

JOURNAL OF THE HOUSE

Fifty-second Legislative Assembly

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Bismarck, March 19, 1991

The House convened at 1:15 p.m., with Speaker R. Anderson presiding.

The prayer was offered by the Rev. Kerwin K. Sletto, Calvary Free Lutheran Church, Bismarck.

The roll was called and all members were present except Representative Aarsvold.

A quorum was declared by the Speaker.

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

MR. SPEAKER: Your Committee on Correction and Revision of the Journal has carefully examined the Journal of the Forty-ninth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1126, line 24, delete the name "CLAYBURGH" and replace it with "OBAN"

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

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

MR. PRESIDENT: The House has passed unchanged: SB 2489.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2378.

SIGNING of BILLS and RESOLUTIONS

The Speaker signed the following enrolled bills and resolutions: HB 1045, HB 1120, HB 1131, HB 1146, HB 1160, HB 1268, HB 1351, HB 1377, HB 1448, HB 1455, HCR 3006, HCR 3017, HCR 3022, HCR 3046.

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

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1045, HB 1120, HB 1131, HB 1146, HB 1160, HB 1268, HB 1351, HB 1377, HB 1448, HB 1455, HCR 3006, HCR 3017, HCR 3022, HCR 3046.

SIGNING of BILLS and RESOLUTIONS

The Speaker signed the following enrolled bills: HB 1207, HB 1218, HB 1284, HB 1316.

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

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1207, HB 1218, HB 1284, HB 1316.

SIGNING of BILLS and RESOLUTIONS

The Speaker signed the following enrolled bills: HB 1091, HB 1123, HB 1195, HB 1415, HB 1551, HB 1553, HB 1588.

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

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1091, HB 1123, HB 1195, HB 1415, HB 1551, HB 1553, HB 1588.

SIGNING of BILLS and RESOLUTIONS

The Speaker signed the following enrolled bills: SB 2092, SB 2132, SB 2136, SB 2145, SB 2147, SB 2159, SB 2170, SB 2191, SB 2209, SB 2232, SB 2244, SB 2298, SB 2345, SB 2349, SB 2350, SB 2359, SB 2363, SB 2388, SB 2391, SB 2400, SB 2424, SB 2460, SB 2495, SB 2511, SB 2517, SB 2521, SB 2558.

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

MR. PRESIDENT: The Speaker has signed: SB 2092, SB 2132, SB 2136, SB 2145, SB 2147, SB 2159, SB 2170, SB 2191, SB 2209, SB 2232, SB 2244, SB 2298, SB 2345, SB 2349, SB 2350, SB 2359, SB 2363, SB 2388, SB 2391, SB 2400, SB 2424, SB 2460, SB 2495, SB 2511, SB 2517, SB 2521, SB 2558.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolutions were delivered to the Secretary of State for his filing at the hour of 8:52 a.m., March 19, 1991: HCR 3007, HCR 3014, HCR 3023, HCR 3024, HCR 3045, HCR 3057.

SIGNING OF BILLS and RESOLUTIONS

The Speaker signed the following enrolled resolutions: SCR 4070, SCR 4071.

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

MR. PRESIDENT: The Speaker has signed: SCR 4070, SCR 4071.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1024, HB 1026, HB 1140, HB 1156, HB 1178, HB 1212, HB 1217, HB 1232, HB 1252, HB 1319, HB 1320, HB 1365, HB 1367, HB 1405, HB 1427, HB 1430, HB 1449, HB 1478, HB 1481, HB 1482.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1050, HB 1200, HB 1201, HB 1451, HB 1486, HB 1504, HB 1513, HB 1569, HCR 3037.

SENATE AMENDMENTS TO ENGROSSED HB 1050

Page 2, line 9, replace ", if the activities" with an underscored period

Page 2, remove lines 10 through 12

Page 5, line 1, after "for" insert "nonprofit" and replace "supporting the protection of" with "that operate a humane society zoo, or fish or wildlife propagation and habitat enhancement program."

Page 5, remove line 2

Renumber accordingly

SENATE AMENDMENTS TO HB 1200

Page 2, line 12, remove the overstrike over "ten", remove "five", remove the overstrike over "4.05", and remove "2.02"

Page 2, line 14, remove the overstrike over "five", remove "two", remove the overstrike over "2.02", and remove "0.40"

Page 2, line 16, remove the overstrike over "ten" and remove "five"

Page 2, line 17, remove the overstrike over "4.05" and remove "2.02"

Page 2, line 18, after "a" insert "metes and bounds"

Page 3, line 29, remove the overstrike over "determined to"

Page 4, remove the overstrike over line 1

Page 4, line 2, remove the overstrike over "approved for entry under this chapter" and remove "of fifty cents per acre"

Page 4, line 10, remove the overstrike over "it"

Page 4, line 11, remove the overstrike over "is expressly provided that the", after "woodland" insert "forest stewardship", remove the overstrike over "tax rate", after "shall" insert "may", and remove the overstrike over "not exceed the rate as"

Page 4, remove the overstrike over line 12

Page 4, line 13, remove the overstrike over "state forester may meet to consider the", after "woodland" insert "forest stewardship", and remove the overstrike over "tax rate at any time deemed"

Page 4, remove the overstrike over line 14

ReNUMBER accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1201

Page 14, line 5, overstrike "in the office of" and insert immediately thereafter "that is responsible to"

ReNUMBER accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1451

Page 31, line 16, after "employment" insert ", as defined in section 26.1-21-10.1"

ReNUMBER accordingly

SENATE AMENDMENTS TO HB 1486

Page 1, line 7, after "that" insert "unreasonably"

ReNUMBER accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1504

Page 2, line 5, overstrike "the east one-half of"

ReNUMBER accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1513

Page 2, line 21, replace "a person who commits an offense" with "the court shall impose the following fine upon the conviction of a person or entity described in subsection 1 for a second or subsequent offense under this chapter:"

Page 2, remove lines 22 through 26

ReNUMBER accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1569

Page 1, line 8, after "establish" insert "new"

Page 1, line 11, replace "shall" with "may"

Page 1, line 13, replace "The" with "When the department chooses to contract, the"

Page 1, line 20, after the underscored period insert "As used in this section, "standards of operations" includes a determination by the department that the vendor is financially responsible and will continue to provide services throughout the contract period."

ReNUMBER accordingly

SENATE AMENDMENTS TO HCR 3037

Page 2, line 18, after the semicolon insert "and"

Page 2, after line 18, insert:

"WHEREAS, there are engineers, contractors, suppliers, and administrators native to and located within this state who should receive priority consideration in the planning and construction of the new bridge over the Missouri River midway between Bismarck, North Dakota, and Mobridge, South Dakota;"

Page 2, after line 28, insert:

"BE IT FURTHER RESOLVED, that the United States Army Corps of Engineers is urged to specify the use of North Dakota engineers, contractors, suppliers, and administrators for the planning and construction of the bridge over the Missouri River in the vicinity of Fort Yates and Emmons County, North Dakota; and"

Renumber accordingly

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

MR. SPEAKER: The Senate has failed to pass: HB 1125, HB 1272, HB 1337, HB 1347, HB 1394, HB 1413.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2574, SB 2576, SB 2579, SB 2589, SCR 4057.

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

MR. SPEAKER: The Senate has passed unchanged and the emergency clause carried on HB 1376.

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

MR. SPEAKER: The President has signed: HCR 3007, HCR 3014, HCR 3023, HCR 3024, HCR 3045, HCR 3057.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SCR 4070, SCR 4071.

POINT OF PERSONAL PRIVILEGE

REP. GILMORE: Mr. Speaker: I rise on a point of personal privilege and request that my remarks be printed in the Journal.

I have the privilege of announcing to you that this past week the Lumber Jacks Hockey Team from North Dakota State University, Bottineau Branch, traveled to Lake Placid, New York, where they participated in a hockey tournament for junior and community colleges from across the nation. Several of these schools have enrollments ranging from 10,000 to 30,000 students.

On Friday night, March fifteenth, the Jacks resoundingly defeated the Syracuse, New York, team by a score of 8 to 2. On Saturday, they defeated Erie, New York, by a score of 6 to 3 and on Sunday, proceeded to sweep the tournament by beating last year's champion, the college of Dupage, Illinois, by a score of 4 to 1.

The eastern schools have long believed that they are the junior college hockey giants of America. This small school on the plains of North Dakota has resoundingly shown them that dedication, determination, and talent about in North Dakota hockey.

I would ask that you join Representative Skar and me in congratulating the Lumber Jacks, their coach Gary Warren, and North Dakota State University - Bottineau Branch for bringing this honor home to North Dakota.

COMMUNICATION FROM GOVERNOR GEORGE A. SINNER

March 19, 1991

This is to inform you that on March 18, 1991, I signed the following: HB 1010, HB 1012, HB 1042, HB 1052, HB 1077, HB 1084, HB 1106, HB 1163, HB 1206, HB 1253, HB 1258, HB 1264, HB 1308, HB 1593.

MOTIONS

REP. KLOUBEC MOVED that SB 2090, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

REP. KLDUBEC MOVED that the House consider all bills and resolutions on the Sixth order, with the exception of SB 2384, SB 2039, and SB 2560, in one motion, which motion prevailed.

REP. KLDUBEC MOVED that the rules be suspended and the amendments to HCR 3036, SB 2008, SB 2036, SB 2038, SB 2083, SB 2096, SB 2205, SB 2231, SB 2234, SB 2313, SB 2338, SB 2509, SB 2559, and SCR 4011 be adopted, which motion prevailed.

SB 2234, as amended, was rereferred to the Committee on Appropriations.

HCR 3036, as amended, was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SB 2008, SB 2036, SB 2038, SB 2083, SB 2096, SB 2205, SB 2231, SB 2313, SB 2338, SB 2509, SB 2559, and SCR 4011, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SIXTH ORDER OF BUSINESS

SB 2384, as reengrossed: REP. LARSON (Committee on Human Services and Veterans Affairs) MOVED that the amendments on HJ pages 1111-1112 be adopted and be REREFERRED to the Committee on Appropriations with DO PASS.

REQUEST

REP. PETERSON REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Reengrossed SB 2384, which request was granted.

ROLL CALL

The question being on the motion to adopt the amendments to Reengrossed SB 2384, the roll was called and there were 54 YEAS, 49 NAYS, 3 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bateman; Belter; Berg, R.; Bernstein; Brown; Byerly; Carlisle; Clayburgh; Dalrymple; Delzer; DeWitz; Dorso; Freier; Gates; Gerntholz; Gorman; Grosz; Hausauer; Henegar; Jensen; Kelsch; Kloubec; Kretschmar; Kunkel; Larson; Martin; Martinson; Miller; Muhs; Myrdal; Nicholas; Olsen, D.; Olson, A.; Payne; Porter; Price; Rennerfeldt; Rydell; Schimke; Schindler; Schmidt; Shide; Soukup; St. Aubyn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wardner; Whalen; Speaker R. Anderson

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

ABSENT AND NOT VOTING: Aarsvold; Howard; Wald

The motion to adopt the amendments to Reengrossed SB 2384 passed.

SB 2384, as amended, was rereferred to the Committee on Appropriations.

SIXTH ORDER OF BUSINESS

SB 2039: REP. BELTER (Committee on Transportation) MOVED that the amendments on HJ pages 1138-1140 be adopted and then be placed on the Fourteenth order with DO PASS.

MOTION

REP. BYERLY MOVED the previous question, which motion prevailed

The motion to adopt the amendments to SB 2039 passed.

MOTION

REP. KLOUBEC MOVED that the rules be suspended and that SB 2039 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2039: A BILL for an Act to provide for implied consent to chemical testing for purposes of determining intoxication while operating a motorboat or vessel; to create and enact a new subsection to section 20.1-02-15.1 of the North Dakota Century Code, relating to the powers of the game and fish commissioner, deputy commissioner, and game wardens; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 91 YEAS, 14 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Brown; Delzer; Erickson; Flaagan; Hanson; Mutzenberger; Schimke; Schmidt; Thorpe; Timm; Tollefson; Wald; Wardner; Speaker R. Anderson

ABSENT AND NOT VOTING: Aarsvold

SB 2039 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

SB 2560, as engrossed: REP. MARTINSON (Committee on State and Federal Government) MOVED that the amendments on HJ page 1150 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

MOTION

REP. KLOUBEC MOVED that the rules be suspended and that SB 2560 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2560: A BILL for an Act to create and enact a new section to chapter 53-06.1 of the North Dakota Century Code, relating to a requirement of a certified financial statement from certain charitable gaming organizations; to amend and reenact subsections 1 and 2 of section 12.1-28-02 of the North Dakota Century Code, relating to the penalty for illegal gambling, and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 68 YEAS, 36 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Bateman; Berg, G.; Berg, R.; Boehm; Boucher; Byerly; Clayburgh; Coats; Dalrymple; Delzer; DeWitz; Dorso; Flaagan; Freier; Gabrielson; Gates; Gilmore; Goffe; Gorman; Grosz; Grumbo; Hanson;

Hausauer; Henegar; Hokana; Huether; Jacobson; Kelsch; Kerzman; Kolbo; Kretschmar; Kroeber; Kunkel; Linderman; Mahoney; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olson, A.; Peterson; Porter; Price; Rennerfeldt; Schimke; Schindler; Schmidt; Schneider; Skar; Skjerven; St. Aubyn; Starke; Stofferahn; Svedjan; Thorpe; Timm; Wald; Wardner; Williams; Speaker R. Anderson

NAYS: Belter; Bernstein; Bodine; Brokaw; Brown; Carlisle; Carlson; Cleary; DeMers; Enget; Erickson; Gerntholz; Gordier; Howard; Jensen; Kaldor; Kloubec; Larson; Laughlin; Martin; Olsen, D.; Payne; Pyle; Ring; Ritter; Rydell; Scherber; Shide; Snyder; Soukup; Tollefson; Trautman; Urlacher; Wentz; Whalen; Wilkie

ABSENT AND NOT VOTING: Aarsvold; Thompson

Engrossed SB 2560 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1605: A BILL for an Act to amend and reenact subsection 21 of section 43-17-31 of the North Dakota Century Code, relating to grounds for disciplinary action by the state board of medical examiners.

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 45 YEAS, 55 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Bateman; Bernstein; Boehm; Boucher; Brown; DeWitz; Enget; Freier; Gilmore; Gordier; Howard; Kaldor; Kerzman; Kloubec; Kolbo; Kretschmar; Martin; Meyer; Miller; Myrdal; Nichols; Olsen, D.; Olson, A.; Payne; Porter; Price; Schimke; Schindler; Schmidt; Shide; Skar; Skjerven; Snyder; Soukup; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Speaker R. Anderson

NAYS: Belter; Berg, G.; Bodine; Brokaw; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; Dorso; Erickson; Flaagan; Gabrielson; Gates; Goffe; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Huether; Jacobson; Jensen; Kelsch; Kroeber; Kunkel; Larson; Linderman; Mahoney; Martinson; Muhs; Mutzenberger; Nelson; Nowatzki; Oban; Peterson; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schneider; St. Aubyn; Starke; Stofferahn; Svedjan; Wilkie; Williams

ABSENT AND NOT VOTING: Aarsvold; Berg, R.; Gerntholz; Laughlin; Nicholas; Thompson

HB 1605 was declared lost.

MOTION

REP. KLOUBEC MOVED that the record show that the members of the Government Operations Division of the Committee on Appropriations (Reps. Gerntholz, Wentz, Howard, Schmidt, DeMers, Laughlin, Meyer, and Rep. Thompson, Chairman) were excused, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. LARSON MOVED that the House do not concur in the Senate amendments to Engrossed HB 1424 as printed on HJ page 970 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1424: Reps. Larson, Henegar, Cleary.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. BELTER MOVED that the House do not concur in the Senate amendments to Engrossed HB 1381 as printed on HJ page 1117 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1381: Reps. Delzer, Bernstein, Kroeber.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. GATES MOVED that the House do not concur in the Senate amendments to Engrossed HB 1450 as printed on HJ page 1118 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1450: Reps. Porter, Muhs, Huether.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KRETSCHMAR MOVED that the House do concur in the Senate amendments to Engrossed HB 1260 as printed on HJ pages 1086-1088, which motion lost on a verification vote.

MOTION

REP. KLOUBEC MOVED that HB 1260, which is on the Twelfth order, be laid over one legislative day, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. MARTINSON MOVED that the House do concur in the Senate amendments to HB 1044 as printed on HJ page 1084, which motion prevailed.

MOTION

REP. KLOUBEC MOVED that the rules be suspended and that Engrossed HB 1044 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1044: A BILL for an Act to adopt a state tourism policy.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 91 YEAS, 5 NAYS, 8 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Gorder; Myrdal; Olsen, D.; Olson, A.; Shide

EXCUSED: DeMers; Gerntholz; Howard; Laughlin; Meyer; Schmidt; Thompson; Wentz

ABSENT AND NOT VOTING: Aarsvold; Dorso

Engrossed HB 1044 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. BELTER MOVED that the House do concur in the Senate amendments to HB 1047 as printed on HJ pages 933-934, which motion prevailed.

MOTION

REP. KLOUBEC MOVED that the rules be suspended and that HB 1047 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1047: A BILL for an Act to create and enact a new section to chapter 39-13 of the North Dakota Century Code, relating to tourist-oriented directional signs on state highway right of way.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 97 YEAS, 0 NAYS, 8 EXCUSED, 1 ABSENT AND NOT VOTING.

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

EXCUSED: DeMers; Gerntholz; Howard; Laughlin; Meyer; Schmidt; Thompson; Wentz

ABSENT AND NOT VOTING: Aarsvold

HB 1047 passed and the title was agreed to.

MOTION

REP. KLOUBEC MOVED that the rules be suspended and that all bills on the Twelfth order, on which the House does concur in the Senate amendments, be deemed properly engrossed and placed on the Eleventh order, as amended, for second reading and final passage, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. MARTINSON MOVED that the House do concur in the Senate amendments to HB 1108 as printed on HJ page 987, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1108: A BILL for an Act to amend and reenact section 54-44-04.9 of the North Dakota Century Code, relating to financial report for any state department, agency, board, commission, college, university, or institution.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 95 YEAS, 0 NAYS, 8 EXCUSED, 3 ABSENT AND NOT VOTING.

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

EXCUSED: DeMers; Gerntholz; Howard; Laughlin; Meyer; Schmidt; Thompson; Wentz

ABSENT AND NOT VOTING: Aarsvold; Bernstein; Nicholas

HB 1108 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. MARTINSON MOVED that the House do concur in the Senate amendments to Engrossed HB 1141 as printed on HJ page 1085, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1141: A BILL for an Act to amend and reenact section 12-48-06.1 of the North Dakota Century Code, relating to the appointment of board members to the prison industry advisory committee.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 95 YEAS, 0 NAYS, 8 EXCUSED, 3 ABSENT AND NOT VOTING.

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

EXCUSED: DeMers; Gerntholz; Howard; Laughlin; Meyer; Schmidt; Thompson; Wentz

ABSENT AND NOT VOTING: Aarsvold; Kloubec; Nicholas

Engrossed HB 1141 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. BELTER MOVED that the House do concur in the Senate amendments to Engrossed HB 1159 as printed on HJ page 988, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1159: A BILL for an Act to amend and reenact subsections 1 and 3 of section 24-02-01.4, section 24-02-42, and subsections 1, 2, and 4 of section 57-15-06.3 of the North Dakota Century Code, relating to the organization of the department of transportation, the amount of department of transportation educational financial aid, and the elimination of federal highway administration approval of county farm-to-market road programs.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 96 YEAS, 0 NAYS, 8 EXCUSED, 2 ABSENT AND NOT VOTING.

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

EXCUSED: DeMers; Gerntholz; Howard; Laughlin; Meyer; Schmidt; Thompson; Wentz

ABSENT AND NOT VOTING: Aarsvold; Kloubec

Engrossed HB 1159 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. NICHOLAS MOVED that the House do concur in the Senate amendments to HB 1137 as printed on HJ pages 1084-1085, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1137: A BILL for an Act to create and enact a new section to chapter 60-02 of the North Dakota Century Code, relating to warehouse charges for grain owned by the United States; to amend and reenact subsection 2 of section 60-02-16, and sections 60-02-17, 60-02-27, and 60-02-35.1 of the North Dakota Century Code, relating to the contents and provisions of warehouse receipts used by grain warehouses, use of and posting in grain warehouses of official grades of grain and seeds as established by the secretary of agriculture of the United States, and insurance and suspension of license for failure to maintain insurance of grain warehousemen; and to repeal section 60-02-31.1 of the North Dakota Century Code, relating to delivery of dry edible beans.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 96 YEAS, 0 NAYS, 8 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gilmore; Goffe; Gorder; Gorman;

Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Linderman; Mahoney; Martin; Martinson; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Whalen; Wilkie; Williams; Speaker R. Anderson

EXCUSED: DeMers; Gerntholz; Howard; Laughlin; Meyer; Schmidt; Thompson; Wentz

ABSENT AND NOT VOTING: Aarsvold; Kloubec

HB 1137 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. MARTINSON MOVED that the House do concur in the Senate amendments to HB 1161 as printed on HJ page 988, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1161: A BILL for an Act to amend and reenact section 54-44.1-13 of the North Dakota Century Code, relating to the date the budget requests for the legislative and judicial branches are submitted.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 96 YEAS, 0 NAYS, 8 EXCUSED, 2 ABSENT AND NOT VOTING.

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

EXCUSED: DeMers; Gerntholz; Howard; Laughlin; Meyer; Schmidt; Thompson; Wentz

ABSENT AND NOT VOTING: Aarsvold; Berg, G.

HB 1161 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KRETCHMAR MOVED that the House do concur in the Senate amendments to HB 1164 as printed on HJ page 1050, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1164: A BILL for an Act to create and enact section 27-21-11 of the North Dakota Century Code, relating to the transfer of students from the state industrial school to other institutions.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 95 YEAS, 2 NAYS, 7 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: DeWitz; Olson, A.

EXCUSED: DeMers; Gerntholz; Howard; Laughlin; Schmidt; Thompson; Wentz

ABSENT AND NOT VOTING: Aarsvold; Stofferahn

HB 1164 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. BELTER MOVED that the House do concur in the Senate amendments to HB 1203 as printed on HJ pages 969-970, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1203: A BILL for an Act to create and enact a new subsection to section 24-01-01.1 of the North Dakota Century Code, relating to definition of the term director; and to amend and reenact section 24-02-19 of the North Dakota Century Code, relating to department of transportation bidding procedures for construction, and equipment, materials, and supplies.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 100 YEAS, 3 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

NAYS: Brown; Delzer; Pyle

ABSENT AND NOT VOTING: Aarsvold; Thompson; Whalen

Engrossed HB 1203 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. TIMM MOVED that the House do concur in the Senate amendments to Engrossed HB 1208 as printed on HJ pages 1067-1068, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1208: A BILL for an Act to create and enact a new section to chapter 57-36 of the North Dakota Century Code, relating to allowing cigarette distributors to retain a portion of tax collections for administrative expenses; to amend and reenact sections 57-36-01, 57-36-02, 57-36-07, 57-36-09, 57-36-14, 57-36-18, 57-36-26, and 57-36-33 of the North Dakota Century Code, relating to removing the requirement that cigarettes contain tax stamps and to the filing of monthly tax returns for tobacco products; to repeal sections 57-36-08, 57-36-10, 57-36-11, 57-36-12, and 57-36-13 of the North Dakota Century Code, relating to removing the requirement that cigarettes contain tax stamps; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 96 YEAS, 7 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

NAYS: Boucher; Cleary; Gilmore; Goffe; Pyle; Ritter; Skar

ABSENT AND NOT VOTING: Aarsvold; Price; Whalen

Engrossed HB 1208 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. LARSON MOVED that the House do concur in the Senate amendments to HB 1216 as printed on HJ page 909, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1216: A BILL for an Act to create and enact sections 23-16.1-02.1 and 23-16.1-02.2 of the North Dakota Century Code, relating to appointment of a receiver of a nursing facility in cases of imminent threats to life or health.

ROLL CALL

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

YEAS: Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloube; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin;

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

ABSENT AND NOT VOTING: Aarsvold; Price; Whalen

HB 1216 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KRETSCHMAR MOVED that the House do concur in the Senate amendments to Engrossed HB 1245 as printed on HJ page 1050, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1245: A BILL for an Act to create and enact a new section to chapter 12.1-08 of the North Dakota Century Code, relating to harboring a runaway minor; and to provide a penalty.

ROLL CALL

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

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

NAYS: Bodine; Ring; Skar

ABSENT AND NOT VOTING: Aarsvold; Whalen

Engrossed HB 1245 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. NICHOLAS MOVED that the House do concur in the Senate amendments to Engrossed HB 1248 as printed on HJ page 1086, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1248: A BILL for an Act to create and enact sections 19-20.1-03.3, 19-20.1-03.4, and 19-20.1-05.1 of the North Dakota Century Code, relating to the registration, labeling, and storage of fertilizers; and to amend and reenact subsection 3 of section 4-35.1-01, sections 19-20.1-01, 19-20.1-02, 19-20.1-03, 19-20.1-03.1, 19-20.1-03.2, 19-20.1-04, 19-20.1-06, 19-20.1-07, 19-20.1-08, 19-20.1-10, 19-20.1-11, 19-20.1-12, 19-20.1-13, 19-20.1-14, 19-20.1-15, 19-20.1-16, 19-20.1-17, and 19-20.1-18 of the North Dakota Century Code, relating to the registration, labeling, licensing, inspection, sampling, and analysis of fertilizers, tonnage fees, and penalties for fertilizers and soil amendments; and to provide a penalty.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Aarsvold

Engrossed HB 1248 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. NICHOLAS MOVED that the House do concur in the Senate amendments to Engrossed HB 1270 as printed on HJ pages 1088-1089, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1270: A BILL for an Act to create and enact a new chapter to title 53 of the North Dakota Century Code, relating to the limitation of liability of an equine activity sponsor or an equine professional; and to provide for application of this Act.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 86 YEAS, 18 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Anderson, B.; Bodine; Carlson; Coats; DeMers; Enget; Erickson; Hokana; Kaldor; Laughlin; Mahoney; Nichols; Ring; Scherber; Skar; Wald; Wilkie; Williams

ABSENT AND NOT VOTING: Aarsvold; Olsen, D.

Engrossed HB 1270 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. LARSON MOVED that the House do concur in the Senate amendments to HB 1277 as printed on HJ page 1033, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1277: A BILL for an Act to repeal sections 50-24.3-04 and 50-24.3-05 of the North Dakota Century Code, relating to preadmission assessment of persons prior to admission to a skilled nursing facility, intermediate care facility, or a hospital swing-bed facility; to provide a statement of legislative intent; and to declare an emergency.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Aarsvold; Olsen, D.

HB 1277 passed, the title was agreed to, and the emergency clause carried.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2585.

MOTIONS

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

REP. KLOUBEC MOVED that the House be on the Fifth order of business, and at the conclusion of the Fifth order, the House be on the Thirteenth order of business, and at the conclusion of the Thirteenth order, the House stand adjourned until 10:00 a.m., Wednesday, March 20, 1991, which motion prevailed.

REPORTS OF STANDING COMMITTEES

HB 1611: Committee on Political Subdivisions (Rep. Martin, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 9, after "forty-nine" insert "to fifty-three"

Page 1, line 10, after "eighty" insert "ninety-eight", remove the overstrike over "to one hundred", and after "eight" insert "six"

Page 1, line 11, remove "ninety-eight"

ReNUMBER accordingly

HCR 3064: Joint Constitutional Revision Committee (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended,

recommends DO PASS (7 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 3, after "and" insert "the foundation aid stabilization fund and"

Page 1, line 4, after "fund" insert "and the foundation aid stabilization fund"

Page 1, replace lines 7 through 12 with "This measure requires that oil and gas gross production or extraction tax revenues in excess of revenues received during the 1989 fiscal year be allocated equally to the petroleum reserve fund and the foundation aid stabilization fund. This measure provides for an annual transfer of a portion of the income of each of these funds to the state general fund. These changes will take effect on July 1, 1993, if this measure is approved."

Page 2, line 3, replace "in the" with "as follows:"

Page 2, replace lines 4 through 8 with:

- "1. Fifty percent must be deposited in the petroleum reserve fund. The state treasurer shall transfer sixty percent of the interest and income of the petroleum reserve fund from the most recently ended fiscal year to the general fund in the state treasury before August first of each year. The principal and the retained interest and income of the petroleum reserve fund may not be appropriated for any purpose.
2. Fifty percent must be deposited in the foundation aid stabilization fund. The state treasurer shall transfer sixty percent of the interest and income of the foundation aid stabilization fund from the most recently ended fiscal year to the general fund in the state treasury before August first of each year. The principal of the foundation aid stabilization fund may be expended only upon order of the governor, who may direct such a transfer only to offset per-pupil foundation aid reductions that were made by executive action pursuant to law due to a revenue shortage."

Page 2, line 10, replace "1992" with "1993"

Renumber accordingly

SB 2011, as engrossed: Committee on Appropriations (Rep. Thompson, Chairman) recommends DO PASS (18 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING). SB 2011 was placed on the Fourteenth order on the calendar.

SB 2014, as engrossed: Committee on Appropriations (Rep. Thompson, Chairman) recommends DO PASS (19 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). SB 2014 was placed on the Fourteenth order on the calendar.

SB 2025, as reengrossed: Committee on Agriculture (Rep. Nicholas, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REFERRED to the Committee on Appropriations (16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, after "pesticide" insert "and pesticide"

Page 1, line 2, remove "to amend and reenact subsection 4 of section 19-18-04 of the North"

Page 1, line 3, remove "Dakota Century Code, relating to pesticide registration fees;"

Page 1, line 6, remove the underscore under "Agricultural pesticide", after "pesticide" insert "and pesticide", and remove the underscore under "container disposal pilot project -"

Page 1, remove the underscore under lines 7 through 19

Page 1, line 20, remove the underscore under "a. Collect and either recycle or dispose of", after "of" insert "unused pesticides and", and remove the underscore under "empty, triple-rinsed"

Page 1, remove the underscore under lines 21 and 22

Page 2, line 1, remove the underscore under "of temporary collection sites for the containers", after "containers" insert "and pesticides", and remove the underscore under "The"

Page 2, line 2, remove the underscore under "commissioner may limit the type and quantity of containers" and after "containers" insert "and pesticides"

Page 2, remove the underscore under lines 3 through 29

Page 3, remove the underscore under line 1

Page 3, line 2, remove the underscore under "from the", replace "agricultural pesticide container disposal" with "environment and rangeland protection", and remove the underscore under "fund."

Page 3, line 3, remove the underscore under "Project scope and evaluation - Proposed legislation. The"

Page 3, line 4, remove the underscore under "project must", replace "be limited to two county" with "occur in", and remove the underscore under "areas to be determined by the"

Page 3, remove the underscore under lines 5 through 11

Page 3, remove lines 12 through 26

Page 3, line 28, replace "agricultural pesticide container disposal" with "environment and rangeland protection"

Page 3, line 29, replace "\$385,000" with "\$600,000"

Page 4, line 1, replace "implementing an" with "analyzing and disposing of unused pesticides and triple-rinsed or pressure-rinsed pesticide containers"

Page 4, line 2, remove "agricultural pesticide container collection and disposal program"

Page 4, line 5, remove ", except with respect to the remittal"

Page 4, remove line 6

Page 4, line 7, remove "section 4 of this Act"

ReNUMBER accordingly

SB 2031, as engrossed: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (10 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 3, line 5, after "governor" insert ". One of the members of the special committee considering organ or tissue transplantation issues must have

experience with a professional organ procurement or transplant organization"

Renumber accordingly

SB 2054, as engrossed: Committee on State and Federal Government (Rep. Martinson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (9 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to establish a state department of tourism; and to amend and reenact section 24-03-21, subsection 2 of section 54-34-06, and subsection 6 of section 57-39.2-28 of the North Dakota Century Code, relating to tourism functions of the economic development commission.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Department of tourism - Director.

1. There is established a state department of tourism to foster and promote tourism to, and within, the state and the full development of the state's tourism resources, and to serve as a planning and coordinating agency for tourism-related programs of the state and the state's political subdivisions. All functions, powers, and duties of the tourism promotion division of the economic development commission are transferred to the department of tourism established under this section.
2. A director of tourism shall supervise and control the department. The governor shall appoint as director a person who is qualified by training, knowledge, and experience that is necessary to ensure professional competency in carrying out the duties enumerated in section 2 of this Act. The governor shall determine the salary of the director, within the limits of legislative appropriations, in an amount comparable to the salary of a department administrator having similar duties.

SECTION 2. Duties of director. The director of tourism, within the limits of legislative appropriations, shall:

1. Implement the state's tourism policy;
2. Prepare and update biennially a tourism master plan for the development of tourism in the state which identifies the state's tourism resources, estimates the impact of tourism on the state's economy, and proposes a five-year plan for activities of the department;
3. Measure and forecast visitor volume, receipts, and related social and economic impacts;
4. Work with the private sector and local, state, and federal agencies to develop the state's tourism-related infrastructure, facilities, services, and attractions, including the state's highways and parks;
5. Organize and coordinate programs designed to promote tourism to, and within, the state through various means. Those means may include:
 - a. Display advertising in magazines and newspapers;
 - b. Advertising on radio and television or other advertising media;

- c. Publishing pamphlets, brochures, and other graphic and pictorial materials; and
- d. Aiding and assisting representatives of the media to ensure greater coverage of the state's visitor attractions;
- 6. Participate in travel shows;
- 7. Supervise and administer visitor information centers that receive funding from the state;
- 8. Develop opportunities for professional and technical education and training in the visitor industry;
- 9. Foster an understanding among the state's residents of the economic importance to the state of hospitality and tourism;
- 10. Cooperate with local, state, and federal agencies and organizations and the private sector for the promotion and development of tourism to, and within, the state;
- 11. Provide advice and technical assistance to local, public, and private tourism organizations in promoting and developing tourism;
- 12. Monitor the policies and programs of state agencies that significantly affect the visitor industry, notify those agencies of the effects of their actions on travel to, and within the state, and if necessary recommend programs or policy changes to those agencies;
- 13. Appoint personnel as may be determined necessary to carry out sections 1 and 2 of this Act, and fix their compensation; and
- 14. Request and receive from any department, agency, institution, or political subdivision of the state any assistance or data necessary to carry out sections 1 and 2 of this Act.

SECTION 3. AMENDMENT. Section 24-03-21 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

24-03-21. Preparation of road maps - Publication of tourist information. The commissioner shall prepare, for general distribution, road maps of the state highway system and such other roads as ~~he shall deem~~ the commissioner deems necessary. Any tourist-oriented material printed on road maps ~~shall~~ must be prepared by the ~~economic development commission~~ department of tourism at no ~~expense~~ cost to the department of transportation.

SECTION 4. AMENDMENT. Subsection 2 of section 54-34-06 of the North Dakota Century Code is amended and reenacted as follows:

- 2. Plan, execute, and direct a program of publicity, research, and agricultural and industrial promotion, the primary mission and focus of which is the establishment and expansion of primary sector business and industry, which will:
 - a. Attract investors, investment capital, and new residents.
 - b. Foster and promote ~~tourism and~~ international trade.
 - c. Assist in improving the business and agricultural climate of North Dakota to encourage the growth and development of business and industry.

SECTION 5. AMENDMENT. Subsection 6 of section 57-39.2-28 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

6. Notwithstanding the provisions of section 57-39.2-23, the commissioner may provide names and addresses of Canadian residents claiming a North Dakota sales tax refund to the director of the department of tourism."

Renumber accordingly

SB 2078, as engrossed: Committee on State and Federal Government (Rep. Martinson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections" and after "1" insert "and 15"

Page 1, line 9, replace "repeal section 15 of chapter 667 of the 1989 Session Laws of North Dakota," with "declare an emergency."

Page 1, remove line 10

Page 6, line 10, replace "REPEAL - RETROACTIVE APPLICATION. Section 15 of" with "AMENDMENT. Section 15 of chapter 667 of the 1989 Session Laws of North Dakota is amended and reenacted as follows:

SECTION 15. EXPIRATION DATE. This Act is effective through June 30, ~~1991~~ 1993, and after that date is ineffective.

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

Page 6, remove lines 11 and 12

Renumber accordingly

SB 2149: Committee on Agriculture (Rep. Nicholas, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections 36-05-05," and after "36-09-02.1" insert ", and 36-09-23"

Page 1, line 2, after "to" insert "the expiration and renewal of livestock auction market licenses," and after "marks" insert ", and brand inspections; and to provide a penalty"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Section 36-05-05 of the North Dakota Century Code is amended and reenacted as follows:

36-05-05. Expiration and renewal of license - Fee returned upon failure to issue or renew license. Each license issued under this chapter expires on the thirty-first day of ~~January~~ March next following the date of issuance ~~thereof~~. Each license must be renewed annually on or before ~~January~~ March thirty-first. The fee for a renewal license is the same as that prescribed for an original license. If the commissioner does not issue a requested original license or renewal license, the fee paid must be refunded to the applicant. Licenses issued in 1991 extend until March 1992."

Page 2, after line 28, insert:

"SECTION 3. AMENDMENT. Section 36-09-23 of the North Dakota Century Code is amended and reenacted as follows:

36-09-23. Removal of livestock from state - Brand inspection - Penalty. No person may remove cattle, horses, or mules from this state or to within a mile [1.61 kilometers] of any boundary of the state for the purpose of removal unless ~~such~~ the livestock has been inspected for marks and brands by an official brand inspector of the North Dakota stockmen's association and a certificate of inspection must accompany ~~such~~ the livestock to destination. In lieu of ~~such~~ the inspection, the owner or possessor may make and sign an invoice or waybill covering ~~such~~ the stock showing marks and brands, number, sex and kind of the stock and the consignee and market destination where official brand inspection is provided by or for the ~~said~~ stockmen's association and mail a copy of ~~such~~ the invoice or waybill to the association before the stock leaves the state.

It is unlawful for the owner or possessor to remove any ~~such~~ livestock from any place of ~~such~~ regular official brand inspection unless and until official brand inspection has been made and the brand inspection certificate issued.

Any violation of A person who violates this section constitutes is guilty of a class B misdemeanor. A person who violates this section a second time within fifteen years or violates this section three or more times is guilty of a class C felony."

Renumber accordingly

SB 2188, as engrossed: Committee on Natural Resources (Rep. A. Olson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 3, line 20, replace "counties" with "county"

Page 5, line 21, after the period insert "The state and its political subdivisions and employees of the state or a political subdivision acting within the scope of their employment are not subject to the civil fines established in this subdivision."

Page 5, line 29, after the period insert "The state and its political subdivisions and employees of the state or a political subdivision acting within the scope of their employment are not subject to the penalty established in this subdivision."

Renumber accordingly

SB 2203, as engrossed: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends DO PASS (12 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2203 was placed on the Fourteenth order on the calendar.

SB 2227, as engrossed: Committee on Agriculture (Rep. Nicholas, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections" and after "4-35-05" insert ", 4-35-12.1"

Page 2, after line 10, insert:

"5. "Dealer" means any person who sells a pesticide to an end user."

Page 2, line 11, overstrike "5 " and insert immediately thereafter "6."

Page 2, line 14, overstrike "6." and insert immediately thereafter "7."

Page 2, line 16, overstrike "7." and insert immediately thereafter "8."

Page 2, line 23, overstrike "8." and insert immediately thereafter "9."

Page 2, line 25, overstrike "9." and insert immediately thereafter "10."

Page 2, line 28, overstrike "10." and insert immediately thereafter "11."

Page 3, line 7, overstrike "11." and insert immediately thereafter "12."

Page 3, line 13, overstrike "12." and insert immediately thereafter "13."

Page 3, line 18, overstrike "13." and insert immediately thereafter "14."

Page 3, line 21, overstrike "14." and insert immediately thereafter "15."

Page 4, line 4, overstrike "15." and insert immediately thereafter "16."

Page 4, line 8, overstrike "16." and insert immediately thereafter "17."

Page 4, line 9, replace "17" with "18"

Page 4, line 14, replace "18" with "19"

Page 4, line 17, replace "19" with "20"

Page 4, line 24, replace "20" with "21"

Page 5, line 1, replace "21" with "22"

Page 5, line 3, replace "22" with "23"

Page 5, line 10, replace "23" with "24"

Page 5, line 12, replace "24" with "25"

Page 5, line 16, replace "25" with "26"

Page 5, line 18, replace "26" with "27"

Page 5, line 21, replace "27" with "28"

Page 5, line 22, replace "28" with "29"

Page 5, line 25, replace "29" with "30"

Page 5, line 29, replace "30" with "31"

Page 6, line 1, replace "31" with "32"

Page 6, after line 3, insert.

"SECTION 2. AMENDMENT. Section 4-35-12.1 of the North Dakota Century Code is amended and reenacted as follows:

4-35-12.1. "Stop-sale" orders. Where an emergency exists requiring immediate action to protect the public health and safety, based on inspection or tests, the commissioner of agriculture may issue and enforce a stop-sale order to the distributor of any pesticide when the commissioner finds that the pesticide is being offered for sale in violation of this chapter, and the order must direct that the pesticide be held at a designated place until released in writing by the commissioner. The owner or custodian of the pesticide may petition a court of competent jurisdiction in the county where the pesticide is found for an order releasing the product for sale in accordance with

the findings of the court. Whenever any pesticide or device is found by the commissioner and there is reason to believe on the basis of inspection or tests that the pesticide or device is in violation of any of the provisions of this chapter, or when the registration of the pesticide has been canceled by the state or United States environmental protection agency or has been suspended, the commissioner may issue a written or printed "stop-sale, use, or removal" order to any person who owns, controls, or has custody of the pesticide or device, and after receipt of the order, no person may sell, use, or remove the pesticide or device described in the order except in accordance with the provisions of the order."

Page 6, line 15, after "pesticides" insert "and all commercial applications of pesticides", replace "shall" with "may", and after "require" insert "restricted use pesticide"

Page 6, line 16, remove "and commercial"

Page 7, line 19, after "applicator" insert "for values less than three dollars. If the value of the sample is over three dollars, the applicator has the option of being given a receipt to be paid at a later date, or of not being reimbursed"

Renumber accordingly

SB 2281: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new subsection to section 19-03.1-07 of the North Dakota Century Code, relating to controlled substances; and to" and after "reenact" insert "section 19-03.1-01."

Page 1, line 2, after "19-03.1-05" insert ", subsections 3, 4, 7, and 8 of section 19-03.1-07, subsections 4, 6, 7, and 8 of section 19-03.1-09, subsections 3 and 4 of section 19-03.1-11, and subsection 5 of section 19-03.1-13"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Section 19-03.1-01 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

19-03.1-01. Definitions. As used in this chapter:

1. "Administer" means the direct application of to apply a controlled substance, whether by injection, inhalation, ingestion, or any other means, directly to the body of a patient or research subject by:
 - a. A practitioner (or, in his the practitioner's presence, by his the practitioner's authorized agent); or
 - b. The patient or research subject at the direction and in the presence of the practitioner.
2. "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman.
3. "Anabolic steroids" means any drug or hormonal substance, chemically and pharmacologically related to testosterone, other than estrogens, progestins, and corticosteroids.

- ~~2-4-~~ 4. "Board" means the North Dakota controlled substances board.
- ~~3-~~ 5. "Bureau" means the ~~Bureau of Narcotics and Dangerous Drugs~~, Drug Enforcement Administration in the United States Department of Justice or its successor agency.
- ~~4-~~ 6. "Controlled substance" means a drug, substance, or immediate precursor in schedules I through V as set out in this chapter.
- ~~5-~~ 7. "Counterfeit substance" means a controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person who in fact manufactured, distributed, or dispensed the substance.
- ~~6-~~ 8. "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a controlled substance whether or not there is an agency relationship.
- ~~7-~~ 9. "Dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery.
- ~~8-~~ 10. "Dispenser" means a practitioner who dispenses.
- ~~9-~~ 11. "Distribute" means to deliver other than by administering or dispensing a controlled substance.
- ~~10-~~ 12. "Distributor" means a person who distributes.
- ~~11-~~ 13. "Drug" means:
- a. Substances recognized as drugs in the official United States pharmacopeia, national formulary, or the official homeopathic pharmacopeia of the United States, or ~~official national formulary,~~ or any supplement to any of them;
 - b. Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man ~~individuals~~ or animals;
 - c. Substances (other than food) intended to affect the structure or any function of the body of man ~~individuals~~ or animals; and
 - d. Substances intended for use as a component of any article specified in subdivision a, b, or c. ~~It~~ The term does not include devices or their components, parts, or accessories.
- ~~11.1~~ 14. "Hashish" means the resin extracted from any part of the plant cannabis with or without its adhering plant parts, whether growing or not, and every compound, manufacture, salt, derivative, mixture, or preparation of the resin.
- ~~12-~~ 15. "Immediate precursor" means a substance ~~which:~~
- a. That the board has found to be and by rule designates as being the principal compound commonly used or produced primarily for use, and which in the manufacture of a controlled substance;

- b. That is an immediate chemical intermediary used or likely to be used in the manufacture of a the controlled substance ~~the~~; and
- c. The control of which is necessary to prevent, curtail, or limit the manufacture of the controlled substance.

~~13-~~ 16. "Manufacture" means the production, preparation, propagation, compounding, conversion, or processing of a controlled substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container; ~~except that this.~~ The term does not include the preparation or compounding of a controlled substance by an individual for his own use or the preparation, compounding, packaging, or labeling of a controlled substance:

- a. By a practitioner as an incident to ~~his~~ the practitioner's administering or dispensing of a controlled substance in the course of ~~his~~ the practitioner's professional practice; or
- b. By a practitioner, or by ~~his~~ the practitioner's authorized agent under ~~his~~ the practitioner's supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.

~~14-~~ 17. "Marijuana" means all parts of the plant cannabis whether growing or not; the seeds thereof; the resinous product of the combustion of the plant cannabis; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds. ~~It~~ The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of mature stalks, fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

~~15-~~ 18. "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

- a. Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate.
- b. Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in subdivision a, but not including the isoquinoline alkaloids of opium.
- c. Opium poppy and poppy straw.
- d. Coca leaves and any salt, compound, derivative or preparation of coca leaves, any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

~~16-~~ 19. "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or

addiction-sustaining liability. ~~It~~ The term does not include, unless specifically designated as controlled under section 19-03.1-02, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). ~~It does include~~ The term includes its racemic and levorotatory forms.

- ~~17-~~ 20. "Opium poppy" means the plant of the species papaver somniferum L., except its seeds.
- ~~18-~~ 21. "Person" means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.
- ~~19-~~ 22. "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.
- ~~20-~~ 23. "Practitioner" means:
- a. A physician, dentist, veterinarian, pharmacist, scientific investigator, or other person licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.
 - b. A pharmacy, hospital, or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.
- ~~21-~~ 24. "Production" includes the ~~manufacture~~ manufacturing, planting, ~~cultivation~~ cultivating, growing, or harvesting of a controlled substance.
- ~~22-~~ 25. "State" when applied to a part of the United States, includes any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States of America.
- ~~23-~~ 26. "Ultimate user" means ~~a person~~ an individual who lawfully possesses a controlled substance for ~~his~~ the individual's own use or for the use of a member of ~~his~~ the individual's household or for administering to an animal owned by ~~him~~ the individual or by a member of ~~his~~ the individual's household."

Page 1, overstrike lines 13 and 14 and insert:

"a. Acetyl-alpha-methylfentanyl (also known as N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide)."

Page 1, line 20, after "Alpha-methylfentanyl" insert "(also known as N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl]"

Page 2, overstrike line 1

Page 2, line 4, overstrike "Alpha-Methylthiofentanyl" and insert immediately thereafter "Alpha-methylthiofentanyl" and after the first parenthesis insert "also known as"

Page 2, overstrike lines 8 and 9 and insert:

"k. Beta-hydroxyfentanyl (also known as N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide)."

Page 2, overstrike lines 10 and 11 and insert:

"1. Beta-hydroxy-3-methylfentanyl (also known as N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidiny]-N-phenylpropanamide)."

Page 3, line 4, after the first parenthesis insert "also known as"

Page 3, line 5, after "phenylpropanamide" insert an underscored closed parenthesis

Page 3, line 6, overstrike "3-Methylthiofentanyl" and insert immediately thereafter "3-methylthiofentanyl" and after the first parenthesis insert "also known as"

Page 3, line 9, after the first parenthesis insert "also known as"

Page 3, line 14, after the first parenthesis insert "also known as"

Page 3, overstrike lines 27 and 28 and insert:

"aaa. Thiofentanyl (also known as N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidiny]-propanamide)."

Page 4, overstrike lines 10 through 22 and insert:

"a. 4-bromo-2, 5-dimethoxy-amphetamine (also known as 4-bromo-2, 5-dimethoxy-a-methylphenethylamine; 4-bromo-2, 5-DMA).

b. 2, 5-dimethoxy-amphetamine (also known as 2, 5-dimethoxy-a-methylphenethylamine; 2, 5-DMA).

c. 4-methoxyamphetamine (also known as 4-methoxy-a-methylphenethylamine; paramethoxyamphetamine; PMA).

d. 5-methoxy-3,4-methylenedioxy-amphetamine.

e. 4-methyl-2,5-dimethoxy-amphetamine (also known as 4-methyl-2,5-dimethoxy-a-methylphenethylamine; "DOM" and "Sip").

f. 3,4-methylenedioxy amphetamine.

g. 3,4-methylenedioxymethamphetamine (also known as MDMA)."

Page 5, line 1, overstrike ". (Some trade and other names:"

Page 5, line 2, after the overstrike insert "(also known as"

Page 5, overstrike line 5 and insert immediately thereafter "5-hydroxy-N,N-dimethyltryptamine; mappine)."

Page 5, line 6, overstrike ". (Some trade or other names:"

Page 5, overstrike line 7 and insert immediately thereafter "(also known as N, N-Diethyltryptamine; DET)."

Page 5, line 8, overstrike ". (Some trade and other names: DMT.)" and insert immediately thereafter "(also known as DMT)."

Page 5, line 10, overstrike " (Some trade and other names:" and insert immediately thereafter "(also known as"

Page 5, line 12, overstrike "(5, 4-b)" and insert immediately thereafter "(5,4-b)"

Page 5, line 13, overstrike "iboga.)" and insert immediately thereafter "iboga)."

Page 5, line 17, overstrike ". (Some trade or other names:" and insert immediately thereafter "(also known as"

Page 5, overstrike lines 18 and 19 and insert immediately thereafter "8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzol[b,d]pyran; Synhexyl)."

Page 5, line 20, overstrike ", meaning" and insert immediately thereafter an underscored open parenthesis

Page 5, line 24, after "extracts" insert an underscored closed parenthesis

Page 6, line 1, overstrike ". Synthetic" and insert immediately thereafter "(synthetic)"

Page 6, line 15, overstrike ". (Some trade or other"

Page 6, line 16, overstrike "names:" and insert immediately thereafter "(also known as"

Page 6, line 19, overstrike ". (Some trade or other"

Page 6, line 20, overstrike "names:" and insert immediately thereafter "(also known as" and overstrike "PCy" and insert immediately thereafter "PCPy"

Page 6, line 21, overstrike "Analog of Phencyclidine. (Some trade or other names:" and insert immediately thereafter "analog of phencyclidine (also known as"

Page 6, overstrike line 22

Page 6, overstrike line 23 and insert immediately thereafter "(1-[1-(2-thienyl) cyclohexyl] piperidine, 2-Thienylanalog of phencyclidine; TCP, TCP)."

Page 6, line 24, replace ". (Some other names:" with "(also known as TCPy)."

Page 6, remove line 25

Page 7, line 4, after "(+)cis-4-methylaminorex" insert "(also known as (+)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazoline)."

Page 7, remove line 5

Page 7, after line 9, insert:

"SECTION 3. AMENDMENT. Subsections 3, 4, 7, and 8 of section 19-03 1-07 of the 1989 Supplement to the North Dakota Century Code are amended and reenacted as follows:

3 Substances, vegetable origin or chemical synthesis. Unless specifically excepted or unless listed in another schedule, any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis.

a. Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding apomorphine, dextrorphan, nalbuphine, nalmefene, naloxone, and naltrexone and their respective salts, but including the following:

(1) Raw opium.

- (2) Opium extracts.
 - (3) Opium fluid extracts.
 - (4) Powdered opium.
 - (5) Granulated opium.
 - (6) Tincture of opium.
 - (7) Codeine.
 - (8) Ethylmorphine.
 - (9) Etorphine hydrochloride.
 - (10) Hydrocodone.
 - (11) Hydromorphone.
 - (12) Metopon.
 - (13) Morphine.
 - (14) Oxycodone.
 - (15) Oxymorphone.
 - (16) Thebaine.
- b. Any salt, compound, ~~isomer~~ derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in subdivision a, but not including the isoquinoline alkaloids of opium.
- c. Opium poppy and poppy straw.
- d. Coca leaves and any salt, compound, derivative, or preparation of coca leaves, including cocaine and ecgonine and their salts, isomers, derivatives, and salts of isomers and derivatives, and any salt, compound, derivative, or preparation thereof that is chemically equivalent or identical with any of these substances, but not including except that the nondosage substances must include decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.
- e. Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid, or powder form which contains the phenanthrine alkaloids of the opium poppy).
4. Opiates. Unless specifically excepted or unless in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of those isomers, esters, ethers, and salts is possible within the specific chemical designation, dextrophan and levopropoxyphene excepted:
- a. Alfentanil.
 - b. Alphaprodine.
 - c. Anileridine.
 - d. Bezitramide.
 - e. Bulk dextropropoxyphene (nondosage forms).

- f. Carfentanil.
 - g. Dihydrocodeine.
 - h. Diphenoxylate.
 - i. Fentanyl.
 - j. Isomethadone.
 - k. Levomethorphan.
 - l. Levorphanol.
 - m. Metazocine.
 - n. Methadone.
 - o. ~~Methadone - Intermediate~~ Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane.
 - p. ~~Moramide - Intermediate~~ Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid.
 - q. Pethidine (also known as meperidine).
 - r. ~~Pethidine - Intermediate-A~~ Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine.
 - s. ~~Pethidine - Intermediate-B~~ Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate.
 - t. ~~Pethidine - Intermediate-C~~ Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid.
 - u. Phenazocine.
 - v. Priminodine.
 - w. Racemethorphan.
 - x. Racemorphan.
 - y. Sufentanil.
7. ~~Immediate precursors: Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances:~~
- a: ~~Immediate precursor to amphetamine and methamphetamine: Phenylacetone. Some trade or other names: phenyl-2-propanone; P2P; benzyl methyl ketone; methyl benzyl ketone.~~
 - b: ~~Immediate precursors to phencyclidine (PCP):~~
 - ~~(1) 1-phenylcyclohexylamine.~~
 - ~~(2) 1-piperidinocyclohexanecarbonitrile (PCG).~~
8. Hallucinogenic substances.
- a. Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a ~~federal~~ United States food and drug administration approved drug product. (Some other names for dronabinol: (6aR-trans)-6a, 7, 8, 10a-

tetrahydro-6, 6, 9-trimethyl-3-pentyl-6H-dibenzo ~~for d~~
[b,d] pyran-1-01, or (-)-delta-9-(trans)-
tetrahydrocannabinol) (THC).

- b. Nabilone [another name for nabilone (\pm)-trans-3-(1, 1-dimethylheptyl)-6, 6a, 7, 8, 10, 10a-hexahydro-1-hydroxy-6, 6-dimethyl-9Hdibenzo [b, d] pyran-9-one].

SECTION 4. A new subsection to section 19-03.1-07 of the 1989 Supplement to the North Dakota Century Code is created and enacted as follows:

Immediate precursors. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances:

- a. Immediate precursor to amphetamine and methamphetamine: Phenylacetone. Some trade or other names: phenyl-2-propanone; P2P, benzyl methyl ketone; methyl benzyl ketone.

- b. Immediate precursors to phencyclidine (PCP):

(1) 1-phenylcyclohexylamine.

(2) 1-piperidinocyclohexanecarbonitrile (PCC).

SECTION 5. AMENDMENT. Subsections 4, 6, 7, and 8 of section 19-03.1-09 of the 1989 Supplement to the North Dakota Century Code are amended and reenacted as follows:

4. Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing that contains any quantity of the following substances having a depressant effect on the central nervous system:

- a. Any compound, mixture, or preparation containing:

- (1) Amobarbital;
(2) Secobarbital;
(3) Pentobarbital;

or any salt thereof and one or more other active medicinal ingredients which are not listed in any schedule.

- b. Any suppository dosage form containing:

- (1) Amobarbital;
(2) Secobarbital;
(3) Pentobarbital;

or any salt of any of these drugs and approved by the food and drug administration for marketing only as a suppository

- c. Any substance containing that contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid, except those substances which are specifically listed in other schedules thereof.

- d. Chlorhexadol.
 - e. Glutethimide.
 - f. Lysergic acid.
 - g. Lysergic acid amide.
 - h. Methyprylon.
 - i. Sulfondiethylmethane.
 - j. Sulfonethylmethane.
 - k. Sulfonmethane.
 - l. Tiletamine and zolazepam or any salt thereof. Some trade or other names for a tiletamine-zolazepam combination product: Telazol. Some trade or other names for tiletamine: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone. Some trade or other names for zolazepam: ~~4-(2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo[3,4-c]1,4-diazepin-7(1H)-one; flupyrzapon~~ 4-2(2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-[3,4-e][1,4]-diazepin-7(1H)-one, flupyrzapon.
- 6 Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation ~~containing~~ that contains any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below.
- a. Not more than 1.80 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium.
 - b. Not more than 1.80 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.
 - c. Not more than 300 milligrams of ~~dihydrocodeinone~~ hydrocodone per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium.
 - d. Not more than 300 milligrams of ~~dihydrocodeinone~~ hydrocodone per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.
 - e. Not more than 1.80 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.
 - f. Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.
 - g. Not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per

dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

- h. Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

7. Anabolic steroids. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any of the following anabolic steroids:

- a. Boldenone.
- b. Chlorotestosterone.
- c. Clostebol.
- d. Dehydrochlormethyltestosterone.
- e. Dihydrotestosterone.
- f. Drostanolone.
- g. Ethylestrenol.
- h. Fluoxymesterone.
- i. Formebolone.
- j. Mesterolone.
- k. Methandienone.
- l. Methandranone.
- m. Methandriol.
- n. Methandrostenolone.
- o. Methenolone.
- p. Methyltestosterone.
- q. Mibolerone.
- r. Nandrolone.
- s. Norethandrolone.
- t. Oxandrolone.
- u. Oxymesterone.
- v. Oxymetholone.
- w. Stanolone.
- x. Stanozolol.
- y. Testolactone.
- z. Testosterone.
- aa. Trenbolone.

or any salt, ester, or isomer of a drug or substance described or listed in this paragraph, if that salt, ester, or isomer promotes muscle growth.

The term does not include an anabolic steroid that is expressly intended for administration through implants to cattle or other nonhuman species and which has been approved by the secretary of health and human services for administration unless any person prescribes, dispenses, possesses, delivers or distributes for human use.

8. The board may except by rule any compound, mixture, or preparation containing any stimulant or depressant substance listed in subsections 3 and 4 from the application of all or any part of this chapter if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a stimulant or depressant effect on the central nervous system.

SECTION 6. AMENDMENT. Subsections 3 and 4 of section 19-03.1-11 of the 1989 Supplement to the North Dakota Century Code are amended and reenacted as follows:

3. Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:
 - a. Not more than 1 milligram of difenoxin ~~(DEA drug code No. 9168)~~ and not less than 25 micrograms of atropine sulfate per dosage unit.
 - b. Dextropropoxyphene (alpha-(-)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionyloxybutane also known as alpha-(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionyloxybutane).
4. Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any quantity of the following substances, including their salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation:
 - a. Alprazolam.
 - b. Barbitol.
 - c. Bromazepam.
 - d. Camazepam.
 - e. Chloral betaine.
 - f. Chloral hydrate.
 - g. Chlordiazepoxide.
 - h. Clobazam.
 - i. Clonazepam.

- j. Clorazepate.
- k. Clotiazepam.
- l. Cloxazolam.
- m. Delorazepam.
- n. Diazepam.
- o. Estazolam.
- p. Ethchlorvynol.
- q. Ethinamate.
- r. Ethyl loflazepate.
- s. Fludiazepam.
- t. Flunitrazepam.
- u. Flurazepam.
- v. Halazepam.
- w. Haloxazolam.
- x. Ketazolam.
- y. Loprazolam.
- z. Lorazepam.
- aa. Lormetazepam.
- bb. Mebutamate.
- cc. Medazepam.
- dd. Meprobamate.
- ee. Methohexital.
- ff. Methylphenobarbital (also known as mephobarbital).
- gg. Midazolam.
- hh. Nimetazepam.
- ii. Nitrazepam.
- jj. Nordiazepam.
- kk. Oxazepam.
- ll. Oxazolam.
- mm. Paraldehyde.
- nn. Petrichloral.
- oo. Phenobarbital.
- pp. Pinazepam.
- qq. Prazepam.

- rr. Quazepam.
- ss. Temazepam.
- tt. Tetrazepam.
- uu. Triazolam.

SECTION 7. AMENDMENT. Subsection 5 of section 19-03.1-13 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

5. Stimulants. Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers, and salts of isomers:
 - a. ~~Propylhexedrine~~ Propylhexedrine.
 - b. Pyrovalerone."

Renumber accordingly

SB 2431: Committee on Agriculture (Rep. Nicholas, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (12 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 4, after "popcorn" insert "intended for consumption on the premises where purchased"

Page 1, line 6, after "butter" insert "or unless the word butter, or derivative of the word butter, is a part of the commercial brand name of the topping product" and after the period insert "The allowable use under this section of the word butter, or any derivative of the word butter, as part of the commercial brand name of a topping product is limited to use in that manner and popcorn with such a topping may not be described as buttered popcorn."

Renumber accordingly

SB 2451, as engrossed: Committee on Agriculture (Rep. Nicholas, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Committee on Appropriations (13 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 15, after "pesticides" insert "and pesticide containers"

Page 2, line 4, remove "nonagricultural"

Page 2, line 5, remove "and five hundred dollars for each agricultural use"

Page 2, line 6, remove "product registered"

Page 3, remove lines 8 through 13

Page 3, line 16, replace "\$300,000" with "\$100,000"

Page 3, line 23, replace "\$100,000" with "\$85,000"

Page 3, line 27, remove "Minimum residue standards and other"

Page 3, line 28, replace "criteria" with "Criteria"

Page 4, line 7, replace "\$385,000" with "\$500,000"

Page 4, line 8, replace "department of health and consolidated" with "commissioner of agriculture"

Page 4, line 9, remove "laboratories" and replace "analyzing and disposing of unusable" with "noxious weed control"

Page 4, line 10, remove "pesticides and triple-rinsed pesticide containers"

Page 4, after line 11, insert:

"SECTION 6. APPROPRIATION PRIORITY. If available moneys in the environment and rangeland protection fund are insufficient to fully fund all appropriations made from the fund by the fifty-second legislative assembly for the 1991-93 biennium, all other appropriations must be made from the fund prior to making the appropriation as set forth in section 5 of this Act."

Renumber accordingly

SB 2483, as engrossed: Committee on Agriculture (Rep. Nicholas, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION (16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a bison herd and interpretive center."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Bison herd and interpretive center. A bison herd and interpretive center may be established on the Standing Rock Indian reservation if approved by the appropriate tribal authorities. The bison herd and interpretive center must be designed and developed to restore the American bison in this state, educate the public concerning bison and history and culture of Indians in this state, and to promote tourism in this state. The interpretive center must contain a cultural and historical center designed for Indian cultural exhibits, programs, and events. The bison herd must be operated as a private business. A bison herd and interpretive center established pursuant to this section is entitled to the assistance as provided by this section. The North Dakota state university of agriculture and applied science shall advise and assist the operator in general herd management for the bison herd. The Bank of North Dakota may make loan funds available to the operator if the Bank determines that operation of the herd is a viable commercial enterprise and that adequate security for the loan is provided. The department of tourism shall provide appropriate tourism promotion to advertise the existence of, and encourage visitors to, the bison herd and interpretive center. The department of tourism may also participate financially in the establishment or operation of the interpretive center, subject to legislative appropriation."

Renumber accordingly

SB 2512, as engrossed: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (8 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 14, overstrike "institutions" and insert immediately thereafter "the department of corrections and rehabilitation, or a designee of the director of the department of corrections and rehabilitation, the director of the office of management and budget, or a designee of the director of the office of management and budget"

Renumber accordingly

SB 2534, as engrossed: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 18, overstrike "council on education" and insert immediately thereafter "commission on dental accreditation"

Page 3, line 26, overstrike "dentistry" and insert immediately thereafter "dental examiners"

Page 3, line 29, after the period insert "The minimum requirement may not be less than forty hours during the preceding five years of licensure."

Page 8, remove lines 24 through 28

Page 9, remove lines 1 through 7

Renumber accordingly

SB 2541, as engrossed: Committee on Political Subdivisions (Rep. Martin, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Committee on Appropriations (13 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 13, after "tabs" insert "at licensed gaming sites where adjusted gross proceeds do not exceed fifty thousand dollars per site per year"

Renumber accordingly

SB 2543, as engrossed: Committee on State and Federal Government (Rep. Martinson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (11 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 13, after "from" insert "or payments made on behalf of the candidate by"

Page 1, line 15, after "received" insert "and payments made on behalf of the candidate"

Renumber accordingly

SB 2588, as engrossed: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2588 was placed on the Fourteenth order on the calendar.

SB 2590, as engrossed: Committee on Education (Rep. Gates, Chairman) recommends DO PASS (10 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING). SB 2590 was placed on the Fourteenth order on the calendar.

SCR 4022: Committee on Political Subdivisions (Rep. Martin, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, after line 15, insert:

"BE IT FURTHER RESOLVED, that the study directed by this resolution be assigned to a committee consisting of seven members of the Senate, four of whom are appointed by the leader of the majority faction of the Senate and three of whom are appointed by the leader of

the minority faction of the Senate, and seven members of the House of Representatives, four of whom are appointed by the leader of the majority faction of the House and three of whom are appointed by the leader of the minority faction of the House; and

BE IT FURTHER RESOLVED, that the chairman of the Legislative Council designate a member of the Senate majority faction on the committee as a cochairman of the committee and designate a member of the House majority faction on the committee as a cochairman of the committee; and"

Renumber accordingly

FIRST READING OF SENATE BILLS

SB 2574: A BILL for an Act relating to the registration of persons convicted of offenses against children; and to provide a penalty.

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

SB 2576: A BILL for an Act to amend and reenact subsection 1 of section 39-06.1-10 of the North Dakota Century Code, relating to entries against a person's driving record.

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

SB 2579: A BILL for an Act to provide for disposition of excess assessments for escrow accounts on residential real estate mortgage loans; and to provide a penalty.

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

SB 2585: A BILL for an Act to amend and reenact section 51-07-22 of the North Dakota Century Code, relating to the resale of returned passenger motor vehicles; and to provide a penalty.

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

SB 2589: A BILL for an Act to create and enact a new section to chapter 23-01.1 and a new subsection to section 23-01.1-02 of the North Dakota Century Code, relating to publication of physicians' fee information; to amend and reenact section 23-01.1-04 of the North Dakota Century Code, relating to data acquired by the health care data committee; and to repeal section 23-01.1-03 of the North Dakota Century Code, relating to a directory of licensed physicians.

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

FIRST READING OF SENATE CONCURRENT RESOLUTION

SCR 4057: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing a basic care program.

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

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

ROY GILBREATH, Chief Clerk