Urlacher

ABSENT AND NOT VOTING: Holmberg; Keller; Naaden; Redlin

HB 1026 lost.

MOTION

SEN. MATHERN MOVED that HB 1180, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

MOTION

SEN. LANGLEY MOVED that the Senate reconsider its action whereby the Senate did not concur in the House Amendments to SB 2225, and that the Senate does concur in the House Amendments to SB 2225, and that the Conference Committee on SB 2225 be dissolved, which motion prevailed.

MOTION

SEN. LANGLEY MOVED that the Senate reconsider its action whereby the Senate did not concur in the House amendments to SB 2231, and that the Senate does concur in the House amendments to SB 2231, and that the Conference Committee on SB 2231 be dissolved, which motion prevailed.

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2048, SB 2097.

SECOND READING OF HOUSE BILL

HB 1032: A BILL for an Act relating to a property cost reimbursement study and property cost reimbursement to certain nursing homes; 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 bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Nalewaja; Nelson; Nething; O'Connell; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Holmberg; Keller; Naaden; Redlin

HB 1032 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1391: A BILL for an Act to amend and reenact section 54-44.2-02.5 of the North Dakota Century Code, relating to a grant program to assist counties in developing a communications, 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 45 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Nalewaja; Nelson; Nething; O'Connell; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Holmberg; Keller; Naaden; Redlin

HB 1391 passed and the title was agreed to.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

March 25, 1993

I am returning SB 2398 to the Senate, having vetoed the same. My reasons for doing so are described below.

First of all, I am concerned that this bill creates a new program in a period of difficult economic times for the state. Secondly, the program is funded through highway tax distribution dollars which would otherwise be used for highway construction. At the present time, North Dakota does not have sufficient funds to fully match the federal highway construction program to date. I don't believe we should divert those funds for new programs such as those contemplated by SB 2398.

Finally, the bill does not clearly describe the manner in which, and by whom, the motor boat programs and safety fund will be administered.

For these reasons, I respectfully return SB 2398.

MOTION

SEN. MATHERN MOVED that SB 2398 be reconsidered pursuant to Article V, Section 9, of the Constitution of the State of North Dakota for the purpose of overriding the Governor's veto, which motion prevailed.

RECONSIDERATION OF A VETOED MEASURE

SB 2398: A BILL for an Act to create and enact two new sections to chapter 20.1-02 of the North Dakota Century Code, relating to the creation of the motorboat programs and safety fund; to amend and reenact section 20.1-03-12 of the North Dakota Century Code, relating to motorboat license fees; and to provide an effective date.

ROLL CALL

The question being on the passage of the bill, as enrolled over the Governor's veto, which has been read, the roll was called and there were 37 YEAS, 8 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Graba; Heinrich; Jerome; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Mushik; Nalewaja; O'Connell; Robinson; Sand; Scherber; Schoenwald; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

NAYS: Goetz; Grindberg; Maxson; Mutch; Nelson; Nothing; Solberg; Tennefos

ABSENT AND NOT VOTING: Holmberg; Keller; Naaden; Redlin

The Senate overrides the Governor's veto on SB 2398.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MATHERN MOVED that the Senate do concur in the House amendments to Engrossed SB 2390 as printed on SJ page 1188, which motion prevailed.

Engrossed SB 2390, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2390: A BILL for an Act to amend and reenact section 26.1-17-16 of the North Dakota Century Code, relating to services of practitioners not participating under health service plans.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Nalewaja; Nelson; Nething; O'Connell; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Yockim

ABSENT AND NOT VOTING: Holmberg; Keller; Naaden; Redlin; Wogsland

SB 2390 passed and the title was agreed to.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. TALLACKSON MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1019, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1019: Sens. Yockim, Tallackson, Goetz.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. TOMAC MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1079, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1079: Sens. Tomac, W. Stenehjem, Krebsbach.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. TOMAC MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1104, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1104: Sens. Scherber, Tomac, Krebsbach.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. HEINRICH MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1158, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1158: Sens. O'Connell, Kelsh, Evanson.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. TOMAC MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1178, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1178: Sens. Scherber, Evanson, Sand.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. TALLACKSON MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1208, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1208: Sens. Tallackson, Kelly, Lips.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. DOTZENROD MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1212, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1212: Sens. Dotzenrod, Kinnoin, Tennesos.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. SCHOENWALD MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1219, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1219: Sens. O'Connell, Schoenwald, Tennesos.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. MATHERN MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1383, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1383: Sens. Graba, Lindgren, B. Stenehjem.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. HEINRICH MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1438, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1438: Sens. Scherber, Kelsh, Freborg.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. TOMAC MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1463, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1463: Sens. Heinrich, Evanson, W. Stenehjem.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. MATHERN MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1490, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1490: Sens. Graba, Mathern, Nalewaja.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do not concur in the House amendments to Engrossed SB 2002 as printed on SJ pages 1160-1163 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2002: Sens. Kelly, Yockim, Lips.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do not concur in the House amendments to SB 2008 as printed on SJ page 1163 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2008: Sens. DeMers, Redlin, Thane.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do not concur in the House amendments to SB 2010 as printed on SJ pages 1163-1173 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2010: Sens. Redlin, DeMers, Lips.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do not concur in the House amendments to Engrossed SB 2017 as printed on SJ pages 1173-1176 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2017: Sens. Yockim, Lindaas, Goetz.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TOMAC MOVED that the Senate do not concur in the House amendments to Engrossed SB 2440 as printed on SJ pages 1066-1067 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2440: Sens. Tomac, Scherber, W. Stenehjem.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LANGLEY MOVED that the Senate do not concur in the House amendments to Engrossed SB 2200 as printed on SJ pages 1176-1188 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2200: Sens. Schoenwald, Keller, Mutch.

REPORT OF CONFERENCE COMMITTEE

SEN. MAXSON MOVED that the conference committee report on Engrossed SB 2144 be adopted, which motion prevailed.

Engrossed SB 2144, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2144: A BILL for an Act to amend and reenact subsection 2 of section 12.1-32-07 and subdivision q of subsection 3 of section 12.1-32-07 of the North Dakota Century Code, relating to the supervision of a probationer.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Nalewaja; Nelson; Nething; O'Connell; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Uriacher; Yockim

ABSENT AND NOT VOTING: Holmberg; Keller; Naaden; Redlin; Wogsland

SB 2144 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. GRABA MOVED that the conference committee report on SCR 4070 be adopted, which motion prevailed.

SCR 4070, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4070: A concurrent resolution directing the Legislative Council to study open records, open meetings, and bidding laws for nonprofit corporations and organizations.

The question being on the final adoption of the amended resolution, which has been read.

SCR 4070 was declared adopted and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. GRABA MOVED that the conference committee report on Engrossed SB 2027 be adopted, which motion prevailed.

Engrossed SB 2027, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2027: A BILL for an Act to allow a state agency or institution to provide for child care services.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 41 YEAS, 2 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Nalewaja; Nelson; Nething; O'Connell; Robinson; Sand; Scherber; Schoenwald; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Yockim

NAYS: Mutch; Solberg

ABSENT AND NOT VOTING: Holmberg; Keller; Naaden; Redlin; Tallackson; Wogsland

SB 2027 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. TOMAC MOVED that the conference committee report on SB 2051 be adopted, which motion prevailed.

SB 2051, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2051: A BILL for an Act to amend and reenact section 57-39.2-04.3 of the North Dakota Century Code, relating to a sales and use tax exemption for recycling machinery and equipment; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 43 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Nalewaja; Nelson; Nething; O'Connell; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Yockim

ABSENT AND NOT VOTING: Holmberg; Keller; Naaden; Redlin; Tallackson; Wogsland

SB 2051 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. SCHOENWALD MOVED that the conference committee report on Engrossed SB 2095 be adopted, which motion prevailed.

Engrossed SB 2095, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2095: A BILL for an Act to amend and reenact subsection 1 of section 34-14-03 of the North Dakota Century Code, relating to employees who are separated from payroll before payday.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 26 YEAS, 17 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Andrist; DeMers; Dotzenrod; Evanson; Graba; Grindberg; Heinrich; Jerome; Kelly; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Lips; Marks; Mathern; Maxson; Mushik; O'Connell; Robinson; Scherber; Schoenwald; Thane; Tomac; Yockim

NAYS: Bowman; Freborg; Goetz; Krebsbach; Lindgren; Mutch; Nalewaja; Nelson; Nething; Sand; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Traynor; Urlacher

ABSENT AND NOT VOTING: Holmberg; Keller; Naaden; Redlin; Tallackson; Wogsland

SB 2095 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. TOMAC MOVED that the conference committee report on Engrossed SB 2120 be adopted, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SEN. JEROME MOVED that the conference committee report on Engrossed SB 2327 be adopted, which motion prevailed.

Engrossed SB 2327, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2327: A BILL for an Act to create and enact a new section to chapter 16.1-01 of the North Dakota Century Code, relating to reimbursement of county expenses for statewide special elections.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 39 YEAS, 5 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Jerome; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Nalewaja; Nelson; Nething; O'Connell; Robinson; Sand; Schoenwald; Solberg; Stenehjem, B.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

NAYS: DeMers; Heinrich; Kelly; Scherber; Stenehjem, W.

ABSENT AND NOT VOTING: Holmberg; Keller; Naaden; Redlin; Tallackson

SB 2327 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. JEROME MOVED that the conference committee report on Engrossed SB 2359 be adopted, which motion prevailed.

Engrossed SB 2359, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2359: A BILL for an Act to establish a North Dakota board of reflexology and to provide for the licensure of reflexologists.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 27 YEAS, 17 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Bowman; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Jerome; Kelsh; Kinnoin; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Maxson; Nalewaja; Nelson; Nething; O'Connell; Robinson; Sand; Stenehjem, B.; Thane; Traynor; Urlacher

NAYS: Andrist; DeMers; Heinrich; Kelly; Krauter; Mathern; Mushik; Mutch; Scherber; Schoenwald; Solberg; Stenehjem, W.; Streibel; Tennefos; Tomac; Wogsland; Yockim

ABSENT AND NOT VOTING: Holmberg; Keller; Naaden; Redlin; Tallackson

SB 2359 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. TOMAC MOVED that the conference committee report on SB 2468 be adopted, which motion prevailed.

SB 2468, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2468: A BILL for an Act to repeal section 4 of chapter 99 of the 1991 Session Laws of North Dakota, relating to eliminating the time limit for access to the list of sales tax permitholders by the secretary of state.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Nalewaja; Nelson; Nething; O'Connell; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Uriacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Holmberg; Keller; Naaden; Redlin; Tallackson

SB 2468 passed and the title was agreed to.

MOTION

SEN. MATHERN MOVED that the absent members be excused, which motion prevailed.

MOTION

SEN. MATHERN MOVED that the Senate be on the Fourth, Fifth, Seventh, Twelfth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 9:00 a.m., Monday, March 29, 1993, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1008: Appropriations Committee (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1008 was placed on the Sixth order on the calendar.

Page 1, line 1, after "Act" insert "to amend and reenact section 36-01-08 of the North Dakota Century Code, relating to user fees charged by the state board of animal health; and"

Page 1, line 10, replace "348,378" with "478,881"

Page 1, line 12, replace "128,054" with "118,054"

Page 1, line 14, replace "486,269" with "606,772"

Page 1, line 15, replace "54,922" with "62,762"

Page 1, line 16, replace "431,347" with "544,010"

Page 1, after line 16, insert:

"SECTION 2. AMENDMENT. Section 36-01-08 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

36-01-08. Duties of board - Rules - Fees. The state board of animal health shall protect the health of the domestic animals and captive wildlife of this state and shall determine and employ the most efficient and practical means for the prevention, suppression, control, and eradication of dangerous, contagious, and infectious diseases among the domestic animals and captive wildlife of this state. The board may make rules for the conduct of its business and to carry into effect the purposes of this chapter and other duties prescribed in this title. The rules of the state board of animal health must be adopted in accordance with chapter 28-32. The board shall collect twenty-five cents for each brucellosis tag, six cents for each identification tag, and eight dollars for each health book it distributes. The fees collected by the board must be paid over to the state treasurer for deposit in a special operating account known as the state board of animal health account, to be used by the state board of animal health, within the limits of legislative appropriation."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 617 - BOARD OF ANIMAL HEALTH

SENATE - This amendment makes the following changes:

The salaries and wages line item is increased by \$10,881 from the general fund to reflect Governor Sinner's salary increase recommendation for state employees.

Funding for the third veterinarian position is added as follows:

| | |
|----------------------------|---------------|
| Salaries and wages (1 FTE) | \$102,352 |
| Operating expenses | <u>15,000</u> |
| Total | \$117,352 |
| General fund | \$110,187 |
| Other funds | <u>7,165</u> |
| Total | \$117,352 |

Funding of \$17,270, \$16,595 of which is from the general fund, is added for pay equity increases for two of the three veterinarians (director and deputy) on staff. This change provides a total of \$46,577, \$44,404 of which is from the general fund, for pay equity increases.

The operating expenses line item is reduced by \$25,000 from the general fund to remove funding provided to contract for veterinarian services.

A section is added authorizing the board to charge fees for health books and tags.

In total, this amendment increases funding for the Board of Animal Health by \$120,503, \$112,663 of which is from the general fund and \$7,840 of other funds.

REPORT OF STANDING COMMITTEE

HB 1013, as engrossed: Appropriations Committee (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1013 was placed on the Sixth order on the calendar.

Page 1, line 11, replace "3,332,416" with "3,468,003"

Page 1, line 12, replace "51,889" with "56,422"

Page 1, line 13, replace "588,123" with "590,535"

Page 1, line 14, replace "~~53~~,259" with "68,259"

Page 1, line 19, replace "5,086,424" with "5,243,956"

Page 1, line 20, replace "1,084,882" with "1,139,309"

Page 1, line 21, replace "4,001,542" with "4,104,647"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 701 - HISTORICAL SOCIETY

SENATE - This amendment makes the following changes:

- The salaries and wages line item is increased by \$135,587, \$74,344 of which is from the general fund for the following:

| | GENERAL FUND | SPECIAL FUNDS | TOTAL |
|--|-----------------|------------------|--------------|
| Sinner salary increase recommendation for state employees | \$74,344 | | \$ 74,344 |
| Funding for volunteer coordinator | | \$54,350 | 54,350 |
| Pay equity increases | | <u>6,893</u> | <u>6,893</u> |
| Total | \$74,344 | \$61,243 | \$135,587 |

- The information services line item is increased by \$4,533, \$3,943 of which is from the general fund, to restore a portion of the funding reduced by the House. The funding level provided reflects a reduction of \$1,232 from the executive recommendation relating to information services rate reductions.
- The operating expenses line item is reduced by \$32,588, \$25,182 of which is from the general fund, to remove funding for indirect cost allocation payments to the Office of Management and Budget.
- The operating expenses line item is increased by \$35,000 from the general fund to restore funding reduced by the House.
- The equipment line item is increased by \$15,000 from the general fund to restore funding reduced by the House.

In total, this amendment increases funding for the Historical Society by \$157,532, \$103,105 of which is from the general fund and \$54,427 of other funds.

REPORT OF STANDING COMMITTEE

HB 1028, as reengrossed: Appropriations Committee (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (11 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). Reengrossed HB 1028 was placed on the Sixth order on the calendar.

Page 3, line 22, after "Act" insert "and from funding made available by the information services division from the surcharge collected pursuant to section 8 of this Act,"

Page 5, line 8, remove ": all monetary contributions, gifts, and grants received"

Page 5, line 9, remove "by the division and"

Page 5, line 20, replace "ten" with "fifteen"

Page 5, line 26, after "Act" insert "including the provision of specialized equipment to eligible persons,"

Page 7, line 19, replace "\$684,000" with "\$1,026,000"

Page 7, line 22, after the period insert "Of this amount, up to \$342,000 shall be made available to the vocational rehabilitation division of the department of human services for the provision of specialized equipment to eligible persons, which is hereby appropriated."

Reumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 112 - INFORMATION SERVICES DIVISION

SENATE - This amendment increases the surcharge on telephone access lines from 10 cents to 15 cents per month and increases the related appropriation from \$684,000 to \$1,026,000, a \$342,000 increase. Up to \$342,000 will be available for the provision of specialized equipment to eligible hearing-impaired persons by the Vocational Rehabilitation Division of the Department of Human Services. The Vocational Rehabilitation Division continues to have authority to receive gifts and grants to assist in funding the equipment.

REPORT OF STANDING COMMITTEE

HB 1416, as engrossed: Judiciary Committee (Sen. Maxson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1416 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 section 53-06.1-01, subsection 1 of section 53-06.1-01.1, sections 53-06.1-01.2, 53-06.1-02, 53-06.1-02.1, 53-06.1-03, 53-06.1-03.3, 53-06.1-05, 53-06.1-05.1, 53-06.1-06, 53-06.1-07, 53-06.1-07.1, 53-06.1-07.2, 53-06.1-07.3, 53-06.1-07.4, 53-06.1-08, 53-06.1-08.1, 53-06.1-09, 53-06.1-10, 53-06.1-10.1, 53-06.1-11, 53-06.1-12, 53-06.1-12.2, 53-06.1-13, 53-06.1-13.1, 53-06.1-14, 53-06.1-15, 53-06.1-15.1, 53-06.1-15.4, 53-06.1-16, 53-06.1-16.1, 53-06.1-16.2, and 53-06.1-17 of the North Dakota Century Code, relating to games of chance and the gaming commission.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 53-06.1-01 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

53-06.1-01. Definitions.

1. "Adjusted gross proceeds" means, except ~~in the case of the~~ for games of draw poker and stud poker authorized under section 53-06.1-07.2, gross proceeds less cash prizes ~~or~~ and the price of merchandise prizes ~~and, less the charitable gaming tickets pull tab~~ excise tax imposed by section 53-06.1-12.2, and less the amount of federal excise tax and interest imposed under section 4401 of the Internal Revenue Code [26 U.S.C. 4401]. In the games of draw poker and stud poker, "adjusted gross proceeds" means the time buy-ins or tournament fees collected by the eligible licensed organization.
- 2- ~~"Bona fide guest" means a person who is not a member of an eligible organization, but who is allowed to use the facilities of the organization when invited by a member or the organization in accordance with the eligible organization's bylaws, articles of incorporation, charter, rules, or other written statement.~~
- 3- ~~"Charitable gaming ticket" means the game piece used in pull tab games or jar ticket games.~~
- 4- 2. "Charitable organization" means any nonprofit an organization operated incorporated as a nonprofit corporation whose primary purpose is for the relief of poverty, distress the poor, distressed, underprivileged, diseased, senior citizens, abused, prevention of cruelty to children or animals, or other condition of public concern

within this state, which has been ~~so engaged~~ actively fulfilling its primary purpose within this state for the two immediately preceding years and has obtained an advanced ruling or final determination from the internal revenue service as qualifying for exemption from federal income tax under section 501(c)(3) of the Internal Revenue Code.

~~5- 3.~~ "Civic and service ~~club~~ organization" means any branch, lodge, or chapter of a nonprofit national or state organization which is authorized by its written constitution, charter, articles of incorporation, or bylaws to engage in a civic or service purpose within this state, and which shall have existed in has been actively fulfilling its primary purpose within this state for the two immediately preceding years. "Civic and service ~~club~~ organization" also means a similar local nonprofit organization, including a booster club, community betterment, civic, economic development, tourism, recreation, or similar organization, not affiliated with a state or national organization, which is recognized by resolution adopted by the governing body of the city in which the organization conducts its principal activities, or by the governing body of a county if ~~such~~ the organization conducts its principal activities outside the limits of a city ~~but within a county.~~ Such club shall organization must have existed in been actively fulfilling its primary purpose within this state for the two immediately preceding years.

~~6- 4.~~ "Commission" means the state gaming commission.

~~7- 5.~~ "Distributor" means a person, firm, partnership, or corporation, association, or organization which sells, markets, or otherwise distributes raffle tickets, bingo gaming equipment, or any other implements of gambling usable in the lawful conduct of games of chance under this chapter. "Distributor" does not include a resident printer who prints raffle tickets at the request of a licensed ~~or authorized~~ organization or an organization that has been issued a local permit, and who sells or otherwise distributes such raffle tickets to ~~such~~ the organization.

~~8- 6.~~ "Educational, charitable, patriotic, fraternal, religious, or other public-spirited uses" are:

a. ~~To the extent used for purposes enumerated in subdivisions c through l, uses benefiting those organizations that are exempt from federal taxation under section 501(c)(3) of the Internal Revenue Code.~~ Uses for stimulating and promoting community-based economic development programs within North Dakota that improve the quality of life of community residents.

b. ~~To the extent used for purposes enumerated in subdivisions c through l, uses benefiting an organization registered with the North Dakota secretary of state under chapter 50-22.~~ Uses for developing, promoting, and supporting tourism within North Dakota.

c. Uses benefiting an indefinite number of persons by bringing them under the influence of education, cultural programs, or religion which include disbursements to provide:

(1) Scholarships for students, if the disbursement is deposited in a scholarship fund for defraying the cost of education to students and the scholarships

are awarded through an open and fair selection process.

- (2) Supplementary assistance to a public or private nonprofit educational institution registered with or accredited by any state.
 - (3) Assistance to libraries and museums.
 - (4) Assistance for the performing arts and humanities.
 - (5) Preservation of cultural heritage.
 - (6) Youth community and athletic activities.
 - (7) Adult athletic activities, such as softball, including uniforms and equipment.
 - (8) Maintenance of places of public worship or support of a body of communicants, gathered in common membership for mutual support and edification in piety, worship, or religious observances.
 - (9) Scientific research.
- d. Uses benefiting an indefinite number of persons by relieving them of disease, suffering, or constraint which include disbursements to provide:
- (1) Relief to an individual or family suffering from poverty or homelessness.
 - (2) Encouragement and enhancement of the active participation of the elderly in our society.
 - (3) Services to the abused.
 - (4) Services to persons with an addicted behavior toward alcohol, gambling, or drugs.
 - (5) Funds to combat juvenile delinquency and rehabilitate ex-offenders.
 - (6) Relief for the sick, diseased, and terminally ill and their physical well-being.
 - (7) Funds for emergency relief and volunteer services.
 - (8) Funds to nonprofit nursing homes and other nonprofit medical facilities.
 - (9) Social services and education programs aimed at aiding the emotionally and physically distressed, handicapped, senior citizens, and underprivileged.
 - (10) Funds for crime prevention, fire protection and prevention, and public safety.
- e. (1) Fraternal uses, consistent with uses ~~and priorities~~ enumerated in subdivisions e a through l and ~~section 53-06-1-02~~, specified by an organization's constitution, charter, articles of incorporation, or bylaws and not of direct benefit to the eligible organization.

- (2) Fraternal uses or disbursements to perpetuate the memory and history of the dead.
- f. Uses increasing comprehension of and devotion to the principles upon which the nation was founded, not of direct benefit to the eligible organization or any member thereof which include disbursements to aid in teaching the principles of liberty, truth, justice, and equality. However, beauty pageants are excluded from receiving ~~charitable gaming funds~~ net proceeds under this subdivision or any other provision of this chapter.
- g. The erection or maintenance of public buildings or works, public utilities, or public waterworks.
- h. Uses otherwise lessening the burden of government which include disbursements to any entity that is normally funded by the city, county, state, or United States government and disbursements directly to a city, county, state, or the United States government, or any agency, political subdivision, or instrumentality thereof.
- i. Uses benefiting a definite number of persons who are the victims of loss of home or household possessions through explosion, fire, flood, or storm and the losses uncompensated by insurance.
- j. Uses benefiting a definite number of persons suffering from a seriously disabling disease or injury causing severe loss of income or incurring extraordinary medical expense which is uncompensated by insurance.
- k. Uses, for community service projects, by chambers of commerce exempt from federal income tax under section 501(c)(6) of the Internal Revenue Code. A project qualifies as a community service project if it promotes the common good, enhances the social welfare of the community, and benefits an indefinite number of persons. The specific goals of a community service project may be to develop or promote public services in areas such as education, housing, transportation, recreation, crime prevention, fire protection and prevention, safety, and health. Uses that directly benefit a chamber of commerce do not qualify.
- l. Uses for or of benefit to efforts in support of the health, comfort, or well-being of the community which include disbursements to provide:
- (1) Funds for adult bands, including drum and bugle corps.
 - (2) Funds for trade shows and conventions conducted in this state.
 - (3) Funds for nonprofit organizations that operate a humane society, zoo, or fish or wildlife propagation and habitat enhancement program.
 - (4) Funds for public transportation and recreation.

Such uses do not include the erection, acquisition, improvement, maintenance, or repair of real, personal, or mixed property owned or leased by an organization unless it is used exclusively for one or more of the stated eligible

uses. Eligible Except for uses related to an eligible organization's primary purpose, eligible uses do not include any activities consisting of attempts to influence legislation, or promote or oppose referendums or initiatives, or. Eligible uses do not include participation in any political campaign on behalf of any active official or person who is or has been a candidate for public office. In addition, the ~~licensing authority~~ commission may adopt rules to limit or restrict eligible use disbursements to ensure that ~~funds~~ net proceeds are best utilized for educational, charitable, fraternal, religious, patriotic, or other public-spirited purposes.

- 9- 7. "Educational organization" means any nonprofit public or private elementary or secondary school, two-year or four-year college, or university in this state which has been ~~in~~ existence active for the two immediately preceding years.
- ~~10-~~ 8. "Eligible organization" means bona fide nonprofit veterans, charitable, educational, religious, and fraternal ~~organizations,~~ civic and service ~~clubs,~~ public safety, and other public-spirited organizations as defined by this ~~chapter~~ section, which may be licensed by the attorney general or ~~authorized~~ issued a local permit by the governing body of a city or county to conduct games of chance under this chapter.
- ~~11-~~ 11. "~~Entire net proceeds~~" or "~~net proceeds~~" means ~~the adjusted gross proceeds less such expenses and taxes as are specifically authorized under this chapter.~~
- ~~12-~~ 9. "Fraternal organization" means ~~a nonprofit~~ an organization within this state, except college and high school fraternities, which is incorporated as a nonprofit corporation and which is a branch, lodge, or chapter of a national or state organization and exists for the common business, brotherhood, or other interests of its members. Such organization ~~shall~~ must have ~~existed~~ been actively fulfilling its primary purpose within this state for ~~the two immediately preceding years,~~ and must have obtained an advanced ruling or final determination from the internal revenue service as qualifying for exemption from federal income tax under section 501(c)(8) or 501(c)(10) of the Internal Revenue Code.
- ~~13-~~ 10. "Gross proceeds" means all moneys collected or received from conducting games of chance and from games of chance admissions thereto.
- ~~14-~~ 11. "~~Licensee~~" "Licensed organization" means an eligible organization licensed ~~under this chapter~~ by the attorney general to conduct bingo, raffles, calcuttas, pull tabs, punchboards, twenty-one, poker, and sports pools.
- ~~15-~~ 12. "~~Licensing authority~~" means ~~the attorney general.~~ "Local permit" means a permit issued to a nonprofit organization recognized as a public-spirited organization by a governing body of a city or county that authorizes the organization to conduct only bingo, raffles, and sports pools in that city or county.
- ~~16-~~ 13. "Manufacturer" means a person who designs, assembles, fabricates, produces, constructs, or who otherwise prepares a product or a component part of a product of any implement of gambling usable in the lawful conduct of games of chance

under this chapter. "Manufacturer" does not include a resident printer who prints raffle tickets at the request of a licensed ~~or authorized~~ organization or an organization that has been issued a local permit, and who sells or otherwise distributes such raffle tickets to ~~such an~~ the organization.

- ~~17-~~ 14. "Member" means a person who has qualified for and been admitted to membership in an eligible organization pursuant to its bylaws, articles of incorporation, charter, rules, or other written statement, and who pays regular monthly, annual, or other periodic dues or is a fully paid life member of the eligible organization. "Member" includes auxiliary members, but excludes social and honorary members.
- ~~18-~~ "~~Other public spirited organization~~" means ~~a nonprofit organization which has been in existence within this state for two years and is recognized by the governing body of a city or county by resolution as public spirited and eligible to conduct games of chance under this chapter.~~
15. "Net proceeds" means the adjusted gross proceeds less such expenses and taxes as are specifically authorized under this chapter.
- ~~19-~~ 16. "Person" means any person, firm, partnership, corporation, association, or organization.
17. "Public safety organization" means an organization incorporated as a nonprofit corporation whose primary purpose is to actively engage in firefighting, ambulance service, or similar disaster assistance, which has been actively fulfilling its primary purpose within this state for the two immediately preceding years, and which has obtained an advanced ruling or final determination from the internal revenue service as qualifying for exemption from federal income tax under section 501(c)(3) of the Internal Revenue Code.
18. "Public-spirited organization" means an organization incorporated as a nonprofit corporation whose primary purpose is for scientific research, amateur sports competition, safety, arts, agriculture, preservation of cultural heritage, educational activities, educational public service, youth, or similar organization, and which does not meet the definitions of veterans, fraternal, charitable, educational, religious, civic and service, or public safety organizations of this section, which has been actively fulfilling its primary purpose within this state for the two immediately preceding years and is recognized by the governing body of a city or county by resolution as public spirited. However, a nonprofit organization recognized as a public-spirited organization by a governing body of a city or county for obtaining a local permit does not need to meet the definition of this subsection.
19. "Pull tab" means the game piece used in deals of pull tabs.
20. "Religious organization" means any nonprofit organization, church, body of communicants, or group gathered in common membership incorporated as a nonprofit corporation whose primary purpose is for advancement of religion, mutual support and edification in piety, worship, and religious observances which has been actively so gathered or united in this state for the two immediately preceding years and has

obtained an advanced ruling or final determination from the internal revenue service as qualifying for exemption from federal income tax under section 501(c)(3) of the Internal Revenue Code.

21. "Veterans organization" means any congressionally chartered organization within this state, or any branch or lodge or chapter of a nonprofit national or state organization within this state, the membership of which consists of individuals who were members of the armed services or forces of the United States. Such organizations ~~shall~~ must have been ~~in existence~~ actively fulfilling its primary purpose in this state for the two immediately preceding years and must have obtained an advanced ruling or final determination from the internal revenue service as qualifying for exemption from federal income tax under section 501(c)(19) of the Internal Revenue Code.

SECTION 2. AMENDMENT. Subsection 1 of section 53-06.1-01.1 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. The state gaming commission consists of the chairman and four other members appointed by the governor, with the consent of the senate. The members serve three-year terms and until a successor is appointed and qualified. If the senate is not in session when the term of a member expires, the governor may make an interim appointment, and the interim appointee holds office until the senate confirms or rejects the appointment. A member appointed to fill a vacancy arising from other than the natural expiration of a term serves only for the unexpired portion of the term. The terms of the commissioners must be staggered so that one term expires each July first.

SECTION 3. AMENDMENT. Section 53-06.1-01.2 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

53-06.1-01.2. Duty of attorney general to participate in certain hearings - Employment of private counsel by commission. The attorney general shall represent the state in all hearings before the commission and shall prosecute all criminal proceedings arising from violations of ~~chapters~~ chapter 53-06.1 and ~~53-06-2.~~ The commission may employ private counsel for ~~adoption of rules and to ensure that its hearings are conducted fairly.~~

SECTION 4. AMENDMENT. Section 53-06.1-02 of the North Dakota Century Code is amended and reenacted as follows:

53-06.1-02. Organizations eligible under chapter - Use of net proceeds. Nonprofit veterans, charitable, educational, religious, and fraternal organizations, civic and service ~~clubs,~~ public safety, and public-spirited organizations, as those terms are defined by this chapter, are eligible to conduct games of chance under the conditions of this chapter. The ~~entire~~ net proceeds of such games of chance are ~~to~~ must be devoted to educational, charitable, patriotic, fraternal, religious, or other public-spirited uses as defined by this chapter. Notwithstanding any other provision of this chapter, an eligible organization, ~~which is not required to be licensed by the attorney general, that has been issued a local permit may use the net proceeds of such games of chance to directly benefit the eligible organization.~~

SECTION 5. AMENDMENT. Section 53-06.1-02.1 of the North Dakota Century Code is amended and reenacted as follows:

53-06.1-02.1. Waiver of two-year existence active requirement - Local permit. An organization that has not been ~~in existence actively fulfilling its primary purpose~~ within this state for ~~the two immediately preceding years~~ becomes ~~an eligible~~ may be recognized as a public-spirited organization for purposes of this section upon approval by the governing body of the city, if the organization will conduct games of chance ~~only~~ within that city, or upon approval by the board of county commissioners, if the organization will conduct games of chance within the county. An organization that ~~becomes an eligible~~ is recognized as a public-spirited organization under this section is not eligible for licensure by the attorney general until it has been ~~in existence actively fulfilled its primary purpose~~ within this state for ~~the two immediately preceding years~~ and may only conduct games of chance under a ~~local authorization permit~~ local authorization permit as provided in subsection 1 of section 53-06.1-03 until it becomes ~~an eligible organization as otherwise provided in this chapter.~~

SECTION 6. AMENDMENT. Section 53-06.1-03 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

53-06.1-03. Licensure—Exceptions for raffles, sports pools, and bingo - City and county authorization local permits and site authorizations - Licensure by attorney general - Fees - Suspension and revocation.

1. ~~Except as otherwise provided in this section, eligible organizations desiring to conduct games of chance shall apply annually for a license from the attorney general before July first on forms provided by the attorney general and shall include with the application a one hundred fifty dollar license fee, except for those organizations whose average annual gross proceeds do not exceed twenty five thousand dollars, for which the fee is one hundred dollars.~~
2. A nonprofit organization may obtain a local permit as follows:
 - a. Any A nonprofit organization recognized as public spirited a public-spirited organization by the governing body of a city or county may obtain a local authorization permit to conduct only raffles or bingo in which the primary prize does not exceed one thousand dollars, and the aggregate ~~does~~ prizes do not exceed six thousand dollars annually, ~~or and~~ to conduct sports pools, for professional sports only, in which the total wagers do not exceed five hundred dollars for each pool.
 - b. A nonprofit organization that conducts a city or county festival or celebration may be recognized as a public-spirited organization by the governing body of a city or county and may obtain a local authorization permit to conduct raffles in which the primary prize does not exceed one thousand dollars and the aggregate ~~does~~ prizes do not exceed two thousand dollars. For purposes of this subdivision, a "city or county festival or celebration" means an event:
 - (1) In celebration of local heritage, anniversary of establishment of the political subdivision, or other significant local event recognized as public spirited by the governing body of the city or county; and
 - (2) Supported by significant community participation.

- c. To obtain a local authorization permit, the nonprofit organization shall apply directly to the governing body of the city in which ~~it conducts its principal activities~~ the site is located where the raffle, sports pool, or bingo activity will be conducted or, if its principal activities are conducted the raffle, sports pool, or bingo activity is conducted at a site located in a county but outside the limits of a city, it the organization shall apply to the board of county commissioners. Applications Application for the ~~conduct of games of chance subject to authorization by a city or county~~ a local permit must be made on forms provided by the attorney general. The governing body may by ordinance or resolution establish authorization fees a local permit fee not to exceed twenty-five dollars for each authorization local permit.
- d. For purposes of ~~this subsection~~ issuing a local permit, the determination of what is a ~~"public spirited" organization~~ "public-spirited organization" is within the sole discretion of the governing body of the city or county.
2. Except as otherwise provided in this section, an eligible organization desiring to be licensed to conduct lawful games of chance shall apply annually for a license from the attorney general before July first on forms provided by the attorney general and shall include with the application a one hundred fifty dollar license fee, except for those organizations whose average annual gross proceeds do not exceed twenty-five thousand dollars, for which the fee is one hundred dollars. An organization shall provide clear and convincing evidence that the organization qualifies as an eligible organization. If a licensed organization amends its primary purpose as stated in its articles of incorporation or changes its basic character in a material manner, the organization shall reapply for licensure with the attorney general.
3. The attorney general shall license eligible organizations that conform to the requirements of this chapter by issuing licenses as follows:
- a. A class A license to an eligible organization that is ~~prohibited because of its nature or purpose for existence from expending charitable gaming net proceeds for the organization's own purposes or benefit and is, therefore, required to disburse its net proceeds to beneficiaries for educational, charitable, patriotic, fraternal, religious, or other public spirited uses a fraternal, veterans, or civic and service organization as defined by this chapter.~~
- b. A class B license to an eligible organization that is ~~permitted because of its nature or purpose for existence to expend charitable gaming proceeds for its own educational, charitable, patriotic, fraternal, religious, or other public spirited uses a charitable, religious, educational, public-spirited, or public safety organization as defined by this chapter.~~ The attorney general may deny a class B license to an otherwise eligible organization if the organization is connected, directly or indirectly, to the holder of a North Dakota retail alcoholic beverage license. An eligible

organization that qualifies for a class A license may not also be issued a class B license.

- c. ~~A class C license to an eligible organization that conducts games of chance on not more than two occasions per year.~~
 - d. ~~The attorney general shall~~ commission may establish by rule no more than two additional classes of licenses based on the frequency of gaming, the types of games of chance conducted by the eligible licensed organization, and the adjusted gross proceeds collected or expected to be collected by the eligible licensed organization.
4. Games A licensed organization may conduct games of chance may be operated or conducted only on premises or sites an authorized site set forth in the application as follows:
- a. ~~License applicants~~ A licensed organization shall first secure approval of the proposed site ~~or sites on~~ at which it intends to conduct lawful games of chance ~~under this chapter~~ from the governing body of the city, if within city limits, or the county, if outside city limits, where the site ~~or sites are~~ is located. This approval ~~or permit~~, which may be granted at the discretion of the governing body, must be recorded on a site authorization form which is to accompany the license application to the attorney general for final approval. The governing body may charge a one hundred dollar fee for ~~this permit~~ the site authorization.
 - b. Rented premises are subject to rules adopted by the ~~attorney general~~ commission.
 - c. Only one eligible licensed organization or organization that has been issued a local permit at a time may be ~~authorized to~~ conduct games of chance at a specific ~~location~~ authorized site, except that a raffle drawing may be conducted for special occasions when one of the following conditions are met:
 - (1) When the area for the raffle drawing is physically separated from the area where gaming is conducted by the regular licensee.
 - (2) Upon request of the regular licensee, the licensee's license is suspended for that specific day by the attorney general or commission.
 - d. Licenses, rules of conduct and play, state gaming stamps, and state identification devices registration stamps must be displayed on forms and in the manner specified in rules adopted by the ~~attorney general~~ commission.
 - e. No licensed organization or closely connected licensed organizations as a unit may have more than thirty authorized sites. However, after June 30, 1995, no licensed organization or closely connected licensed organizations as a unit may have more than twenty-five authorized sites. Closely connected licensed organizations are two or more organizations which have unitary characteristics that may include common primary purposes, members on boards of directors, officers,

management, employees, bookkeepers, program services, integrations of gaming activities, and shared facilities.

5. The attorney general or commission, but not both, may, by motion based on reasonable ground or upon written complaint, suspend, deny, or revoke under chapter 28-32, any license granted under this chapter for violations by the licensee, or any officer, director, agent, member, or employee of the licensee, of this chapter or any rule adopted under this chapter. Notwithstanding section 5-02-02, an eligible organization that possesses a license issued under chapter 5-02 may not have that license suspended, revoked, or denied in consequence of action taken under this subsection unless that organization conducts gaming determined to be in violation of chapter 12.1-28 or subsection 1 of section 53-06.1-07.
6. The attorney general or the commission may impose monetary fines on licensed organizations, distributors, manufacturers' distributors, and manufacturers for failure to comply with any provision of this chapter or any rule adopted under this chapter. The monetary fine for each violation by an organization is a minimum of twenty-five dollars and may not exceed two percent of the organization's average quarterly gross proceeds, or five thousand dollars, whichever is greater. The monetary fine for each violation by a distributor or ~~manufacturer~~ manufacturer's distributor is a minimum of one hundred dollars and may not exceed five thousand dollars. The monetary fine for each violation by a manufacturer is a minimum of five hundred dollars and may not exceed two hundred fifty thousand dollars. This fine may be in addition to or in lieu of a license suspensions suspension or revocations revocation.

SECTION 7. AMENDMENT. Section 53-06.1-03.3 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

53-06.1-03.3. ~~Charitable gaming ticket Pull tab sites - Limit on rent.~~ For all purposes associated with the privilege of conducting games of chance at a site other than a site where bingo is the primary game of chance conducted, the monthly rent may not exceed:

1. If the game of twenty-one is conducted on the site, in addition to the rent allowable for the game of twenty-one, one hundred twenty-five dollars.
2. If the game of twenty-one is not conducted on the site, two hundred twenty-five dollars.

SECTION 8. AMENDMENT. Section 53-06.1-05 of the North Dakota Century Code is amended and reenacted as follows:

53-06.1-05. Local approval permit for educational organizations, college fraternities, and sororities for raffles, sports pools, and bingo. An educational organization, college fraternity, or sorority shall apply in writing to the governing body of the city in which it is located, or to the board of county commissioners if the educational organization or the college is located outside ~~the geographical limits of a city~~ limits, for ~~permission a local permit~~ to conduct raffles, sports pools, or bingo at least thirty days prior to each occasion. The application must state the time, place, and educational, charitable, patriotic, fraternal, religious, or other public-spirited uses to which the net proceeds will be devoted. An applicant fraternity or sorority shall include a signed acknowledgment

by the administration of the college or university that the applicant is a recognized fraternity or sorority. The governing body may at its own discretion by ordinance or resolution, and upon application, ~~grant permission issue a local permit~~ for raffles, sports pools, and bingo to be held at specifically designated times and places for specific uses covering a one-year period. The governing body may by ordinance or resolution establish authorization fees a local permit fee not to exceed twenty-five dollars for each authorization. ~~If the governing body, at its own discretion, chooses to authorize raffles, sports pools, or bingo pursuant to this chapter, the governing body may do so by resolution local permit.~~

SECTION 9. AMENDMENT. Section 53-06.1-05.1 of the North Dakota Century Code is amended and reenacted as follows:

53-06.1-05.1. Regulation by city or county of number of twenty-one tables per site and number of sites per eligible licensed organization. Cities, for sites ~~or locations~~ within city limits, or counties, for sites ~~or locations~~ outside city limits, may establish by ordinance or resolution a maximum number of tables for twenty-one per site and a maximum number of sites upon which an eligible a licensed organization may conduct games of chance within the city or county.

SECTION 10. AMENDMENT. Section 53-06.1-06 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

53-06.1-06. Persons permitted to conduct games of chance - Premises Gaming site - Equipment - Compensation.

1. No person, except a member or employee of an eligible a licensed organization or an organization that has been issued a local permit or a member of an organization auxiliary to an eligible a licensed organization or an organization that has been issued a local permit, may assist in the holding, operating, or conducting of any game of chance under this chapter. In the conduct of pull tabs through an electronic-mechanical dispensing device, the attorney general may allow employees of licensed alcoholic beverage establishments to provide limited assistance to ~~an authorized a class B license holding eligible licensed organization the whose adjusted gross proceeds of which do does not exceed sixty eighty thousand dollars per quarterly reporting period of operation or to any class A license holding eligible licensed organization~~. However, a volunteer of an eligible organization may sell raffle tickets.
2. Except when authorized by the attorney general, no games of chance may be conducted with any gaming equipment other than gaming equipment owned by an eligible organization or rented at a reasonable rate by an eligible organization from a licensed distributor.
3. The governing board of an eligible organization is primarily responsible and may be held accountable for the proper determination and distribution of the entire net proceeds of any game games of chance ~~held in accordance with this chapter~~.
4. The premises gaming site where any game of chance is being held, operated, or conducted, or where it is intended that the game will be held, must be open to inspection by the attorney general, ~~the attorney general's agents and employees, by representatives of the governing body~~

~~authorizing games of chance, and by peace officers of any political subdivision law enforcement officials of this state.~~

5. When any merchandise prize is awarded in a game of chance, its value is its current retail price.
6. Equipment, prizes, and supplies for games of chance may not be purchased or sold at prices in excess of the usual price thereof.
7. ~~The A class A organization must devote the entire net proceeds derived from the holding of conducting games of chance must be devoted within three months from the date end of the quarter in which such proceeds were earned to the eligible uses permitted by this chapter. Any A class A organization desiring to hold the net proceeds of games of chance for a period longer than three months from the date such proceeds were earned must shall apply to the licensing authority or governing body, as the case may be, attorney general for special permission, and upon good cause shown, the licensing authority or governing body attorney general may grant the request.~~
8. No person who has pled guilty to or been found guilty of a felony may sell or distribute equipment, or conduct or assist in games of chance under this chapter for five years from the date of the conviction or release from incarceration, parole, or probation, whichever is the latter. No person determined by the attorney general to have participated in organized crime or unlawful gambling, may be permitted to sell or distribute equipment, or conduct or assist in games of chance under this chapter for a period determined by the attorney general.
9. Any person involved with the conduct of games of chance must be:
 - a. A person of good character, honesty, and integrity.
 - b. A person whose prior activities, criminal record, reputation, habits, and associations do not pose a threat to the public interest of this state or to the effective regulation and control of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of gaming or the carrying on of the business and financial arrangements incidental to the conduct of gaming.
10. The attorney general or commission may prohibit a person from playing games of chance if the person violates any provision of this chapter or any rule adopted under this chapter.
11. The attorney general or commission may require a licensed organization to pay a bingo or raffle prize to a player based on a factual determination by the attorney general or commission.
12. If bingo is the primary game of chance conducted at an authorized site, no licensed organization may pay bingo prizes in which the aggregate of the bingo prizes for a quarter exceeds the total bingo gross proceeds for the quarter at that site. However, a bingo prize that equals or

exceeds ten thousand dollars is excluded from the computation of the aggregate of the bingo prizes.

SECTION 11. AMENDMENT. Section 53-06.1-07 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

53-06.1-07. Games of chance allowed.

1. Eligible Only eligible organizations licensed by the attorney general ~~shall be permitted to~~ may conduct bingo, raffles, calcuttas, ~~charitable gaming tickets~~ pull tabs, punchboards, twenty-one, paddlewheels, poker, and sports pools ~~for professional sports only.~~ These games may only be conducted and played at gaming sites authorized by a local governing body and approved by the attorney general.
- 2- ~~College fraternities or sororities may conduct raffles, sports pools, and bingo.~~
- 3- ~~Eligible organizations shall be permitted to conduct draw poker in accordance with section 53-06.1-07.2.~~
- 4- ~~In electronic video gaming device play of any game of chance permitted by this section, the maximum prize per play is five hundred dollars.~~
- 5- 2. Any The game using charitable gaming tickets of pull tabs may be conducted only through use of commingled games after June 30, 1991.

SECTION 12. AMENDMENT. Section 53-06.1-07.1 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

53-06.1-07.1. Limitations on hours and participation in games of chance. A person under twenty-one years of age may not ~~participate in placing a wager in the~~ directly or indirectly play games of ~~charitable gaming tickets~~ pull tabs, punchboards, twenty-one, calcuttas, sports pools, paddlewheels, or poker. A person under eighteen years of age ~~not accompanied by an adult may not participate in~~ directly or indirectly play the game of bingo unless the person is accompanied by an adult, the bingo game is ~~locally authorized under section 53-06.1-03~~ conducted by an organization that has been issued a local permit, or the game's prize structure does not exceed ~~those that allowed under subsection 1 of~~ section 53-06.1-03 for ~~locally authorized games~~ local permits. The games of ~~charitable gaming tickets~~ pull tabs, punchboards, twenty-one, paddlewheels, ~~or and~~ sports pools may be conducted only during the hours when alcoholic beverages may be dispensed in accordance with applicable regulations of the state or the ~~political subdivision~~ county or city.

SECTION 13. AMENDMENT. Section 53-06.1-07.2 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

53-06.1-07.2. Draw poker and stud poker - Limited authorization. ~~An eligible~~ A licensed organization may conduct the game of draw poker on not more than two occasions per year as follows:

1. The ~~eligible~~ organization may supply the dealer.
2. The maximum single bet is one dollar.

3. Not more than three raises, of not more than one dollar each, may be made among all the players in each round of bets. Otherwise the normal rules of draw poker and stud poker apply.
4. The eligible organization shall assess each player a fee not to exceed two dollars per half hour of playing time by that person, collected in advance. A fee may be charged each player for entry into a tournament for prizes which fee may be in lieu of or in addition to the fee assessable at one-half hour intervals.

SECTION 14. AMENDMENT. Section 53-06.1-07.3 of the North Dakota Century Code is amended and reenacted as follows:

53-06.1-07.3. Calcuttas. ~~An eligible A licensed organization may allow the playing of conduct a calcutta on the authorized site. Calcuttas are allowed for professional or amateur sporting events held in this state, but not for elementary, secondary, or postsecondary education sports events. The eligible organization shall post at the gaming site all rules affecting the conduct and play of calcuttas or requirements of participants. An eligible The organization may not have an interest in the outcome of the calcutta. A participant who places player must place a wager in the calcutta auction pool must be at the authorized site. No more than one wager per competitor may be allowed in any calcutta pool. The amounts paid to calcutta pool participants players in prizes may not exceed ninety percent of the gross proceeds. No competitor in a calcutta pool may be under eighteen years of age.~~

SECTION 15. AMENDMENT. Section 53-06.1-07.4 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

53-06.1-07.4. Paddlewheels. ~~An eligible A licensed organization may conduct the game of paddlewheels on the authorized site. The eligible organization shall post at the site all rules affecting the conduct of paddlewheels and requirements of players. A paddlewheel is a mechanical vertical wheel marked off into equally spaced sections that contain numbers or symbols, and which after being spun, uses a pointer or marker to indicate the winning number or symbol. The maximum price per paddlewheel ticket may not exceed two dollars. No money may be allowed on the playing table. A table must be used to register a player's wagered paddlewheel ticket when a cash prize is a variable multiple of the price of the paddlewheel ticket. No player may place more than ten paddlewheel tickets valued at more than twenty dollars on each spin of the paddlewheel. Cash, chips, or merchandise prizes may be awarded. No single cash prize, value of chips, or the current retail price of the merchandise prize to be awarded for a winning paddlewheel ticket may exceed one hundred dollars. The monthly rent for each paddlewheel playing table may not exceed the amount authorized by law for a twenty-one table.~~

SECTION 16. AMENDMENT. Section 53-06.1-08 of the North Dakota Century Code is amended and reenacted as follows:

53-06.1-08. Punchboards and charitable gaming tickets pull tabs - Sale of chances - Maximum price per ticket pull tab. ~~Unless all of the highest denomination of winners top tier winning pull tabs or punchboard punches have been sold redeemed, or unless otherwise permitted by the attorney general, a no person or organization engaged in the selling of chances from conducting games of charitable gaming tickets pull tabs or punchboards under this chapter may not discard the chances from any close the game of charitable gaming ticket or punchboard once the contents of that game of charitable gaming ticket~~

~~or punchboard are have been~~ offered for sale to ~~eligible participants players~~. The maximum sales price per charitable gaming ticket pull tab and punchboard punch may not exceed two dollars.

SECTION 17. AMENDMENT. Section 53-06.1-08.1 of the North Dakota Century Code is amended and reenacted as follows:

53-06.1-08.1. Limitation on charitable gaming ticket pull tab prizes. ~~An eligible A licensed organization may not conduct a game of charitable gaming tickets pull tabs in which the highest denomination winner prize value of the top tier winning pull tab exceeds five hundred dollars.~~

SECTION 18. AMENDMENT. Section 53-06.1-09 of the North Dakota Century Code is amended and reenacted as follows:

53-06.1-09. Sports pools - Control by licensee - Rules posted - Limitation on prizes. ~~An eligible A licensed organization or organization that has been issued a local permit may allow the playing of conduct sports pools on the premises or authorized site. Sports pools are allowed for professional sports only. If sports pools are allowed, they must be conducted and controlled by the eligible organization. The eligible licensed organization or organization that has been issued a local permit shall clearly post any rules affecting the conduct of sports pools or requirements of participants players. The maximum wager on any sports pool is five dollars. The amounts paid to sports pool participants players in prizes may not exceed ninety percent of the gross proceeds.~~

SECTION 19. AMENDMENT. Section 53-06.1-10 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

53-06.1-10. Twenty-one - Sale of chips - Redemption - Wager - Limit - Rules of play - Tips. ~~Any licensee A licensed organization may conduct and control the playing of the card game twenty-one on the its authorized site of the licensee, but at no other location. No money may be allowed on the table. The licensee organization shall provide playing chips of various denominations to the participants players. Chips must be redeemed by the licensee for their full value. The maximum limit per wager may be set by the licensee or eligible organization at not more than five dollars and wagers in increments of one dollar must be accepted up to the maximum limit. A player may not play more than two hands at the same time. Only the player actually playing a hand may place a wager on any hand. Twenty-one is a card game played by a maximum of seven players and one dealer. The dealer must be a representative of the eligible organization sponsoring the game of chance. Each player plays the player's hand against the dealer's hand. In order to remain in the hand being dealt, neither the player nor the dealer may play a hand with a count greater than twenty-one. A count of twenty-one obtained with two cards is termed a natural twenty-one and is an automatic payout except in case of a tie count with the dealer. Players may double down on a natural twenty-one. In the case of matching or tie count between the player and the dealer, no winner is declared and the player keeps the player's wager. A licensee may allow the pooling of tips received by dealers at an authorized site. Any requirement to pool tips is within the sole discretion of each licensee and may not be imposed or encouraged by the licensing authority attorney general or commission. Each licensee conducting twenty-one shall post rules relating to the conduct of the game in a conspicuous location near where the game is played. After December 31, 1993, except for an organization's authorized site that has twenty-one gross proceeds averaging less than ten thousand dollars per quarter, no organization may conduct twenty-one at an authorized site with wagers exceeding two dollars unless the organization has~~

first installed video surveillance equipment as required by rules adopted by the commission and the equipment is approved by the attorney general.

SECTION 20. AMENDMENT. Section 53-06.1-10.1 of the North Dakota Century Code is amended and reenacted as follows:

53-06.1-10.1. Raffles - Limitation - Prizes. Prizes for raffles may include any property which may be legally owned and possessed, but may not include real estate. Cash prizes may be awarded in raffles ~~conducted under this chapter~~ provided the value of no single cash prize exceeds one thousand dollars, and provided ~~further that no eligible organization may award total~~ cash prizes ~~totaling more than~~ do not exceed three thousand dollars in the ~~aggregate during any one~~ day.

SECTION 21. AMENDMENT. Section 53-06.1-11 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

53-06.1-11. Statement of receipts - Expenses.

1. All moneys collected or received from games of chance and admissions thereto, except cash prizes of one hundred dollars or less paid immediately, must be deposited in a special account of the eligible licensed organization which contains only that money. Cash prizes of an amount to be determined by the attorney general, ~~the and~~ purchase prices of merchandise prizes, ~~and all expenses for such games of chance~~ must be withdrawn from such account by consecutively numbered checks duly signed by a specified officer or officers of the eligible organization and payable to a specific person or organization. There must also be written on the check the nature of the ~~expense or~~ prize for which the check is drawn. No check may be drawn to "cash" or a fictitious payee. In the case of a cash prize of more than one hundred dollars, the prize may also be issued by an accountable receipt or nonnegotiable instrument approved by the attorney general.
2. No part of the net proceeds after they have been ~~given over~~ devoted to ~~another organization an eligible use recipient~~ may be used by the donee ~~organization~~ to pay any person for services rendered or materials purchased in connection with the ~~conducting~~ conduct of games of chance by the donor organization.
3. Subject to the limitations of this subsection, expenses incurred for games of chance may be deducted from adjusted gross proceeds, to the extent that total expenses for games of chance do not exceed fifty percent of the first two hundred thousand dollars of adjusted gross proceeds per quarter and forty-five percent of the adjusted gross proceeds in excess of two hundred thousand dollars per quarter. However, for an authorized site at which the game pull tabs is the only game of chance conducted and the conduct of pull tabs is exclusively through an electronic-mechanical dispensing device, expenses incurred for this game of chance may be deducted from adjusted gross proceeds, based on the average adjusted gross proceeds of all of an organization's authorized sites at which the game of pull tabs is conducted exclusively through electronic-mechanical dispensing devices, according to the following:

- a. On average adjusted gross proceeds not exceeding eight thousand dollars per quarter, an expense limitation of fifty percent.
- b. On average adjusted gross proceeds exceeding eight thousand dollars per quarter, but not exceeding twelve thousand dollars per quarter, an expense limitation of forty-five percent.
- c. On average adjusted gross proceeds exceeding twelve thousand dollars per quarter, but not exceeding sixteen thousand dollars per quarter, an expense limitation of forty percent.
- d. On average adjusted gross proceeds exceeding sixteen thousand dollars per quarter, an expense limitation of thirty-five percent.

After December 31, 1989, cash shorts incurred in games of chance are classified as expenses toward the expense limitation. Notwithstanding the limitations of this subsection, in addition to the expenses allowed to be deducted from adjusted gross proceeds, ~~an eligible a~~ licensed organization may deduct as an expense federal excise taxes and interest imposed under section 4401 of the Internal Revenue Code [26 U.S.C. 4401] and incurred or paid by the organization for the period beginning January 1, 1986, and ending as of July 1, 1991 capital expenditures for security or video surveillance equipment used for monitoring games of chance if the equipment is required by this Act or rules adopted by the commission and the equipment is approved by the attorney general. The figure used for adjusted gross proceeds is as determined in subsection 1 of section 53-06.1-01 before any reduction for taxes. This subsection does not authorize violations of the rent limitations contained in this chapter.

SECTION 22. AMENDMENT. Section 53-06.1-12 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

53-06.1-12. Tax based on adjusted gross proceeds. A tax as provided in this section upon the total adjusted gross proceeds received by a licensed ~~eligible~~ organization must be paid to the attorney general on a quarterly basis ~~in the manner and upon the tax return forms as prescribed by the attorney general by rule.~~ The figure used for adjusted gross proceeds is as determined in subsection 1 of section 53-06.1-01 before any reduction for expenses. The amount of this tax must be paid from adjusted gross proceeds and may not be charged against the percentage limitation of expenses. The tax is hereby imposed upon every ~~eligible~~ licensed organization, to be levied, collected, and paid quarterly with respect to the adjusted gross proceeds of the ~~eligible~~ organization as provided in this section, computed at the following rates:

1. On adjusted gross proceeds not in excess of two hundred thousand dollars per quarter, a tax of five percent.
2. On adjusted gross proceeds in excess of two hundred thousand dollars per quarter but not in excess of four hundred thousand dollars per quarter, a tax of ten percent.
3. On adjusted gross proceeds in excess of four hundred thousand dollars per quarter but not in excess of six hundred thousand dollars per quarter, a tax of fifteen percent.

4. On adjusted gross proceeds in excess of six hundred thousand dollars per quarter, a tax of twenty percent.

SECTION 23. AMENDMENT. Section 53-06.1-12.2 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

53-06.1-12.2. Charitable gaming tickets Pull tabs excise tax in lieu of sales and use taxes. In addition to any other tax provided by law and in lieu of sales or use taxes, there is imposed a tax of two percent on the gross receipts proceeds from the sale at retail of charitable gaming tickets pull tabs to a final user. A Gross proceeds and a sale at retail for purposes of this section includes charitable gaming tickets include pull tabs sold and charitable gaming tickets given pull tabs provided a player in return exchange for another charitable gaming ticket as authorized under this chapter. Gross receipts for purposes of this section includes the face value of all charitable gaming tickets sold or given in return for another charitable gaming ticket redeemed winning pull tabs. The tax imposed by this section must be paid to the attorney general at the time tax returns are made filed and taxes are paid by the eligible licensed organization under section 53-06.1-12.

SECTION 24. AMENDMENT. Section 53-06.1-13 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

53-06.1-13. Examination of books and records. The attorney general and the attorney general's agents, and representatives of the governing body of a city or county with respect to eligible organizations authorized a licensed organization or organization that has been issued a local permit by that governing body, may examine or cause to be examined the books and records of any eligible licensed organization licensed or authorized organization that has been issued a local permit to conduct games of chance under this chapter to the extent that such books and records may directly or indirectly relate to any transaction connected with holding, operating, or conducting any game of chance.

SECTION 25. AMENDMENT. Section 53-06.1-13.1 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

53-06.1-13.1. Financial statements. Every eligible A licensed organization receiving gaming gross proceeds of two hundred thousand dollars or more in the organization's annual accounting period shall file with the attorney general on or before the fifteenth day of the fifth month following the end of the accounting period a financial statement, including accompanying notes, and a copy of the internal revenue service's form 990 titled return of organization exempt from income tax required to be filed under section 501(c) of the Internal Revenue Code. The financial statement must at least include a schedule of the sources of total revenue, total expenses, listing of the names of nongaming and gaming employees who received any form of compensation amounting to thirty thousand dollars or more during the accounting period, including specific sources of the compensation paid to each employee, and any information as required by the attorney general.

SECTION 26. AMENDMENT. Section 53-06.1-14 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

53-06.1-14. Distributors and manufacturers - Licensure.

1. ~~Every A manufacturer of charitable gaming tickets pull tabs, every manufacturer of paper bingo cards, manufacturer of electronic-mechanical pull tab dispensing devices, manufacturer's distributor of electronic-mechanical pull tab dispensing devices, and every distributor shall apply annually for a license upon a form prescribed by the attorney general before the first day of April in each year and shall submit the appropriate license fee. Each applicant shall provide such necessary and reasonable information as the attorney general may require. The license fee for a distributor and manufacturer's distributor of electronic-mechanical pull tab dispensing devices is one thousand five hundred dollars, and the~~ manufacturer of electronic-mechanical pull tab dispensing devices, manufacturer of electronic-mechanical pull tab dispensing devices, manufacturer of charitable gaming tickets pull tabs, paper bingo cards, or both a manufacturer of pull tabs and paper bingo cards, is two thousand dollars.
2. ~~No distributor may sell, market, or otherwise distribute raffle tickets or equipment for games of chance except to other licensed distributors, licensed manufacturer's distributors, licensed organizations, organizations that have been issued a local permit, gaming schools, or other persons authorized by the attorney general. A manufacturer of charitable gaming tickets pull tabs or paper bingo cards may not sell, market, or otherwise distribute charitable gaming tickets pull tabs or paper bingo cards, other than to a licensed distributor. A distributor of charitable gaming tickets pull tabs or paper bingo cards must purchase or otherwise receive charitable gaming tickets pull tabs or paper bingo cards only from a licensed manufacturer or licensed distributor. A manufacturer of electronic-mechanical pull tab dispensing devices may not sell, market, or otherwise distribute pull tab dispensing devices other than to a licensed distributor or a licensed manufacturer's distributor. A licensed distributor and licensed manufacturer's distributor of electronic-mechanical pull tab dispensing devices must purchase or otherwise receive pull tab dispensing devices only from a licensed manufacturer, licensed manufacturer's distributor, or licensed distributor.~~
3. ~~Every eligible organization shall acquire all raffle tickets or equipment for games of chance from a distributor licensed under this chapter, unless the raffle tickets or equipment for games of chance are printed, manufactured, or constructed by the eligible organization or unless the raffle tickets are obtained from a resident printer who has printed the raffle tickets at the request of the organization. No game of charitable gaming tickets pull tabs, punchboards, sports pool boards, calcutta boards, or a series of paddlewheel ticket cards may be sold without a North Dakota gaming stamp being affixed to them. North Dakota licensed distributors shall purchase the North Dakota gaming stamps from the attorney general's office and the cost for each stamp may not exceed twenty-five cents.~~
4. ~~No licensed or authorized eligible organization or organization that has been issued a local permit may be a distributor. No North Dakota wholesaler of liquor or alcoholic beverages may be a North Dakota distributor. No North Dakota licensed manufacturer may be a North Dakota distributor or have any financial interest in a North Dakota distributor. No North Dakota distributor may have any financial interest in a North Dakota licensed manufacturer.~~

5. The attorney general or commission may, by motion based on reasonable grounds or on written complaint, suspend or revoke a an organization's local permit or an organization's, distributor's, or manufacturer's license for violation, by the licensee organization, distributor, or manufacturer or any officer, director, agent, member, or employee of the licensee organization, distributor, or manufacturer, of this chapter or any rule adopted under this chapter.
6. In addition to the basic license fee, the attorney general may require payment of any additional fee necessary to defray the actual costs of a background investigation of applicants. The attorney general may require payment of the estimated additional fee in advance as a condition precedent to beginning the investigation. The attorney general shall notify the applicant as soon as possible after a determination is made that the additional fee is necessary and shall also notify the applicant of the attorney general's best estimate of the amount of the additional license fee. Any applicant may then withdraw the application in lieu of paying the additional cost. The estimated cost must be placed into the attorney general's refund fund for use to defray the actual expenses of the background investigation. The remainder of such funds must be returned to the applicant within thirty days of the conclusion of the investigation.

SECTION 27. AMENDMENT. Section 53-06.1-15 of the North Dakota Century Code is amended and reenacted as follows:

53-06.1-15. Form and display of license and local permit. Each ~~license or authorization required under this chapter and local permit~~ must contain ~~a statement of the name and address of the licensee or authorized eligible licensed organization or organization that has been issued a local permit~~ and such other information as the ~~licensing attorney general or authorizing authority~~ local governing body may designate require.

Each ~~license or resolution issued for the conduct of any game or games of chance and local permit~~ must be conspicuously displayed at the ~~place where the same is to be conducted at all times during gaming site when any game of chance is conducted~~ and for at least thirty minutes thereafter. The sale of a raffle ticket does not require the display of the ~~license or authorizing resolution~~ local permit.

SECTION 28. AMENDMENT. Section 53-06.1-15.1 of the North Dakota Century Code is amended and reenacted as follows:

53-06.1-15.1. Powers and duties of the attorney general. The attorney general ~~or the agents of the attorney general~~ may:

1. Inspect and examine all premises in which gaming is conducted or gaming devices or equipment are manufactured, sold, or distributed.
2. Inspect all equipment and supplies in, upon, or about such premises.
3. Seize and remove from such premises and impound any gaming related equipment, supplies, games of chance, or books and records for the purpose of examination and inspection. When books or records are seized, the attorney general shall provide copies of those records or books within twenty-four

hours of a specific request by the organization for a copy of the books or records seized.

4. Demand access to and inspect, examine, photocopy, and audit all books and records of applicants, licensees, lessors, manufacturers, and distributors, including any affiliated companies on their premises and in the presence of the applicants, licensees, lessors, manufacturers, distributors, or agents concerning any income or expense resulting from any gaming business, and require verification of income or expense, and all other matters affecting the enforcement of the policy and provisions of this chapter.
5. Audit and inspect any other books and records of eligible organizations conducting games of chance for the purpose of determining compliance with applicable statutes, rules, and constitutional provisions regarding ~~distribution~~ devotion of net proceeds from games of chance.
6. Enter into a reciprocal agreement with the commissioner of the internal revenue service of the United States for exchange of information for state tax administration purposes.

SECTION 29. AMENDMENT. Section 53-06.1-15.4 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

53-06.1-15.4. Conditional license - Issuance. The attorney general, upon application and at the attorney general's discretion, may issue a conditional license to conduct games of chance to an eligible organization whose regularly issued license has been suspended or revoked for a violation of this chapter or rules adopted pursuant to this chapter. The attorney general shall designate the time period for which the conditional license is valid and may impose any conditions for issuance of the license as the attorney general determines necessary. Section 53-06.1-16.2 does not apply to an eligible organization to whom a conditional license is issued pursuant to this section.

SECTION 30. AMENDMENT. Section 53-06.1-16 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

53-06.1-16. Violation of chapter or rule - Misdemeanor - Forfeiture of licensure - Ineligibility. Any person who knowingly makes a false statement in any application for a local permit, license, or authorizing resolution or in any statement annexed thereto, or who fails to keep sufficient books and records to substantiate the ~~receipts, gross proceeds, prizes, expenses, or uses~~ devotion of net proceeds resulting from games of chance conducted under this chapter, or who falsifies any books or records so far as they relate to any transaction connected with the holding, operating, and conducting of any game of chance, or who violates any of the provisions of this chapter, any rule adopted under this chapter, or of any term of a local permit or license is guilty of a class A misdemeanor. If convicted, the person forfeits any license or ~~authorizing resolution~~ local permit issued to it pursuant to this chapter and is ineligible to reapply for a license or ~~authorization~~ local permit for a period of time ~~to be~~ determined by the attorney general or commission. Notwithstanding section 5-02-02, an eligible organization that possesses a license issued under chapter 5-02 may not have that license suspended, revoked, or denied in consequence of action taken under this section.

SECTION 31. AMENDMENT. Section 53-06.1-16.1 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

53-06.1-16.1. Bogus chips, marked cards, cheating devices, or fraudulent schemes unlawful - Penalty. It is unlawful for any person playing or conducting any authorized game of chance conducted by a licensed organization:

1. To use bogus or counterfeit chips or ~~charitable gaming tickets~~ pull tabs, or to substitute or use any game, cards, or ~~charitable gaming tickets~~ pull tabs, or game piece that have been marked or tampered with.
2. To employ or have on one's person any cheating device to facilitate cheating in any game of chance.
3. To willfully use any fraudulent scheme or technique, including when an operator or player of games of ~~charitable gaming tickets~~ pull tabs directly or indirectly solicits, provides, or receives inside information of the status of a game for the benefit of either person.
4. To alter or counterfeit a site authorization, gaming license, or North Dakota gaming stamp.
5. To knowingly cause, aid, abet, or conspire with another person or to cause any person to violate any provision of this chapter or any rule adopted under this chapter.

A person violating this section is guilty of a class A misdemeanor unless the amount gained through the use of these items, schemes, or techniques resulted in a person obtaining over five hundred dollars, then the offense is a class C felony. However, if a person uses a fraudulent scheme regarding soliciting, providing, or receiving inside information involving the game of pull tabs or uses a fraudulent scheme or technique to cheat or skim involving the game of twenty-one, regardless of the amount gained, then the offense is a class C felony.

SECTION 32. AMENDMENT. Section 53-06.1-16.2 of the North Dakota Century Code is amended and reenacted as follows:

53-06.1-16.2. License suspension or revocation by attorney general or commission - Ineligibility for local authorization permit. ~~Any person whose class A or class B A licensed organization that has its license is~~ suspended or revoked by the attorney general or commission or a licensed organization that has not devoted its nets proceeds is ineligible for a local authorization permit to conduct raffles, sports pools, or bingo during the period of suspension or revocation.

SECTION 33. AMENDMENT. Section 53-06.1-17 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

53-06.1-17. Rules. The commission shall adopt rules in accordance with chapter 28-32, relating to, but not limited to, methods of play, conduct, and promotion of games of chance; methods, procedures, and minimum standards for accounting and recordkeeping; requiring reports by ~~licensees and authorized licensed~~ organizations; methods of competition and doing business by distributors, manufacturers, and manufacturers' distributors; marking or identification of raffle tickets, charitable gaming tickets pull tabs, bingo equipment, ticket pull tab receptacles, punchboards, or any other implements of gambling used or distributed in this state to

implement or effectuate the provisions and purpose of this chapter; quality standards for the manufacture of ~~charitable gaming tickets pull tabs, pull tab dispensing devices, and paper bingo cards~~; to ensure that the entire net proceeds of games of chance are devoted to educational, charitable, patriotic, fraternal, religious, or other public-spirited uses as defined by this chapter; to protect and promote the public interest; to ensure fair and honest games of chance; to ensure that fees and taxes are paid; to impose monetary fines and establish appeal procedures; and to seek to prevent or detect unlawful gambling activity."

Re-number accordingly

REPORT OF CONFERENCE COMMITTEE

SB 2285, as engrossed: Your conference committee (Sens. Graba, Lindgren, Bowman and Reps. Skarphol, Wanzek, Ring) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1065-1066, adopt amendments as follows, and place SB 2285 on the Seventh order:

That the House recede from its amendments as printed on pages 1065-1066 of the Senate Journal and pages 1178-1179 of the House Journal and that Engrossed Senate Bill No. 2285 be amended as follows:

Page 2, line 7, replace "as provided in section 2 of this Act" with "and that a copy of the test results be released to the defendant's or alleged juvenile offender's physician and each requesting victim's physician. The physicians for the defendant or alleged juvenile offender and requesting victim must be specifically named in the court order, and the court order must be served on the physicians before any test"

Page 2, line 21, replace "defendant or alleged juvenile" with "physicians designated in the court order, who shall then release the test results to the defendant or alleged juvenile offender and each requesting victim as designated in the court order. The court order must be served on the physicians before any test"

Page 2, remove lines 22 through 26

Page 2, line 27, remove "minor's parents or guardian"

Re-number accordingly

Engrossed SB 2285 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2293, as engrossed: Your conference committee (Sens. Dotzenrod, Tomac, Tennesos and Reps. Wardner, Belter, Dobrinski) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 815 and place SB 2293 on the Seventh order.

Engrossed SB 2293 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1096: Your conference committee (Sens. Mathern, Graba, Bowman and Reps. Price, Austin, Cleary) recommends that the **HOUSE ACCEDE** to the Senate amendments on SJ page 822 and place HB 1096 on the Seventh order.

HB 1096 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1168, as engrossed: Your conference committee (Sens. Krauter, Schoenwald, Mutch and Reps. Tollefson, Soukup, Kilichowski) recommends that the

SENATE RECEDE from the Senate amendments on SJ pages 868-869, adopt amendments as follows, and place HB 1168 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1119-1120 of the House Journal and pages 868-869 of the Senate Journal and that Engrossed House Bill No. 1168 be amended as follows:

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

Page 2, line 3, replace "Subsection" with "Subsections 3 and"

Page 2, line 4, replace "is" with "are"

Page 2, after line 5, insert:

- "3. Any person failing to pay the tax imposed by subsection 1, within the time required, is subject to a penalty of five percent of the amount of tax due or one hundred dollars, whichever is greater, plus interest of one percent per month on the unpaid tax for each month or fraction of a month of delay, excepting the first day after the tax became due, or twenty-five dollars per day, whichever is greater. Any person failing to file the appropriate tax statement required by rule if the tax is zero is subject to a penalty of twenty-five dollars per day for each day's neglect not to exceed five hundred dollars. The commissioner, if satisfied that the delay was excusable, may waive, and if paid, issue a premium tax credit for all or any part of the penalty and interest."

Re-number accordingly

Engrossed HB 1168 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1181, as engrossed: Your conference committee (Sens. Jerome, Lindgren, B. Stenehjem and Reps. Christopherson, Gorder, Bodine) recommends that the SENATE RECEDE from the Senate amendments on SJ pages 822-823, adopt amendments as follows, and place HB 1181 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1120-1121 of the House Journal and pages 822-823 of the Senate Journal and that Engrossed House Bill No. 1181 be amended as follows:

Page 3, line 5, remove "Information to be"

Page 3, line 6, remove "furnished to clerk -"

Page 3, line 7, remove the overstrike over "~~deeree~~" and remove "support order"

Page 3, line 22, remove "If, in"

Page 3, remove lines 23 through 29

Page 4, remove lines 1 through 5

Page 11, line 1, overstrike "that" and remove "criteria, established by the public"

Page 11, line 2, remove "authority," and overstrike "not considered by the guidelines will result in"

Page 11, line 3, remove "a support contribution amount that is"

Page 11, line 4, remove "not in the interest of" and overstrike "a child for whom support is sought" and insert immediately thereafter "applying criteria established by the public authority which take into consideration the best interests of the child, that the child support amount established under the guidelines is not the correct amount of child support"

Page 20, line 7, overstrike ", or, if indigent, the parent may request"

Page 20, line 8, overstrike "the court to order"

Page 20, line 13, overstrike "that other legal counsel services that may be"

Page 20, overstrike line 14

Page 20, line 15, overstrike "These" and overstrike "legal counsel services include counsel services"

Page 20, line 16, overstrike "for indigent persons" and insert immediately thereafter "The court shall appoint counsel to represent the interests of a parent who is financially unable to obtain counsel"

Renumber accordingly

Engrossed HB 1181 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1225, as engrossed: Your conference committee (Sens. Graba, Lindgren, Nalewaja and Reps. D. Olsen, Henegar, Brodshaug) recommends that the **HOUSE ACCEDE** to the Senate amendments on SJ page 869 and place HB 1225 on the Seventh order.

Engrossed HB 1225 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1344, as engrossed: Your conference committee (Sens. Graba, Jerome, Nalewaja and Reps. Svedjan, Stenehjem, Kerzman) recommends that the **SENATE RECEDE** from the Senate amendments on SJ page 808, adopt amendments as follows, and place HB 1344 on the Seventh order:

That the Senate recede from its amendments as printed on page 994 of the House Journal and page 808 of the Senate Journal and that Engrossed House Bill No. 1344 be amended as follows:

Page 1, line 11, overstrike "Before"

Page 1, line 12, overstrike "authorizing the", remove "oral", overstrike "transmittal of the", and overstrike "prescription, the" and insert immediately thereafter "The"

Page 1, line 13, overstrike "place a written copy of" and insert immediately thereafter "document" and overstrike "prescription" and insert immediately thereafter "order for oral transmission"

Renumber accordingly

Engrossed HB 1344 was placed on the Seventh order of business on the calendar.

The Senate stood adjourned pursuant to Senator Mathern's motion.

CAROL SIEGERT, Secretary