

JOURNAL OF THE HOUSE

Fifty-first Legislative Assembly

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Bismarck, April 17, 1989

The House convened at 8:00 a.m., with Acting Speaker A. Hausauer presiding.

The prayer was offered by Rep. Dale Marks.

The roll was called and all Representatives were present, except Representatives G. Berg, R. Berg, Frey, Gerhardt, Gerl, Goetz, O'Shea, Schatz, Tomac, W. Williams, and Speaker Kretschmar.

A quorum was declared by the Acting Speaker.

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

MR. SPEAKER: Your Committee on Correction and Revision of the Journal has carefully examined the Journal of the Seventy-first Day and finds it to be correct.

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

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. A. HAUSAUER MOVED that the House do not concur in the Senate amendments to HB 1040 as printed on page 2319 of the House Journal and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE ACTING SPEAKER APPOINTED as a Conference Committee on HB 1040: Reps. Belter, A. Hausauer, J. DeMers.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. A. HAUSAUER MOVED that the House do not concur in the Senate amendments to HB 1049 as printed on pages 2319-2323 of the House Journal be adopted and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE ACTING SPEAKER APPOINTED as a Conference Committee on HB 1049: Reps. Timm, A. Hausauer, Tomac.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2541.

MOTION

REP. KLOUBEC MOVED that the House be on the Thirteenth order of business, which motion prevailed.

FIRST READING OF SENATE BILL

SB 2541: A BILL for an Act to create and enact a new section to chapter 57-38 of the North Dakota Century Code, relating to a surtax based on income tax liability of individuals, estates, and trusts; to provide an appropriation; and to provide an effective date and an expiration date.

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

MOTION

REP. KLOUBEC MOVED that the House stand in recess until 10:00 a.m., which motion prevailed.

THE HOUSE RECONVENED pursuant to recess taken, with Acting Speaker A. Hausauer presiding.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. MARTIN MOVED that the House do concur in the Senate amendments to HCR 3005 as printed on page 2314 of the House Journal, which motion prevailed.

HCR 3005, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3005: A concurrent resolution for the amendment of section 13 of article IV of the Constitution of North Dakota, relating to the effective date of legislation.

ROLL CALL

The question being on the adoption of the amended resolution, which has been read, the roll was called and there were 80 YEAS, 0 NAYS, 26 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gilmore; Gorman; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hokana; Howard; Huether; Kaldor; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Marks; Martin; Martinson; Melby; Murphy; Myrdal; Nelson; Ness; Nicholas; Oban; Olsen, D.; Olson, A.; Olson, V.; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Shaft; Shide; Shockman; Skjerven; Soukup; Starke; Stenehjem; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Anderson, R.; Dalrymple; Gerntholz; Goetz; Graba; Gunsch; Hanson, O.; Hausauer, R.; Hoffner; Jensen; Kelly; Kingsbury; Laughlin; Mertens; Nowatzki; O'Shea; Payne; Peterson; Schneider; Smette; Solberg; Sorensen; Stofferahn; Thompson, K.; Wald; Watne

HCR 3005 was declared adopted on a roll call vote.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WENTZ MOVED that the House do concur in the Senate amendments to Engrossed HCR 3040 as printed on page 2314 of the House Journal, which motion prevailed.

Engrossed HCR 3040, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3040: A concurrent resolution for the amendment of section 13 of article VI of the Constitution of North Dakota, relating to the filling of judicial vacancies.

ROLL CALL

The question being on the adoption of the amended resolution, which has been read, the roll was called and there were 66 YEAS, 15 NAYS, 25 ABSENT AND NOT VOTING.

YEAS: Aas; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Christman; Clayburgh; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gilmore; Gorman; Halmrast; Hanson, L.; Haugen; Haugland; Hokana; Howard; Huether; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Martin; Martinson; Murphy; Myrdal; Ness; Nicholas; Oban; Olsen, D.; Olson, A.; Olson, V.; Rydell; Schatz; Scherber; Schindler; Schmidt; Shaft; Shide; Shockman; Skjervan; Soukup; Starke; Stenehjem; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Urlacher; Vander Vorst; Wentz; Wilkie; Williams, A.; Speaker Kretschmar

NAYS: Aarsvold; Anderson, B.; Carlson; DeMers, J.; Gerl; Hausauer, A.; Kaldor; Marks; Melby; Nelson; Ring; Schneider; Ulmer; Whalen; Williams, W.

ABSENT AND NOT VOTING: Anderson, R.; Dalrymple; Gerntholz; Goetz; Graba; Gunsch; Hanson, O.; Hausauer, R.; Hoffner; Jensen; Kelly; Kingsbury; Laughlin; Mertens; Nowatzki; O'Shea; Payne; Peterson; Smette; Solberg; Sorensen; Stofferahn; Thompson, K.; Wald; Watne

HCR 3040 was declared adopted on a roll call vote.

MOTION

REP. KLOUBEC MOVED that the House be on the Fourth order of business, which motion prevailed.

VETO CERTIFICATION

The following bill was delivered to the Legislative Council for veto certification: HB 1228.

MOTION

REP. KLOUBEC MOVED that the House stand in recess until 1:00 p.m., which motion prevailed.

THE HOUSE RECONVENED pursuant to recess taken, with Speaker Kretschmar presiding.

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1040 and HB 1049 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1040: Reps. Belter, A. Hausauer, J. DeMers

HB 1049: Reps. Timm, A. Hausauer, Tomac

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

MR. PRESIDENT: The House has concurred in the Senate amendments to HCR 3005 and HCR 3040 and subsequently passed the same.

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER: Your Conference Committee to which was referred HB 1134 has had the same under consideration and recommends that the SENATE RECEDE from the Senate amendments as found on pages 1438-1439 of the House Journal.

For the Senate: Sens. J. Meyer, Mathern, Nalewaja

For the House: Reps. Gates, Trautman, J. DeMers

HB 1134 was placed on the Seventh order of business on the calendar.

REPORT OF STANDING COMMITTEE

MR. SPEAKER: Your Committee on Finance and Taxation (Rep. A. Hausauer, Chairman) to which was referred Engrossed SB 2541 has had the same under consideration and recommends by a vote of 12 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

Page 1, line 3, remove "to provide an appropriation"

Page 1, remove lines 20 through 22

Page 2, remove lines 1 through 9

Page 2, line 10, replace "Section 1 of this" with "This"

Page 2, line 12, remove "Sections 2 and 3 of this Act are effective from"

Page 2, remove line 13

Re-number accordingly

Engrossed SB 2541 was placed on the Sixth order of business on the calendar.

MOTION

REP. SHAFT MOVED that the House reconsider its action whereby SCR 4043 passed, which motion prevailed.

REQUEST

REP. SHAFT REQUESTED the unanimous consent of the House to amend SCR 4043 as follows, which request was granted.

PROPOSED FLOOR AMENDMENT TO SCR 4043

Page 1, line 14, replace "primary" with "general"

Re-number accordingly

The proposed floor amendment to SCR 4043 was adopted.

SCR 4043, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4043: A concurrent resolution to create a new section to article IV of the Constitution of North Dakota, relating to the office of state

auditor; to amend sections 12 and 13 of article V of the Constitution of North Dakota, relating to the office of state auditor; and to provide an effective date.

ROLL CALL

The question being on the adoption of the amended resolution, which has been read, the roll was called and there were 105 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Goetz

SCR 4043 was declared adopted on a roll call vote.

RECONSIDERATION OF A VETOED MEASURE

HB 1320: A BILL for an Act to create and enact a new subsection to section 33-06-01 and a new section to chapter 33-06 of the North Dakota Century Code, relating to grounds for eviction and eviction orders.

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 3 YEAS, 100 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Hanson, O.; Melby; Timm

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

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

ABSENT AND NOT VOTING: Aas; Goetz; Kouba

The House sustained the Governor's veto on HB 1320.

THE HOUSE RECOGNIZED THE PRESENCE OF:

Bernie Anderson

SIXTH ORDER OF BUSINESS

REP. A. HAUSAUER MOVED that the amendments to Engrossed SB 2541 as recommended by the Committee on Finance and Taxation be adopted, and when so adopted, recommends the same DO NOT PASS.

REQUEST

REP. STOFFERAHN REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed SB 2541, which request was granted.

MOTION

REP. W. WILLIAMS MOVED the previous question, which motion prevailed.

ROLL CALL

The question being on the motion to adopt the amendments to Engrossed SB 2541, the roll was called and there were 52 YEAS, 53 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson, R.; Belter; Berg, R.; Bernstein; Christman; Dalrymple; Dorso; Gates; Gerntholz; Gorman; Gunsch; Hanson, O.; Haugen; Hausauer, A.; Hausauer, R.; Howard; Kingsbury; Kloubec; Knell; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Martin; Martinson; Melby; Murphy; Myrdal; Nicholas; Olsen, D.; Olson, A.; Olson, V.; Payne; Rydell; Schatz; Schmidt; Shide; Smette; Sorensen; Soukup; Stenehjem; Thompson, K.; Timm; Tokach; Tollefson; Urlacher; Vander Vorst; Wald; Whalen; Speaker Kretschmar

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

ABSENT AND NOT VOTING: Goetz

The motion to adopt the amendments to Engrossed SB 2541 lost.

Engrossed SB 2541 was rereferred to the Committee on Appropriations pursuant to House Rule 326.

MOTION

REP. KLOUBEC MOVED that the House stand in recess until 3:00 p.m., which motion prevailed.

72nd DAY

MONDAY, APRIL 17, 1989

2337

THE HOUSE RECONVENED pursuant to recess taken, with Speaker Kretschmar presiding.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
MR. SPEAKER: The President has appointed as a conference committee to act with a like committee from the House on:

HB 1004: Sens. Mushik, Wogslund, Lips

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
MR. SPEAKER: The President has signed and your signature is respectfully requested: SB 2010, SB 2015, SB 2018, SB 2019, SB 2022, SB 2023, SB 2090, SB 2094, SB 2153, SB 2210, SB 2536, SB 2539, SCR 4074.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
MR. SPEAKER: The Senate has adopted the conference committee report on SB 2417, SB 2455, and SB 2475 and subsequently passed the same.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
MR. SPEAKER: The Senate has reconsidered its action whereby it passed and did concur with the House amendments to SB 2412, and subsequently did not concur with the House amendments to SB 2412, and the President has appointed as a conference committee to meet with a like committee from the House on:

SB 2412: Sens. Keller, Krauter, Todd

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
MR. SPEAKER: The Senate has adopted the conference committee report on HB 1011 and subsequently passed the same.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has amended and subsequently passed: SCR 4043.

MOTION

REP. KLOUBEC MOVED that the House stand in recess until 4:00 p.m., which motion prevailed.

THE HOUSE RECONVENED pursuant to recess taken, with Speaker Kretschmar presiding.

HOUSE ENROLLING REPORTS

The following bills and resolution were enrolled: HB 1017, HB 1674, HCR 3090.

The following bills were enrolled: HB 1020, HB 1669.

REPORT OF STANDING COMMITTEE

MR. SPEAKER: Your Committee on State and Federal Government (Rep. Martinson, Chairman) to which was referred SB 2150 has had the same under consideration and recommends by a vote of 13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new subsection to section 5-02-05.1 of the North Dakota Century Code, relating to alcoholic beverage permits; to create and enact section 3 to Senate Bill No. 2400, as approved by the fifty-first legislative assembly, which relates to alcoholic beverage permits, and declaring that Act to be an emergency measure; to amend

and reenact section 5-02-01.1, subsection 2 of section 5-02-05.1, and section 5-02-05.2 of the North Dakota Century Code, relating to alcoholic beverage permits; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 5-02-01.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

5-02-01.1. Special permit authorized - Penalty. The local governing body may by special permit authorize an on sale, off sale, or on or off sale alcoholic beverage licensee to engage in the sale of alcoholic beverages at special events designated by the permit. A fee for the local special permit may be set by ordinance or resolution at not more than twenty-five dollars. The permit may not be valid for a period greater than ~~three~~ fifteen consecutive days. The local governing body may establish rules as it may deem proper to regulate and restrict the operation of a special permit. Any person who dispenses, sells, or permits the consumption of alcoholic beverages in violation of this section or the conditions of a special permit is guilty of a class B misdemeanor.

SECTION 2. AMENDMENT. Subsection 2 of section 5-02-05.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. The authority for issuing such special permit rests solely with the governing body of the city or county. A special permit ~~must~~ may be granted only upon proper application to and approval by the governing body, and ~~shall~~ must include payment of a fee determined by ~~such the~~ governing body. A special permit granted by the city or county ~~is~~ may be effective for more than one Sunday ~~only~~.

SECTION 3. A new subsection to section 5-02-05.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

The governing body of a city or county may not enact an ordinance or resolution relating to special Sunday event alcoholic beverage permits which is more restrictive than this section.

SECTION 4. AMENDMENT. Section 5-02-05.2 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

5-02-05.2. Local approval of Sunday beer and wine sales by eating establishments - Fee. The local governing body may provide in any on sale liquor or beer license the right of an eating establishment to dispense and sell beer and wine in conjunction with the sale of prepared meals on Sunday between the hours of twelve noon and nine p.m. ~~for consumption only in that part of the eating establishment habitually used for the serving of prepared meals.~~ As used in this section, "eating establishment" means a restaurant or other commercial establishment that is licensed to engage in the sale of alcoholic beverages at retail pursuant to this chapter, and which derives fifty percent or more of its annual gross receipts from the sale of prepared meals and not alcoholic beverages. Where this provision is made in an

on sale license, the governing body may require the licensee to pay an additional annual fee of not more than one hundred fifty dollars.

SECTION 5. Section 3 to Senate Bill No. 2400, as approved by the fifty-first legislative assembly, is hereby created and enacted to read as follows:

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure.

SECTION 6. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

SB 2150 was placed on the Sixth order of business on the calendar.

REPORTS OF CONFERENCE COMMITTEES

MR. SPEAKER: Your Conference Committee to which was referred Engrossed SB 2417 has had the same under consideration and recommends that the SENATE ACCEDE to the House amendments as found on pages 1468-1469 of the House Journal.

For the Senate: Sens. Satrom, Richard, Ingstad
For the House: Reps. Martin, Gorman, Scherber

Engrossed SB 2417 was placed on the Seventh order of business on the calendar.

MR. SPEAKER: Your Conference Committee to which was referred SB 2455 has had the same under consideration and recommends that the HOUSE RECEDE from the House amendments as found on pages 2156-2159 of the House Journal and that SB 2455 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new subdivision to subsection 5 of section 12.1-28-02, two new subsections to section 53-06.1-07, a new section to chapter 53-06.1, a new subsection to section 57-39.2-04, and a new subsection to section 57-40.2-04 of the North Dakota Century Code, relating to seizure of illegal gaming devices, the maximum prize per play in electronic video gaming device play of games of chance, commingling of games of charitable gaming tickets, imposition of a tax in lieu of sales taxes on charitable gaming tickets, and sales and use tax exemption for proceeds from games of chance conducted through use of electronic gaming devices; and to amend and reenact subsection 3 of section 53-06.1-11, sections 53-06.1-12, and 53-06.1-12.1 of the North Dakota Century Code, and subsections 4 and 5 of section 53-06.1-14 of the North Dakota Century Code, as contained in House Bill No. 1641, as approved by the fifty-first legislative assembly, relating to expense limitations for organizations, distributors, and manufacturers of gaming devices, and games of chance taxes.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subdivision to subsection 5 of section 12.1-28-02 of the North Dakota Century Code is hereby created and enacted to read as follows:

A law enforcement officer may seize any device described in subdivision a upon probable cause to believe that the device was used or is intended to be used in violation of this chapter or chapter 53-06.1. The court shall order the device forfeited in the same manner and according to the same procedure as provided under chapter 19-03.1.

SECTION 2. Two new subsections to section 53-06.1-07 of the 1987 Supplement to the North Dakota Century Code are hereby created and enacted to read as follows:

In electronic video gaming device play of any game of chance permitted by this section, the maximum prize per play is five hundred dollars.

Any game using charitable gaming tickets may be conducted only through use of commingled games after June 30, 1991.

SECTION 3. AMENDMENT. Subsection 3 of section 53-06.1-11 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. Subject to the limitations of this subsection, expenses incurred in connection with holding, operating, or conducting any game of chance pursuant to this chapter may be deducted from adjusted gross proceeds, to the extent that total expenses for games of chance do not exceed ~~forty five~~ fifty percent of ~~the total~~ the first two hundred thousand dollars of adjusted gross proceeds, computed on an annual basis per quarter and forty-five percent of the adjusted gross proceeds in excess of two hundred thousand dollars per quarter. 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 4. AMENDMENT. Section 53-06.1-12 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read 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 ~~shall~~ must be paid to the licensing authority on a quarterly basis in ~~such~~ the manner and upon ~~such the~~ forms as ~~shall be~~ prescribed by the licensing authority 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 ~~shall 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 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 ~~six 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 5. AMENDMENT. Section 53-06.1-12.1 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

53-06.1-12.1. Allocation of games of chance tax - Appropriation. The state treasurer, at the direction of the licensing authority, shall pay quarterly to cities and counties in proportion to the tax collected under section 53-06.1-12 from eligible organizations conducting games of chance within each city, for sites within city limits, or within each county, for sites outside city limits, the following amounts which are hereby appropriated:

1. ~~Two-fifths of the tax collected under subsection 1 of section 53-06.1-12 within the city or county.~~
2. ~~One-tenth of the tax collected under subsection 2 of section 53-06.1-12 within the city or county.~~

~~The remaining tax collected under section 53-06.1-12, up to the amount paid during the 1985-87 biennium, shall be paid by the licensing authority to the state treasurer for deposit in the state general fund one hundred seventy thousand dollars per quarter to cities and counties in proportion to the adjusted gross proceeds within each city, for sites within city limits, or within each county, for sites outside city limits, to the total adjusted gross proceeds. Any amounts received by a city or county under this section must be used by the city or county for expenses connected with enforcement of this chapter within the city or county. Any amount remaining because of the limitation with respect to the 1985-87 biennium, up to~~ In addition, two hundred thousand dollars per biennium, must be deposited in the attorney general's operating budget fund and must be used only for the enforcement of gaming as appropriated. Any amount remaining in excess of two hundred thousand dollars taxes collected under this chapter must be deposited by the state treasurer in the general fund.

SECTION 6. A new section to chapter 53-06.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

Charitable gaming tickets 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 from the sale at retail of charitable gaming tickets to a final user. A sale at retail for purposes of this section includes charitable gaming tickets sold and charitable gaming tickets given in return 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. The tax imposed by this section must be paid to the licensing authority at the time returns are made and taxes are paid by the eligible organization under section 53-06.1-12.

SECTION 7. AMENDMENT. Subsections 4 and 5 of section 53-06.1-14 of the 1987 Supplement to the North Dakota Century Code, as amended by House Bill No. 1641, as approved by the fifty-first legislative assembly, are hereby amended and reenacted to read as follows:

4. Every manufacturer or distributor of electronic video gaming devices through which games of chance are conducted under this chapter shall apply before the first day of April of each year for an annual license upon a form prescribed by the attorney general and shall submit the appropriate license fee. Each applicant shall provide such necessary and reasonable information as the attorney general requires. The license fee for a manufacturer or distributor is one thousand dollars. Every eligible organization shall ~~purchase or lease~~ all electronic video gaming devices from a ~~manufacturer or distributor~~ licensed under this chapter.
5. No licensed or authorized eligible organization may be a distributor. No wholesaler of liquor or alcoholic beverages may be a distributor. No North Dakota licensed manufacturer may be a distributor.

SECTION 8. A new subsection to section 57-39.2-04 of the 1987 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

Gross receipts from electronic gaming devices licensed by the attorney general under chapter 53-06.1.

SECTION 9. A new subsection to section 57-40.2-04 of the 1987 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

Gross receipts from electronic games of chance licensed by the attorney general under chapter 53-06.1."

Renumber accordingly

For the Senate: Sens. Dotzenrod, Robinson, Ingstad

For the House: Reps. A. Hausauer, Timm, Tomac (refused to sign)

SB 2455 was placed on the Seventh order of business on the calendar.

MR. SPEAKER: Your Conference Committee to which was referred SB 2475 has had the same under consideration and recommends that the HOUSE RECEDE from the House amendments as found on page 1586 of the House Journal and that SB 2475 be amended as follows:

In lieu of the conference committee amendments to Senate Bill No. 2475 adopted by the Senate as printed on pages 1716-1718 of the Senate Journal and adopted by the House as printed on pages 2195-2197 of the House Journal, Senate Bill No. 2475 is amended as follows:

Page 1, line 1, replace "section" with "sections 57-36-10," and after "57-36-25" insert ", subsection 1 of section 57-36-26, subsection 1 of section 57-36-28, and section 57-36-32"

Page 1, line 2, after "to" insert "compensation available to distributors and"

Page 1, line 3, after "products" insert "; and to provide an expiration date"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Section 57-36-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-36-10. Stamps may be purchased at discount. Any licensed distributor located within or without this state may purchase stamps at a discount of five percent of the face value thereof, and the. The tax commissioner may allow such the discount in the settlement of the account of such the wholesale distributor upon the payment to him the tax commissioner of any moneys which may be or become due to the state by reason of the sale, delivery, or consignment to such the distributor of such the stamps. The discount is computed as a percentage of the face value of the stamp at the following rates:

1. Five percent of the face value for the first one hundred thousand dollars purchased each fiscal year.
2. Four percent of the face value for the next one hundred and twenty-five thousand dollars purchased each fiscal year.
3. Three percent of the face value for the next one hundred and seventy-five thousand dollars purchased each fiscal year.
4. Two percent of the face value for purchases over four hundred thousand dollars for each fiscal year.
5. The total discount under this section for any distributor may not exceed twenty-five thousand dollars for each fiscal year."

Page 1, line 12, replace "thirty-five" with twenty-five"

Page 2, after line 20, insert:

"SECTION 3. AMENDMENT. Subsection 1 of section 57-36-26 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. There is hereby levied and assessed upon all cigars, snuff, and other tobacco products, purchased in another state and brought into this state by a dealer for the purpose of sale at retail, an excise tax at the rate of twenty twenty-five percent of the wholesale purchase price at the time such the products were brought into this state. For the purposes of this section the term "wholesale purchase price" shall mean the established price for which a manufacturer sells cigars, snuff, or other tobacco products to a distributor exclusive

of any discount or other reduction, ~~provided that.~~ However, the dealer may elect to report and remit the tax on his cost price of ~~such the~~ products rather than on the wholesale purchase price. The proceeds of ~~such the~~ tax, together with ~~such the~~ forms of return and in accordance with ~~such the~~ rules and regulations as the tax commissioner may prescribe, shall be remitted to the tax commissioner by the dealer on a calendar quarterly basis on or before the tenth day of the month following the quarterly period for which it is paid. The tax commissioner shall have the authority to place any dealer on an annual remittance basis when in the judgment of the tax commissioner the operations of the dealer merit ~~such~~ ~~a~~ an annual remittance period. In addition, the tax commissioner shall have the authority to permit the consolidation of the filing of a dealer's return when the dealer has more than one location and thereby would be required to file more than one return.

SECTION 4. AMENDMENT. Subsection 1 of section 57-36-28 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. A tax is hereby imposed upon the use or storage by consumers of cigars, snuff, and other tobacco products in this state, and upon ~~such those~~ consumers, at the rate of ~~twenty~~ twenty-five percent of the cost to the consumer of ~~such those~~ products.

SECTION 5. AMENDMENT. Section 57-36-32 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-36-32. Separate and additional tax on the sale of cigarettes - Collection - Allocation of revenue - Tax avoidance prohibited. There is hereby levied and assessed and there shall be collected by the state tax commissioner and paid to the state treasurer, upon all cigarettes sold in this state, an additional tax, separate and apart from all other taxes, of ~~eight and one-half ten~~ mills on each ~~such~~ cigarette, to be collected as existing taxes on cigarettes sold are, or hereafter may be, collected, by use of appropriate stamps and under similar accounting procedures. No person, firm, or corporation shall transport or bring or cause to be shipped into the state of North Dakota any cigarettes as provided herein, other than for delivery to wholesalers in this state, without first paying ~~such the~~ tax thereon to the state tax commissioner. All of the moneys collected by the state treasurer under this section shall be credited to the state general fund.

SECTION 6. EXPIRATION DATE. Sections 2 through 5 of this Act are effective through June 30, 1991, and after that date are ineffective."

Renumber accordingly

For the Senate: Sens. Richard, Robinson, Moore

For the House: Reps. Goetz, A. Hausauer, Tomac

SB 2475 was placed on the Seventh order of business on the calendar.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
MR. SPEAKER: The President has appointed as a conference committee to act with a like committee from the House on:

HB 1040: Sens. Maixner, Robinson, Tennesfos

HB 1049: Sens. Satrom, Maixner, Moore

MOTIONS

REP. KLOUBEC MOVED that SB 2541 be returned to the House floor from the Committee on Appropriations, which motion prevailed.

REP. SCHINDLER MOVED that the House reconsider its action whereby the amendments to SB 2541 lost, which motion prevailed on a verification vote.

SIXTH ORDER OF BUSINESS

REP. A. HAUSAUER MOVED that the amendments to Engrossed SB 2541 as recommended by the Committee on Finance and Taxation be adopted, and when so adopted, recommends the same DO NOT PASS.

REQUEST

REP. W. WILLIAMS REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed SB 2541, which request was granted.

ROLL CALL

The question being on the motion to adopt the amendments to Engrossed SB 2541, the roll was called and there were 55 YEAS, 50 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson, R.; Belter; Berg, R.; Bernstein; Christman; Clayburgh; Dalrymple; Dorso; Gates; Gerhardt; Gerntholz; Gorman; Gunsch; Hanson, O.; Haugen; Hausauer, A.; Hausauer, R.; Howard; Kingsbury; Kloubec; Knell; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Martin; Martinson; Melby; Murphy; Myrdal; Nicholas; Olsen, D.; Olson, A.; Olson, V.; Payne; Rydell; Schatz; Schindler; Schmidt; Shide; Smette; Sorensen; Soukup; Stenehjem; Thompson, K.; Timm; Tokach; Tollefson; Urlacher; Vander Vorst; Wald; Whalen; Speaker Kretschmar

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

ABSENT AND NOT VOTING: Goetz

The motion to adopt the amendments to Engrossed SB 2541 passed.

Engrossed SB 2541, as amended, was placed on the Fourteenth order of business on the calendar.

REQUEST

REP. GERHARDT REQUESTED that the record show that he intended to vote "nay" on the amendments to SB 2541, which request was granted.

SECOND READING OF SENATE BILL

SB 2541: A BILL for an Act to create and enact a new section to chapter 57-38 of the North Dakota Century Code, relating to a surtax based on income tax liability of individuals, estates, and trusts; and to provide an effective date and an expiration date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 40 YEAS, 66 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Flaagan; Gates; Gilmore; Graba; Haugland; Hokana; Huether; Jensen; Kaldor; Kelly; Kolbo; Laughlin; Mertens; Nelson; Nowatzki; Olson, V.; Payne; Peterson; Ring; Scherber; Schneider; Shaft; Shockman; Skjerven; Starke; Stofferahn; Thompson, V.; Wentz; Wilkie

NAYS: Aas; Anderson, R.; Belter; Christman; Dorso; Enget; Frey; Gerhardt; Gerl; Gerntholz; Goetz; Gorman; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Hausauer, A.; Hausauer, R.; Hoffner; Howard; Kingsbury; Kloubec; Knell; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Marks; Martin; Martinson; Melby; Murphy; Myrdal; Ness; Nicholas; Oban; Olsen, D.; Olson, A.; O'Shea; Rydell; Schatz; Schindler; Schmidt; Shide; Smette; Solberg; Sorensen; Soukup; Stenehjem; Thompson, K.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Whalen; Williams, A.; Williams, W.; Speaker Kretschmar

ABSENT AND NOT VOTING: None

SB 2541 lost.

SIGNING OF BILLS AND RESOLUTIONS (Roy Gilbreath, Chief Clerk)

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following enrolled bills and resolution: SB 2010, SB 2015, SB 2018, SB 2019, SB 2022, SB 2023, SB 2090, SB 2094, SB 2153, SB 2210, SB 2536, SB 2539, SCR 4074.

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

MR. PRESIDENT: The Speaker has signed: SB 2010, SB 2015, SB 2018, SB 2019, SB 2022, SB 2023, SB 2090, SB 2094, SB 2153, SB 2210, SB 2536, SB 2539, SCR 4074.

MOTIONS

REP. SCHMIDT MOVED that the House reconsider its action whereby SB 2397 failed to pass, which motion prevailed on a verification vote.

REP. RYDELL MOVED that the board remain dark during the vote on SB 2397.

REQUEST

REP. WILKIE REQUESTED that the vote be a recorded roll call vote, which request was granted.

ROLL CALL

The question being on the motion that the board remain dark during the vote on SB 2397, the roll was called and there were 49 YEAS, 56 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson, B.; Anderson, R.; Berg, R.; Bernstein; Carlson; Clayburgh; Dalrymple; DeMers, J.; Dorso; Flaagan; Gates; Gerhardt; Gerl; Goetz; Gorman; Halmrast; Hanson, L.; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Huether; Jensen; Kelly; Kloubec; Kolbo; Larson, R.; Laughlin; Lindgren; Martinson; Myrdal; Nicholas; Oban; Payne; Peterson; Rydell; Schatz; Scherber; Schmidt; Shaft; Sorensen; Soukup; Stofferahn; Thompson, V.; Timm; Trautman; Ulmer; Speaker Kretschmar

NAYS: Aarsvold; Belter; Berg, G.; Brokaw; Christman; DeMers, P.; Enget; Frey; Gerntholz; Gilmore; Graba; Gunsch; Hanson, O.; Haugen; Haugland; Howard; Kaldor; Kingsbury; Knell; Kouba; Lang; Larson, D.; Marks; Martin; Melby; Mertens; Murphy; Nelson; Ness; Nowatzki; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Ring; Schindler; Schneider; Shide; Shockman; Skjerven; Smette; Solberg; Starke; Thompson, K.; Tokach; Tollefson; Tomac; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.

ABSENT AND NOT VOTING: Stenehjem

The motion that the board remain dark during the vote on SB 2397 failed on a recorded roll call vote.

SECOND READING OF SENATE BILL

SB 2397: A BILL for an Act to create and enact three new sections to chapter 12.1-30 of the North Dakota Century Code, relating to the conduct of business on Sundays, an employee day of rest, and business leases or agreements; to amend and reenact sections 5-02-05, 12.1-30-01, and 12.1-30-02 of the North Dakota Century Code, relating to the conduct of business on Sundays; and to provide a penalty.

MOTION

REP. KLOUBEC MOVED that the debate on SB 2397 be limited to a time certain, and that time being 5:35 p.m. on the House clock, which motion prevailed.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 38 YEAS, 68 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson, B.; Berg, R.; Bernstein; Carlson; Clayburgh; DeMers, J.; Dorso; Gates; Gerhardt; Gerl; Gorman; Halmrast; Hausauer, A.; Hausauer, R.; Hokana; Jensen; Kelly; Kloubec; Larson, R.; Lindgren; Martinson; Myrdal; Oban; Payne; Peterson; Ring; Rydell; Scherber; Schneider; Sorensen; Soukup; Stenehjem; Stofferahn; Thompson, V.; Timm; Tomac; Ulmer

NAYS: Aarsvold; Anderson, R.; Belter; Berg, G.; Brokaw; Christman; Dalrymple; DeMers, P.; Enget; Flaagan; Frey; Gerntholz; Gilmore; Goetz; Graba; Gunsch; Hanson, L.; Hanson, O.; Haugen; Haugland; Hoffner; Howard; Huether; Kaldor; Kingsbury; Knell; Kolbo; Kouba; Lang; Larson, D.; Laughlin; Marks; Martin; Melby; Mertens; Murphy; Nelson; Ness; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Schatz; Schindler; Schmidt; Shaft; Shide; Shockman; Skjerven; Smette;

Solberg; Starke; Thompson, K.; Tokach; Tollefson; Trautman; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

ABSENT AND NOT VOTING: None

SB 2397 lost.

MOTION

REP. KLOUBEC MOVED that the House stand in recess until 6:15 p.m., which motion prevailed.

THE HOUSE RECONVENED pursuant to recess taken, with Speaker Kretschmar presiding.

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

MR. SPEAKER: The Senate has concurred in the House amendments to SB 2542 and subsequently passed the same.

HOUSE ENROSSING AND ENROLLING REPORTS

The following resolutions were engrossed and enrolled: HCR 3005, HCR 3040.

The following bills were engrossed and enrolled: HB 1006, HB 1058, HB 1158, HB 1164, HB 1267, HB 1297, HB 1479, HB 1499.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bill and veto certification was delivered to the Secretary of State for his filing at the hour of 12:45 p.m., April 17, 1989: HB 1228.

The following bills and veto certifications were delivered to the Secretary of State for his filing at the hour of 3:50 p.m., April 13, 1989: HB 1076, HB 1254, HB 1520.

REPORTS OF CONFERENCE COMMITTEES

REP. GUNSCH MOVED that the conference committee report on SB 2001 as printed on page 2329 of the House Journal be adopted, which motion prevailed.

REP. GATES MOVED that the conference committee report on HB 1134 be adopted, which motion prevailed.

REP. MARTIN MOVED that the conference committee report on Engrossed SB 2417 be adopted, which motion prevailed.

REP. A. HAUSAUER MOVED that the conference committee report on SB 2455 be adopted, which motion prevailed.

SB 2455, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2455: A BILL for an Act to create and enact a new subdivision to subsection 5 of section 12.1-28-02, two new subsections to section 53-06.1-07, a new section to chapter 53-06.1, a new subsection to section 57-39.2-04, and a new subsection to section 57-40.2-04 of the North Dakota Century Code, relating to seizure of illegal gaming devices, the maximum prize per play in electronic video gaming device

play of games of chance, commingling of games of charitable gaming tickets, imposition of a tax in lieu of sales taxes on charitable gaming tickets, and sales and use tax exemption for proceeds from games of chance conducted through use of electronic gaming devices; and to amend and reenact subsection 3 of section 53-06.1-11, sections 53-06.1-12, and 53-06.1-12.1 of the North Dakota Century Code, and subsections 4 and 5 of section 53-06.1-14 of the North Dakota Century Code, as contained in House Bill No. 1641, as approved by the fifty-first legislative assembly, relating to expense limitations for organizations, distributors, and manufacturers of gaming devices, and games of chance taxes.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 73 YEAS, 32 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson, R.; Belter; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; DeMers, J.; DeMers, P.; Dorso; Gates; Gerhardt; Gerntholz; Gilmore; Goetz; Gorman; Graba; Hanson, L.; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Howard; Huether; Jensen; Kelly; Kloubec; Knell; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Marks; Martin; Martinson; Mertens; Myrdal; Nelson; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Peterson; Rydell; Schatz; Scherber; Schindler; Shaft; Shide; Shockman; Skjerven; Smette; Sorensen; Stenehjem; Thompson, K.; Timm; Tokach; Tollefson; Tomac; Trautman; Urlacher; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Speaker Kretschmar

NAYS: Aarsvold; Anderson, B.; Berg, G.; Dalrymple; Enget; Flaagan; Frey; Gerl; Gunsch; Halmrast; Hanson, O.; Haugen; Hokana; Kaldor; Kingsbury; Kolbo; Laughlin; Melby; Murphy; Ness; Oban; Payne; Schmidt; Schneider; Solberg; Soukup; Starke; Stofferahn; Thompson, V.; Ulmer; Vander Vorst; Williams, W.

ABSENT AND NOT VOTING: Ring

SB 2455 passed and the title was agreed to.

REQUEST

REP. RING REQUESTED that the record show that she intended to vote "yea" on SB 2455, which request was granted.

REPORT OF CONFERENCE COMMITTEE

REP. GOETZ MOVED that the conference committee report on SB 2475 be adopted, which motion prevailed.

SB 2475, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2475: A BILL for an Act to amend and reenact sections 57-36-10, 57-36-25, subsection 1 of section 57-36-26, subsection 1 of section 57-36-28, and section 57-36-32 of the North Dakota Century Code, relating to compensation available to distributors and the rate of excise tax on

the wholesale purchase price of tobacco products; 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 92 YEAS, 14 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: Aarsvold; Clayburgh; Gerl; Gunsch; Haugen; Knell; Murphy; Nelson; Schmidt; Skjerven; Smette; Timm; Tomac; Vander Vorst

ABSENT AND NOT VOTING: None

SB 2475 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

REP. MARTINSON MOVED that the amendments to Engrossed SB 2150 as recommended by the Committee on State and Federal Government be adopted, and when so adopted, recommends the same DO PASS.

MOTION

REP. W. WILLIAMS MOVED the previous question, which motion prevailed.

REQUEST

REP. MARKS REQUESTED a ruling by the Speaker regarding House Rule 327 which refers to the amendments on SB 2150, which request was granted.

RULING BY THE SPEAKER

SPEAKER KRETSCHMAR RULED that the disposition of the amendments would be ruled upon by voting the amendments up or down.

REQUEST

REP. GUNSCH REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed SB 2150, which request was granted.

ROLL CALL

The question being on the motion to adopt the amendments to Engrossed SB 2150, the roll was called and there were 39 YEAS, 67 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Berg, G.; Berg, R.; Bernstein; Carlson; Clayburgh; DeMers, J.; DeMers, P.; Dorso; Flaagan; Gerhardt; Gerl; Gorman; Halmrast; Hanson, L.; Hokana; Huether; Kolbo; Kouba; Larson, R.; Lindgren; Martinson; Mertens; Nicholas; Nowatzki; Oban; Olson, V.; Peterson; Ring; Schatz; Schneider; Starke; Stenehjem; Stofferahn; Thompson, V.; Timm; Ulmer; Williams, W.; Speaker Kretschmar

NAYS: Aarsvold; Aas; Anderson, R.; Belter; Brokaw; Christman; Dalrymple; Enget; Frey; Gates; Gerntholz; Gilmore; Goetz; Graba; Gunsch; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Howard; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Lang; Larson, D.; Laughlin; Marks; Martin; Melby; Murphy; Myrdal; Nelson; Ness; Olsen, D.; Olson, A.; O'Shea; Payne; Rydell; Scherber; Schindler; Schmidt; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Thompson, K.; Tokach; Tollefson; Tomac; Trautman; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.

ABSENT AND NOT VOTING: None

The motion to adopt the amendments to Engrossed SB 2150 lost.

Engrossed SB 2150 was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2150: A BILL for an Act to amend and reenact section 37-14-07 of the North Dakota Century Code, relating to repayment to be made to the veterans' aid fund.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 19 YEAS, 87 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Gerhardt; Gerl; Hanson, O.; Hokana; Kelly; Kolbo; Laughlin; Martin; Ness; Olson, V.; O'Shea; Ring; Schmidt; Schneider; Stofferahn; Urlacher; Whalen; Williams, W.

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

ABSENT AND NOT VOTING: None

SB 2150 lost.

MOTIONS

REP. KLOUBEC MOVED that the rules be suspended and that all Senate bills and House and Senate resolutions on which final action has been taken be messaged to the Senate immediately, which motion prevailed.

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

REP. KLOUBEC MOVED that the House stand adjourned until 8:00 a.m., Tuesday, April 18, 1989, which motion prevailed.

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

ROY GILBREATH, Chief Clerk