

JOURNAL OF THE HOUSE

Fifty-sixth Legislative Assembly

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Bismarck, February 11, 1999

The House convened at 8:00 a.m., with Speaker Wald presiding.

The prayer was offered by Pastor Don Burnette, Bismarck Baptist Church, Bismarck.

The roll was called and all members were present except Representatives Boucher, Disrud, Froelich, and Haas.

A quorum was declared by the Speaker.

CORRECTION AND REVISION OF THE JOURNAL

MR. SPEAKER: Your **Committee on Correction and Revision of the Journal (Rep. DeKrey, Chairman)** has carefully reexamined the Journal of the Twentieth Day and examined the Journal of the Twenty-seventh Day and recommends that they be corrected as follows and when so corrected, recommends that they be approved:

Page 267, line 32, replace the second "in" with "an"

Page 428, line 4, remove "NOT"

Page 428, line 25, replace "12" with "13" and replace "2" with "1"

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

REQUEST

REP. HAAS REQUESTED that the record show that he was present, which request was granted. Apparently his light was not working.

MOTION

REP. DORSO MOVED that HB 1011, which is on the Sixth order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Dorso's motion, HB 1011 was rereferred.

SIXTH ORDER OF BUSINESS

REP. DORSO MOVED that the amendments on the Sixth order of business to Engrossed HB 1296, HB 1014, HB 1018, HB 1260, HB 1345, HB 1466, HB 1476, and HCR 3017 be adopted, which motion prevailed.

Engrossed HB 1296, HB 1014, HB 1018, HB 1260, HB 1345, HB 1466, HB 1476, and HCR 3017, as amended, were placed on the Eleventh order of business on the calendar.

MOTION

REP. DEKREY MOVED that the House reconsider its action whereby HB 1414 failed to pass.

REQUEST

REP. DEKREY REQUESTED a recorded roll call vote on the motion to reconsider the action whereby HB 1414 failed to pass, which request was granted.

ROLL CALL

The question being on the motion to reconsider the action whereby HB 1414 failed to pass, the roll was called and there were 59 YEAS, 35 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Dalrymple; DeKrey; Delzer; Devlin; Disrud; Dorso; Drovdal; Froseth; Gorder; Grande; Grosz; Gunter; Haas; Hawken; Henegar; Herbel; Jensen; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Klein; Klemin; Kliniske; Koppang; Koppelman; Lloyd; Maragos; Martinson; Mickelson; Nicholas; Nottestad; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Severson; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Weisz; Wikenheiser; Speaker Wald

NAYS: Aarsvold; Cleary; Delmore; Eckre; Ekstrom; Fairfield; Glassheim; Grumbo; Gulleon; Hanson; Hoffner; Huether; Johnson, D.; Kelsh, S.; Kerzman; Kroeber; Lemieux; Lundgren; Mahoney; Metcalf; Monson; Mueller; Nelson; Nichols; Niemeier; Nowatzki; Rose; Sandvig; Schmidt; Solberg; Stefonowicz; Thorpe; Warner; Wentz; Winrich

ABSENT AND NOT VOTING: Boucher; Froelich; Galvin; Meyer

So the motion to reconsider the action whereby HB 1414 failed to pass prevailed.

SECOND READING OF HOUSE BILL

HB 1414: A BILL for an Act to amend and reenact subdivision e of subsection 2 of section 51-13-02 of the North Dakota Century Code, relating to delinquency and collection charges on retail installment payments.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 60 YEAS, 34 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Dalrymple; DeKrey; Devlin; Disrud; Dorso; Drovdal; Froseth; Galvin; Gorder; Grande; Grosz; Gunter; Haas; Hawken; Henegar; Herbel; Jensen; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Klein; Klemm; Kliniske; Koppang; Koppelman; Lloyd; Maragos; Martinson; Mickelson; Monson; Nelson; Nottestad; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Severson; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Weisz; Wikenheiser; Speaker Wald

NAYS: Aarsvold; Cleary; Delmore; Eckre; Ekstrom; Fairfield; Glassheim; Grumbo; Gulleon; Hanson; Hoffner; Huether; Johnson, D.; Kelsh, S.; Kerzman; Kroeber; Lemieux; Lundgren; Mahoney; Metcalf; Meyer; Mueller; Nichols; Niemeier; Nowatzki; Rose; Sandvig; Schmidt; Solberg; Stefonowicz; Thorpe; Warner; Wentz; Winrich

ABSENT AND NOT VOTING: Boucher; Delzer; Froelich; Nicholas

HB 1414 passed and the title was agreed to.

MOTION

REP. WEISZ MOVED that the House reconsider its action whereby HB 1407 passed.

REQUEST

REP. WEISZ REQUESTED a recorded roll call vote on the motion to reconsider the action whereby HB 1407 passed, which request was granted.

ROLL CALL

The question being on the motion to reconsider the action whereby HB 1407 passed, the roll was called and there were 63 YEAS, 35 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Belter; Berg; Bernstein; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delzer; Devlin; Disrud; Dorso; Eckre; Froseth; Galvin; Grande; Grosz; Gunter; Haas; Hawken; Henegar; Herbel; Hoffner; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Klein; Kliniske; Koppang; Koppelman; Maragos; Martinson; Metcalf; Mickelson; Monson; Nelson; Nicholas; Nottestad; Pollert; Poolman; Price; Rennerfeldt; Rose; Sandvig; Severson; Svedjan; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Speaker Wald

NAYS: Aarsvold; Boehm; Delmore; Drovdal; Ekstrom; Fairfield; Froelich; Glassheim; Gorder; Grumbo; Gulleon; Hanson; Huether; Kelsh, S.; Kempenich; Kerzman; Klemm; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Meyer; Mueller; Nichols; Niemeier; Nowatzki; Porter; Renner; Schmidt; Solberg; Stefonowicz; Sveen; Thorpe; Winrich

So the motion to reconsider the action whereby HB 1407 passed, prevailed.

SECOND READING OF HOUSE BILL

HB 1407: A BILL for an Act to amend and reenact subsection 1 of section 14-09-09.7 of the North Dakota Century Code, relating to child support guidelines.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 37 YEAS, 61 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boehm; Delzer; Drovdal; Ekstrom; Fairfield; Froelich; Glassheim; Gorder; Grosz; Grumbo; Gullerson; Gunter; Hanson; Hawken; Huether; Jensen; Keiser; Kelsh, S.; Kempenich; Kerzman; Klemin; Koppelman; Lloyd; Lundgren; Mahoney; Maragos; Meyer; Nichols; Niemeier; Nowatzki; Porter; Schmidt; Stefonowicz; Sveen; Warner; Winrich

NAYS: Belter; Berg; Bernstein; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Devlin; Disrud; Dorso; Eckre; Froseth; Galvin; Grande; Haas; Henegar; Herbel; Hoffner; Johnson, D.; Johnson, N.; Kelsch, R.; Klein; Kliniske; Koppang; Kroeber; Lemieux; Martinson; Metcalf; Mickelson; Monson; Mueller; Nelson; Nicholas; Nottestad; Pollert; Poolman; Price; Renner; Rennerfeldt; Rose; Sandvig; Severson; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Weisz; Wentz; Wikenheiser; Speaker Wald

HB 1407 was declared lost.

MOTION

REP. DORSO MOVED that HB 1489 and HB 1461 be placed at the bottom of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1210: A BILL for an Act to create and enact a new section to chapter 15-29 of the North Dakota Century Code, or in the alternative to create and enact a new section to chapter 15.1 of the North Dakota Century Code, relating to the authority of school boards; and to amend and reenact section 15-38.1-09 of the North Dakota Century Code, relating to the scope of negotiations by teacher organizations.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 29 YEAS, 68 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Belter; Bernstein; Boehm; Brandenburg; Brusegaard; Byerly; Carlson; Clark; Dalrymple; DeKrey; Delzer; Dorso; Galvin; Grande; Grosz; Gunter; Johnson, N.; Klein; Koppelman; Lloyd; Nelson; Pollert; Renner; Rennerfeldt; Thoreson, B.; Timm; Tollefson; Weisz; Speaker Wald

NAYS: Aarsvold; Berg; Boucher; Brekke; Carlisle; Cleary; Delmore; Devlin; Disrud; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Glassheim; Gorder; Grumbo; Gullerson; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klemin; Kliniske; Koppang; Kroeber; Lemieux; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Poolman; Porter; Price; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, L.; Thorpe; Warner; Wentz; Wikenheiser; Winrich

ABSENT AND NOT VOTING: Haas

HB 1210 was declared lost.

SECOND READING OF HOUSE BILL

HB 1213: A BILL for an Act to amend and reenact section 14-09-06.1 of the North Dakota Century Code, relating to the awarding of custody of a minor.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 10 YEAS, 86 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Boucher; Ekstrom; Fairfield; Froseth; Glassheim; Johnson, N.; Kelsh, S.; Maragos; Schmidt; Sveen

NAYS: Aarsvold; Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Froelich; Galvin; Gorder; Grande; Grosz; Grumbo; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Keiser; Kelsch, R.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Severson; Solberg; Stefanowicz; Svedjan; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

ABSENT AND NOT VOTING: Gulleeson; Thorpe

HB 1213 was declared lost.

SECOND READING OF HOUSE BILL

HB 1225: A BILL for an Act to amend and reenact section 15-44-03 of the North Dakota Century Code, relating to the distribution of moneys from the state tuition fund.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 29 YEAS, 68 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; DeKrey; Eckre; Ekstrom; Fairfield; Glasheim; Grosz; Grumbo; Gulleeson; Hanson; Huether; Kelsh, S.; Klein; Koppelman; Kroeber; Lemieux; Lundgren; Mahoney; Nicholas; Nichols; Niemeier; Solberg; Stefanowicz; Sveen; Thorpe; Warner; Wentz; Wikenheiser; Winrich

NAYS: Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Froelich; Froseth; Galvin; Gorder; Grande; Gunter; Haas; Hawken; Henegar; Herbel; Hoffner; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Kerzman; Klemin; Kliniske; Koppang; Lloyd; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Svedjan; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Weisz; Speaker Wald

ABSENT AND NOT VOTING: Belter

HB 1225 was declared lost.

SECOND READING OF HOUSE BILL

HB 1253: A BILL for an Act to amend and reenact subsection 3 of section 15-40.1-06 of the North Dakota Century Code, relating to the school district equalization factor.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 26 YEAS, 72 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; DeKrey; Delmore; Delzer; Eckre; Ekstrom; Fairfield; Froelich; Glasheim; Grosz; Grumbo; Gulleeson; Kelsh, S.; Kerzman; Lemieux; Lundgren; Metcalf; Mueller; Nichols; Niemeier; Nowatzki; Sandvig; Solberg; Stefanowicz; Warner

NAYS: Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; Devlin; Disrud; Dorso; Drovdal; Froseth; Galvin; Gorder; Grande; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lloyd; Mahoney; Maragos; Martinson; Meyer; Mickelson; Monson; Nelson; Nicholas; Nottestad; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Schmidt; Severson; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

HB 1253 was declared lost.

SECOND READING OF HOUSE BILL

HB 1303: A BILL for an Act to create and enact a new section to chapter 32-03 of the North Dakota Century Code, relating to the recovery of damages for fraudulent use of social security numbers.

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 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Guleson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

ABSENT AND NOT VOTING: DeKrey; Nicholas

HB 1303 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1413: A BILL for an Act to create and enact a new subsection to section 57-38-30.3 of the North Dakota Century Code, relating to allowing the seed capital investment tax credit on the short-form income tax return; and to amend and reenact section 57-38.5-03 of the North Dakota Century Code, relating to allowing the seed capital investment tax credit on the short-form income tax return; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 49 YEAS, 49 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Berg; Boucher; Brekke; Clark; Cleary; DeKrey; Delmore; Disrud; Ekstrom; Fairfield; Froelich; Galvin; Glassheim; Guleson; Hawken; Hoffner; Jensen; Johnson, D.; Kelsch, R.; Kelsh, S.; Kerzman; Kliniske; Kroeber; Lemieux; Lloyd; Lundgren; Maragos; Metcalf; Meyer; Monson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Poolman; Rose; Schmidt; Solberg; Stefonowicz; Sveen; Thoreson, B.; Thorpe; Tollefson; Warner; Weisz; Wentz; Winrich

NAYS: Belter; Bernstein; Boehm; Brandenburg; Brusegaard; Byerly; Carlisle; Carlson; Dalrymple; Delzer; Devlin; Dorso; Drovdal; Eckre; Froseth; Gorder; Grande; Grosz; Grumbo; Gunter; Haas; Hanson; Henegar; Herbel; Huether; Johnson, N.; Keiser; Kempenich; Klein; Klemin; Koppang; Koppelman; Mahoney; Martinson; Mickelson; Mueller; Nelson; Pollert; Porter; Price; Renner; Rennerfeldt; Sandvig; Severson; Svedjan; Thoreson, L.; Timm; Wikenheiser; Speaker Wald

HB 1413 was declared lost for want of a Constitutional majority.

SECOND READING OF HOUSE BILL

HB 1419: A BILL for an Act to provide an appropriation for the marketing of agricultural products.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 34 YEAS, 64 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; Cleary; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Glassheim; Grumbo; Gulleson; Hanson; Hoffner; Huether; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kroeber; Lemieux; Lundgren; Metcalf; Meyer; Mueller; Nichols; Niemeier; Nowatzki; Rose; Sandvig; Solberg; Stefonowicz; Thorpe; Warner; Winrich

NAYS: Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Froseth; Galvin; Gorder; Grande; Grosz; Gunter; Haas; Hawken; Henegar; Herbel; Jensen; Johnson, D.; Johnson, N.; Keiser; Klein; Klemin; Kliniske; Koppang; Koppelman; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Nelson; Nicholas; Nottestad; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Schmidt; Severson; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Weisz; Wentz; Wikenheiser; Speaker Wald

HB 1419 was declared lost.

MOTION

REP. GALVIN MOVED that the House reconsider its action whereby HB 1456 failed to pass, which motion prevailed on a verification vote.

SECOND READING OF HOUSE BILL

HB 1456: A BILL for an Act to amend and reenact section 40-57.1-03 and 57-02.2-03 of the North Dakota Century Code, relating to tax exemptions for new industries and improvements to commercial and residential buildings; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 76 YEAS, 22 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Bernstein; Boucher; Brandenburg; Brekke; Clark; Cleary; Dalrymple; Delmore; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grumbo; Gulleson; Haas; Hanson; Hawken; Henegar; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lundgren; Mahoney; Maragos; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rose; Sandvig; Schmidt; Solberg; Stefonowicz; Sveen; Thoreson, B.; Thorpe; Tollefson; Warner; Wentz; Wikenheiser; Winrich; Speaker Wald

NAYS: Boehm; Brusegaard; Byerly; Carlisle; Carlson; DeKrey; Delzer; Devlin; Grande; Grosz; Gunter; Herbel; Keiser; Klein; Lloyd; Martinson; Rennerfeldt; Severson; Svedjan; Thoreson, L.; Timm; Weisz

HB 1456 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1449: A BILL for an Act to amend and reenact section 57-38-29 and subsection 2 of section 57-38-30.3 of the North Dakota Century Code, relating to rates for individual income taxes; to provide an appropriation for foundation aid for school districts; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 37 YEAS, 61 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; Cleary; Delmore; Eckre; Ekstrom; Fairfield; Froelich; Glassheim; Gorder; Grumbo; Gulleson; Hawken; Herbel; Hoffner; Jensen; Kelsh, S.; Kerzman; Kroeber; Lemieux; Lundgren; Maragos; Metcalf; Meyer; Mueller; Nichols; Niemeier; Nowatzki; Rose; Schmidt; Solberg; Stefonowicz; Sveen; Thorpe; Warner; Wentz; Winrich

NAYS: Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Dalrymple; DeKrey; Delzer; Devlin; Disrud; Dorso; Drovdal; Froseth;

Galvin; Grande; Grosz; Gunter; Haas; Hanson; Henegar; Huether; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Klein; Klemin; Kliniske; Koppang; Koppelman; Lloyd; Mahoney; Martinson; Mickelson; Monson; Nelson; Nicholas; Nottestad; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Sandvig; Severson; Svedjan; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Weisz; Wikenheiser; Speaker Wald

HB 1449 was declared lost.

SPECIAL ORDER OF BUSINESS

SPEAKER WALD APPOINTED Reps. Monson and Gulleson to the Escort Committee and Miss Shanda Doan, Miss Rodeo North Dakota 1999, was escorted to the rostrum.

MOTION

REP. MONSON MOVED that the remarks of Miss Doan be printed in the Journal, which motion prevailed.

REMARKS OF SHANDA DOAN, MISS RODEO NORTH DAKOTA 1999

Good afternoon Mr. Speaker and Representatives. My name is Shanda Doan and I am honored to have the opportunity to greet you today. My roots with the Legislature go back to when I was two years old, crawling around in Rep. Strinden's office when I came to visit my mom at work. Two sessions ago I was here as a "Page for the Day" and in 1997 I served as a Senate Assistant Committee Clerk.

Today I'm before you wearing a different hat -- literally. This black Resistol and silver crown go with my newly attained role: Miss Rodeo North Dakota 1999. This year I have the opportunity to serve as the state's goodwill ambassador for the sport of rodeo, the western way of life, and the State of North Dakota.

Having grown up on a ranch near McKenzie that my great-great-grandfather homesteaded in 1882, I have a love of the American cowboy, North Dakota pioneers, and the spirit of independence, grit, and cooperation that they portray. So that I can relay some of that spirit to others, I am taking a leave of absence in 1999 from my studies at the University of Wyoming where I am a senior majoring in Agricultural Economics in Business in preparation for earning an advanced degree in Agricultural Law.

I will devote the next year to making hundreds of appearances both in state and nationally, attending rodeos and other events, visiting with people of all ages and from all walks of life. I recently had the distinct honor of carrying our American flag in all 23 performances of the National Western Stock Show and Rodeo in Denver. I've also been to several schools to acquaint children with the sport of rodeo and its heritage. Their eyes light up and imaginations go to work when they learn that roping calves and training wild horses are part of real ranch work.

The culmination of my reign will be when I compete in the Miss Rodeo America Pageant next December in Las Vegas. Whether I'm lucky enough to win or not, my goal for the next year is to touch as many lives as possible -- to make a positive impact and help keep our heritage alive.

The Miss Rodeo North Dakota program has a proud history. Throughout its 44 years, 14 of our titleholders have been runners-up or among the top 10 in the national pageant. One went on to be Miss Rodeo America. I'm proud to be a North Dakotan and proud to be among the ranks of these women.

You each should have received an invitation to my coronation auction and dance to be held this Sunday, February 14, at the Hotel Bismarck beginning at 6:00 p.m. I would like to personally invite and encourage you to attend and join in the celebration.

Thank you again for this opportunity to speak to you today. In closing, I would like to share with you a bit of cowboy logic that I've learned about moving cattle, leadership, and politics. When we're riding ahead of the herd, we need to take a look back every now and then to make sure the herd is still there. I hope you have a productive day and a good session. Happy trails!

SECOND READING OF HOUSE BILL

HB 1470: A BILL for an Act to amend and reenact sections 57-43.1-03.1, 57-43.2-03, and 57-43.2-18 of the North Dakota Century Code, relating to the tax refund for fuel used for agricultural purposes, the special fuels special excise tax rate and allocation of a portion

of revenues to the agricultural research fund; to provide for application; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 37 YEAS, 61 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; Brekke; Cleary; Eckre; Ekstrom; Fairfield; Froelich; Glassheim; Grumbo; Gulleson; Hoffner; Johnson, D.; Kelsh, S.; Kerzman; Kroeber; Lemieux; Lundgren; Mahoney; Maragos; Metcalf; Meyer; Monson; Mueller; Nicholas; Nichols; Niemeier; Nowatzki; Rose; Sandvig; Schmidt; Solberg; Stefonowicz; Sveen; Thorpe; Warner; Winrich

NAYS: Belter; Berg; Bernstein; Boehm; Brandenburg; Brusegaard; Byerly; Carlisle; Carlson; Clark; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Froseth; Galvin; Gorder; Grande; Grosz; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Huether; Jensen; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Klein; Klemin; Kliniske; Koppang; Koppelman; Lloyd; Martinson; Mickelson; Nelson; Nottestad; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Severson; Svedjan; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Weisz; Wentz; Wikenheiser; Speaker Wald

HB 1470 was declared lost.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1026, HB 1047, HB 1083, HB 1374, HB 1377, HB 1399, HB 1414, HB 1416, HB 1435, HB 1452, HB 1456.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The House has passed unchanged: SB 2105.

MOTION

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

MOTION

REP. MONSON MOVED that the House be on the Fifth order of business and at the conclusion of that order, the House stand adjourned until 8:30 a.m., Friday, February 12, 1999, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1019: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (19 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1019 was placed on the Sixth order on the calendar.

Page 1, line 13, replace "3,041,771" with "2,358,086"

Page 1, line 14, replace "2,158,447" with "2,008,447"

Page 1, line 15, replace "96,358" with "66,358"

Page 1, line 16, replace "1,518,061" with "1,078,061"

Page 1, line 17, replace "750,000" with "600,000"

Page 1, line 18, replace "1,000,000" with "800,000"

Page 1, line 19, replace "4,085,911" with "3,985,911"

Page 1, line 20, replace "12,650,548" with "10,896,863"

Page 1, line 21, replace "3,695,701" with "3,693,075"

Page 1, line 22, replace "8,954,847" with "7,203,788"

Page 3, line 16, replace "\$1,000,000" with "\$800,000"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 601 - DEPARTMENT OF ECONOMIC DEVELOPMENT AND FINANCE

HOUSE - This amendment makes the following changes:

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$3,041,771	(\$683,685)	\$2,358,086
Operating expenses	2,158,447	(150,000)	2,008,447
Equipment	96,358	(30,000)	66,358
Grants	1,518,061	(440,000)	1,078,061
General allocation grants	750,000	(150,000)	600,000
North Dakota development fund	1,000,000	(200,000)	800,000
Agricultural products utilization	<u>4,085,911</u>	<u>(100,000)</u>	<u>3,985,911</u>
Total all funds	\$12,650,548	(\$1,753,685)	\$10,896,863
Less special funds	<u>3,695,701</u>	<u>(2,626)</u>	<u>3,693,075</u>
General fund	\$8,954,847	(\$1,751,059)	\$7,203,788
FTE	29.00	(3.00)	26.00

Detail of House changes to the executive budget include:

	REDUCE COMPENSATION PACKAGE TO 2/2	ADJUST HEALTH INSURANCE COST	FUNDING REDUCTIONS	TOTAL HOUSE CHANGES
Salaries and wages	(\$41,668)	\$7,983	(\$650,000)	(\$683,685)
Operating expenses			(150,000)	(150,000)
Equipment			(30,000)	(30,000)
Grants			(440,000)	(440,000)
General allocation grants			(150,000)	(150,000)
North Dakota development fund			(200,000)	(200,000)
Agricultural products utilization			<u>(100,000)</u>	<u>(100,000)</u>
Total all funds	(\$41,668)	\$7,983	(\$1,720,000)	(\$1,753,685)
Less special funds	<u>(3,196)</u>	<u>570</u>		<u>(2,626)</u>
General fund	(\$38,472)	\$7,413	(\$1,720,000)	(\$1,751,059)
FTE	0.00	0.00	(3.00)	(3.00)

REPORT OF STANDING COMMITTEE

HB 1206: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO NOT PASS** (10 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1206 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1220: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO NOT PASS** (9 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1220 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1231: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO NOT PASS** (9 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1231 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1233: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1233 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "school"

Page 1, line 8, replace "**School food**" with "**Food**" and remove "The superintendent of each school district"

Page 1, remove lines 9 and 10

Page 1, line 11, remove "students." and replace "school" with "public or nonprofit private agency, school, institution, organization, corporation, limited liability company, firm, foundation, or entity, with which the superintendent of public instruction has entered into an agreement under section 15-54-03,"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1256: Agriculture Committee (Rep. Nicholas, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1256 was placed on the Sixth order on the calendar.

Page 1, line 9, overstrike "perennial"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1266: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1266 was placed on the Sixth order on the calendar.

Page 1, line 4, replace "Upon completion of a" with "The"

Page 1, line 5, remove "cost-benefit study and approval of the workers compensation board of directors, the"

Page 1, line 6, after "operations" insert "only if the following requirements are satisfied:

1. Completion of a certified appraisal of the building and property to be purchased;
2. Completion of a physical inspection of the building to be purchased demonstrating that the building is structurally sound and suitable for housing bureau operations;
3. Completion of a cost-benefit analysis demonstrating that purchasing a building and property would be economically advantageous in that it would generate a higher yield compared to investing the anticipated purchase price with the same investment allocation as the workers' compensation fund;
4. The cost-benefit analysis must consider alternative locations to house bureau operations;
5. The building and property purchase must include adequate land to satisfy parking requirements of bureau staff and anticipated visitors; and
6. Approval of the purchase by the workers compensation board of directors after consideration of the certified appraisal, physical inspection report, and cost-benefit analysis"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1274: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1274 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "provisional" with "interim reciprocity"

Page 1, line 6, replace "**Provisional**" with "**Interim reciprocity**"

Page 1, line 7, replace "a provisional" with "an interim reciprocity"

Page 1, line 8, after "certificate" insert "in accordance with sections 15-47-46 and 15-41-25" and after "valid" insert "regular"

Page 1, line 10, after "a." insert "The certification is based upon a minimum of a bachelor's degree with a major that meets the issuing state's requirements in elementary education, middle-level education, or a content area taught in public high schools;

- b. The certification requires the completion of a professional education sequence from a state-approved teacher education program, including supervised student teaching;

c."

Page 1, line 12, replace "b" with "d"

Page 1, line 14, replace "c" with "e"

Page 1, replace lines 16 and 17 with:

- "2. An interim reciprocity certificate granted under this section is valid for two years. The individual shall submit evidence of progress on the individual's educational plan to the education standards and practices board at the end of the two-year period. The interim reciprocity certificate may be renewed for one additional two-year period if satisfactory progress is demonstrated."

Page 1, line 18, replace "a provisional" with "an interim reciprocity"

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

HB 1340: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO NOT PASS** (9 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1340 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1370: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). HB 1370 was placed on the Sixth order on the calendar.

Page 1, line 2, after the semicolon insert "and"

Page 1, line 4, replace "; and to repeal section 15-36-11 of the North Dakota" with a period

Page 1, remove line 5

Page 1, line 10, remove "1."

Page 1, remove lines 13 through 17

Page 1, replace lines 20 through 24 with:

Exception to certificate requirement. An individual without a valid certificate who is teaching under contract with a school may teach and be employed to teach if approved by the education standards and practices board. The education standards and practices board shall establish by rule the terms and conditions of approval. The terms and conditions may include payment of fines to the board, enrollment in and completion of continuing education courses, and a deadline for filing a completed application. Approval to teach and be employed to teach without a valid North Dakota certificate may only be granted if the individual has previously held a valid North Dakota certificate, currently holds a valid teaching certificate or license in another jurisdiction, or has filed a completed application with the board.

Page 2, remove lines 1 and 2

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

HB 1373, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **DO NOT PASS** (14 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1373 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1376: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO NOT PASS** (9 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1376 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1383: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS**

(11 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1383 was placed on the Sixth order on the calendar.

Page 1, line 2, after the second semicolon insert "to provide for a transfer;"

Page 3, after line 27, insert:

"SECTION 8. TRANSFER. Before February first of each year, the state treasurer shall transfer from the North Dakota development fund to the financial institution tax distribution fund an amount that equals the aggregate amount of credits under this Act which were claimed and allowed under chapter 57-35.3 for the taxable year for which an allocation is to be made by March first under section 57-35.3-09. The tax commissioner shall certify to the state treasurer on or before January twenty-third of each year the amount that must be transferred from the North Dakota development fund under this section. Transfers from the North Dakota development fund may be made by the state treasurer in the sum of \$1,072,000, or so much of the sum as may be necessary, for the purpose of avoiding loss of revenues to political subdivisions under chapter 57-35.3 for the biennium beginning July 1, 1999, and ending June 30, 2001."

Page 3, line 28, replace "This" with "Sections 1 through 7 of this" and replace "is" with "are"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1402: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (9 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1402 was placed on the Sixth order on the calendar.

Page 2, line 11, remove "less than five thousand dollars and not" and replace "fifty" with "twenty"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1405: Transportation Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1405 was placed on the Sixth order on the calendar.

Page 1, line 24, replace "wiring" with "statement by the manufacturer that the new manufactured building or modular unit meets all applicable building codes"

Page 2, remove lines 1 and 2

Page 2, line 3, remove "43-09"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1418: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **DO PASS** (19 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1418 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1428, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **DO PASS** (16 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1428 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1433: Transportation Committee (Rep. Keiser, Chairman) recommends **DO PASS** (11 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). HB 1433 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1441: Transportation Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1441 was placed on the Sixth order on the calendar.

Page 1, line 7, after the period insert "In this section, "contract carrier" means a person engaged in the business of carrying passengers for hire and in that business does not operate on a fixed route. The term does not include a person who makes a single daily round trip to commute to and from work, a person transporting only schoolchildren and teachers, a person operating ambulance or funeral services, a person who on occasion and not as a regular business enterprise transports one or more passengers for pay, a person operating stretched sedan-type limousines, nor a person operating a taxicab service using vehicles with a seating capacity of fewer than seven passengers."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1451: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1451 was placed on the Sixth order on the calendar.

Page 5, line 6, replace "and" with an underscored comma and after "easements" insert ", and all the area within seventy-five feet [22.86 meters] of the centerline of any county or township highway right of way over which a board of county commissioners or a board of township supervisors has control under section 24-01-42"

Page 5, line 22, after the underscored period insert "If requested by a political subdivision, a telecommunications company promptly shall remove its facilities from the public right of way or shall relocate or adjust its facilities within the public right of way at the company's sole cost and expense."

Page 6, line 4, replace "49-21-24" with "49-21-23"

Page 6, line 15, replace "sixty" with "thirty"

Page 7, line 15, after "assessed" insert "either"

Page 7, line 16, after "49-21-23" insert "or a city franchise fee pursuant to section 49-21-26"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1462: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1462 was placed on the Sixth order on the calendar.

Page 1, line 23, after the period insert "For a supplier who is also a distributor or retailer, the motor vehicle fuel must be considered sold and the tax imposed when the fuel is removed from a terminal by the supplier."

Page 3, line 1, after the period insert "For a supplier who is also a distributor or retailer, the motor vehicle fuel must be considered sold and the tax imposed when the fuel is removed from a terminal by the supplier."

Page 3, line 29, remove ", other than a supplier."

Page 4, line 2, replace "the month next" with "February" and after the underscored period insert "The tax on inventories does not apply to a supplier's motor vehicle fuel in a terminal."

Page 4, line 5, replace "Taxes" with "Except in the case of sales to bonded distributors, taxes"

Page 4, after line 13, insert:

"In the case of supplier sales to bonded distributors, if the distributor fails to pay the supplier the tax on or before the date the supplier must remit it to the commissioner, the supplier may receive a credit for such nonpayment on a subsequent month's tax return. To receive such credit, the supplier shall notify the commissioner no later than ten working days after the due date of the distributor's failure to timely pay. This notification must include such information as the commissioner requires. The commissioner shall issue the supplier written confirmation that the credit is approved.

If the commissioner is notified that a distributor has failed to pay the supplier by the date the tax is due, the commissioner may revoke the distributor's license. In

addition, the commissioner may pursue payment from the distributor's bonding company to satisfy the liability. If the commissioner revokes the distributor's license, the commissioner shall advise the supplier, and so advised, the supplier is no longer afforded the protection under this section. If a distributor's license is reinstated, the commissioner shall notify the supplier."

Page 4, line 18, after "supplier" insert ", distributor,"

Page 9, line 2, after "distributor" insert "or retailer"

Page 13, line 23, after the underscored period insert "For a supplier who is also a distributor or retailer, the special fuel must be considered sold and the tax imposed when the fuel is removed from a terminal by the supplier."

Page 14, line 26, after the underscored period insert "For a supplier who is also a distributor or retailer, the special fuel must be considered sold and the tax imposed when the fuel is removed from a terminal by the supplier."

Page 15, line 24, replace "one-half" with "two-tenths"

Page 15, line 25, after the period insert "For a supplier who is also a distributor or retailer, the special fuel subject to tax under this section must be considered sold and the tax imposed when the fuel is removed from a terminal by the supplier."

Page 17, line 7, remove ", other than a supplier,"

Page 17, line 11, replace "the month next" with "February" and after the underscored period insert "The tax on inventories does not apply to a supplier's special fuel in a terminal."

Page 17, line 21, after "distributor" insert "or retailer"

Page 17, line 26, replace "Taxes" with "Except in the case of sales to bonded distributors, taxes"

Page 18, after line 3, insert:

"In the case of supplier sales to bonded distributors, if the distributor fails to pay the supplier the tax on or before the date the supplier must remit it to the commissioner, the supplier may receive a credit for such nonpayment on a subsequent month's tax return. To receive such credit, the supplier shall notify the commissioner no later than ten working days after the due date of the distributor's failure to timely pay. This notification must include such information as the commissioner requires. The commissioner shall issue the supplier written confirmation that the credit is approved."

If the commissioner is notified that a distributor has failed to pay the supplier by the date the tax is due, the commissioner may revoke the distributor's license. In addition, the commissioner may pursue payment from the distributor's bonding company to satisfy the liability. If the commissioner revokes the distributor's license, the commissioner shall advise the supplier, and so advised, the supplier is no longer afforded the protection under this section. If a distributor's license is reinstated, the commissioner shall notify the supplier."

Page 19, line 21, after "supplier" insert ", distributor,"

Page 26, line 11, after the underscored period insert "For a supplier who is also a distributor or retailer, the aviation fuel must be considered sold and the tax imposed when the fuel is removed from a terminal by the supplier."

Page 27, line 5, remove ", other than a supplier,"

Page 27, line 9, replace "the month next" with "February" and after the underscored period insert "The tax on inventories does not apply to a supplier's aviation fuel in a terminal."

Page 27, line 13, after "supplier" insert ", distributor,"

Page 29, line 21, replace "Taxes" with "Except in the case of sales to bonded distributors, taxes"

Page 29, after line 29, insert:

"In the case of supplier sales to bonded distributors, if the distributor fails to pay the supplier the tax on or before the date the supplier must remit it to the commissioner, the supplier may receive a credit for such nonpayment on a subsequent month's tax return. To receive such credit, the supplier shall notify the commissioner no later than ten working days after the due date of the distributor's failure to timely pay. This notification must include such information as the commissioner requires. The commissioner shall issue the supplier written confirmation that the credit is approved.

If the commissioner is notified that a distributor has failed to pay the supplier by the date the tax is due, the commissioner may revoke the distributor's license. In addition, the commissioner may pursue payment from the distributor's bonding company to satisfy the liability. If the commissioner revokes the distributor's license, the commissioner shall advise the supplier, and so advised, the supplier is no longer afforded the protection under this section. If a distributor's license is reinstated, the commissioner shall notify the supplier."

Page 37, line 2, replace "one-half" with "two-tenths"

Page 49, line 26, replace "register of deeds of" with "secretary of state."

Page 49, remove line 27

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1465: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1465 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 4-34-01 of the North Dakota Century Code, relating to the purposes of the Beef Promotion Act.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 4-34-01 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

4-34-01. Purposes. The purposes of this chapter are:

1. To provide and participate in programs to increase the consumption of domestic beef through such means as advertising, research, consumer information, industry information, sales promotion, and education, but at no time may false or unwarranted claims be made on behalf of the beef industry.
2. To support beef promotion, research, and education activities of the national beef promotion and marketing organizations with not less than fifty percent of the assessments collected.
3. To initiate, encourage, and sponsor research designed to solve problems in the beef industry.
4. To enhance the sale and production of North Dakota beef cattle.
5. To support the commission's involvement in the resolution of trade issues."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1489: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO NOT PASS** (13 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1489 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1490: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 2 NAYS,

0 ABSENT AND NOT VOTING). HB 1490 was placed on the Sixth order on the calendar.

Page 1, line 23, replace "Weather-related" with "Instruction time exceeding the minimum number of hours per day required for a full day of instruction may be used to compensate for up to six hours of weather-related" and replace "may account for up to two full days of classroom" with an underscored period

Page 1, remove line 24

Page 2, line 20, replace "Weather-related" with "Instruction time exceeding the minimum number of hours per day required for a full day of instruction may be used to compensate for up to six hours of weather-related" and replace "may account for up to two full days of classroom" with an underscored period

Page 2, remove line 21

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1492: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1492 was placed on the Sixth order on the calendar.

Page 2, line 16, replace ""Primary place of residence" means the place of residence of the taxpayer or" with ""Taxpayer" means an individual, corporation, financial institution, or trust subject to the taxes imposed by chapter 57-35.3 or 57-38."

Page 2, remove lines 17 and 18

Page 2, line 25, after "to" insert "the office of intergovernmental assistance to" and replace ", and any" with ". Any"

Page 2, line 26, remove "with tax liability in"

Page 2, line 27, remove "the state"

Page 4, line 17, remove "levied by that city"

Page 4, line 19, replace "**- Confidentiality of records - Required**" with a boldfaced period

Page 4, remove line 20

Page 4, line 21, after "individual" insert "taxpayer" and after "purchases" insert "single-family residential"

Page 4, line 23, replace "in the year of the investment" with "with the date of occupancy"

Page 5, line 1, replace "The office of intergovernmental assistance, in cooperation with the state board of" with "The exemptions provided by this section do not eliminate any duty to file a return or to report income as required under chapters 57-35.3 or 57-38."

Page 5, remove lines 2 through 8

Page 5, line 9, replace "**- Confidentiality of records - Required**" with a boldfaced period

Page 5, remove line 10

Page 5, line 11, replace "An individual who purchases property for the individual's primary place of" with "A municipality may grant a partial or complete exemption from ad valorem taxation on single-family residential property, exclusive of the land on which it is situated, located in a zone project if the property was purchased by an individual for the individual's primary place of residence. An exemption granted under this subsection may not extend beyond five taxable years following the date of acquisition."

Page 5, remove lines 12 and 13

Page 5, line 14, replace "A business that purchases property" with "Buildings, structures, fixtures, and improvements purchased by a business"

Page 5, line 17, replace "An individual, partnership, limited partnership, limited liability company, trust, or" with "A municipality may grant a partial or complete exemption from ad valorem taxation on all buildings, structures, fixtures, and improvements to residential or commercial property located in a zone project if the property was purchased solely for investment purposes. An exemption granted under this subsection may not extend beyond five taxable years following the date of acquisition."

Page 5, remove lines 18 through 28

Page 5, line 29, replace "- **Confidentiality of**" with a boldfaced period

Page 5, remove line 30

Page 6, replace lines 1 through 15 with "A credit against state tax liability as determined under sections 57-35.3-03, 57-38-29, 57-38-30, and 57-38-30.3 is allowed for investments in the historic preservation or renovation of property within the renaissance zone if the investment is made between January 1, 2000, and December 31, 2004. The amount of the credit is fifty percent of the amount invested during the taxable year. Any excess credit may be carried forward for a period of up to five taxable years from the date of the investment."

Page 6, line 16, replace the second boldfaced dash with a boldfaced period

Page 6, remove line 17

Page 7, line 4, replace "A renaissance fund corporation is exempt from all state tax levies. However, a" with "A renaissance fund corporation is exempt from any tax imposed by chapters 57-35.3 or 57-38. A corporation or financial institution entitled to the exemption provided by this subsection must file required returns and report income to the tax commissioner as required by the provisions of those chapters as if the exemption did not exist. If an employer, this subsection does not exempt a renaissance fund corporation from complying with the income tax withholding laws.

5. A credit against state tax liability as determined under sections 57-35.3-03, 57-38-29, 57-38-30, or 57-38-30.3 is allowed for investments in a renaissance fund corporation. The amount of the credit is fifty percent of the amount invested in the renaissance fund corporation during the taxable year. Any amount of credit which exceeds a taxpayer's tax liability for the taxable year may be carried forward for up to five taxable years after the taxable year in which the investment was made."

Page 7, remove lines 5 through 11

Page 7, line 13, replace "twenty-five" with "two" and after "million" insert "five hundred thousand"

Page 8, remove lines 6 through 13

Page 8, line 17, after the first boldfaced period insert "**Rules and administration -**" and after the second boldfaced period insert "The tax commissioner shall administer this Act as it relates to an income tax exemption or credit and has the same powers as provided under section 57-38-56 for purposes of this Act. The office of intergovernmental assistance, in cooperation with the tax commissioner, shall issue forms to a taxpayer who may be eligible for the income tax exemption or tax credit sufficient for the tax commissioner to monitor the use of any exemptions or credits received by a taxpayer."

Page 8, line 18, replace "no" with "not"

Page 8, after line 20, insert:

"SECTION 10. Pass-through of tax exemption or credit. A partnership, subchapter S corporation, limited partnership, limited liability company or any other pass-through entity that purchases or leases property in a renaissance zone for any business purpose, invests in a historic preservation or renovation of property within a renaissance zone, or invests in a renaissance fund corporation must be considered to be the taxpayer for purposes of any investment limitations in sections 4, 6, and 7 of this Act, and the amount of the exemption or credit allowed with respect to the entity's investments must be determined at the pass-through entity level. The amount of the total exemption or credit determined at the entity level must be passed through to the

partners, shareholders, or members in proportion to their respective interests in the pass-through entity.

SECTION 11. A new subsection to section 57-38-30.3 of the 1997 Supplement to the North Dakota Century Code is created and enacted as follows:

A taxpayer filing a return under this section is entitled to the exemptions or credits provided under sections 4, 6, and 7 of this Act."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3041: Natural Resources Committee (Rep. Grosz, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3041 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3044: Natural Resources Committee (Rep. Grosz, Chairman) recommends **DO PASS** (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HCR 3044 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3047: Natural Resources Committee (Rep. Grosz, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HCR 3047 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2090, as engrossed: Natural Resources Committee (Rep. Grosz, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2090 was placed on the Fourteenth order on the calendar.

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

LANCE HAGEN, Chief Clerk