

JOURNAL OF THE SENATE

Fifty-second Legislative Assembly

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Bismarck, March 22, 1991

The Senate convened at 9:00 a.m., with President Omdahl presiding.

The prayer was offered by Deacon John LaMontagne, Ascension Catholic Church, Bismarck.

The roll was called and all members were present except Senators David, Nething, and Tallackson.

A quorum was declared by the President.

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

MR. SPEAKER: The President has signed: 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 1376, HB 1405, HB 1427, HB 1430, HB 1449, HB 1478, HB 1481, HB 1482.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MEYER MOVED that the Senate do not concur in the House amendments to Engrossed SB 2041 as printed on SJ page 926 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2041: Sens. Meyer, Tomac, DeKrey.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KELSH MOVED that the Senate do not concur in the House amendments to SB 2115 as printed on SJ page 891 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2115: Sens. Marks, Bowman, Freborg.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. GRABA MOVED that the Senate do not concur in the House amendments to SB 2023 as printed on SJ pages 875-876 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2023: Sens. Maxson, Graba, Holmberg.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HEINRICH MOVED that the Senate do not concur in the House amendments to SB 2067 as printed on SJ page 1034 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2067. Sens. Kelsh, O'Connell, O. Hanson.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MATHERN MOVED that the Senate do not concur in the House amendments to Engrossed SB 2090 as printed on SJ page 1101 and that a conference committee

be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2090: Sens. Mathern, Jerome, Bowman.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MATHERN MOVED that the Senate do not concur in the House amendments to SB 2118 as printed on SJ page 1107 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2118: Sens. Mathern, E. Hanson, Nalewaja.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MEYER MOVED that the Senate do not concur in the House amendments to Engrossed SB 2036 as printed on SJ page 1102 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2036: Sens. Meyer, Krauter, Moore.

MOTION

SEN. WOGSLAND MOVED that SB 2338 be moved to the top of the Twelfth order, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. SCHOENWALD MOVED that the Senate do not concur in the House amendments to Engrossed SB 2338 as printed on SJ pages 1103-1104 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2338: Sens. Schoenwald, Mathern, David.

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

MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1050, HB 1201, HB 1282, and HB 1523 and subsequently passed the same.

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

MR. PRESIDENT: The House has amended and failed to pass: SB 2361.

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

MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2078.

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

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

MR. PRESIDENT: The House has amended and failed to pass: SB 2313, SB 2435.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2010, SB 2227, SB 2281, SB 2534.

HOUSE AMENDMENTS TO SB 2010

Page 1, line 6, after the fourth comma insert "and from the state fire and tornado fund, the sum of \$520,000,"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 035 - INSURANCE TAX TO FIRE DEPARTMENTS

The amendment increases the appropriation by 10 percent or by \$520,000. The funding for the \$520,000 is the state fire and tornado fund.

HOUSE AMENDMENTS TO ENGROSSED SB 2227

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

HOUSE AMENDMENTS TO SB 2281

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.
- ~~2-1-~~ 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.

~~++~~ 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. ~~++~~ The term does not include devices or their components, parts, or accessories.

~~+1.1.~~ 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.~~+2-~~ 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.

~~+3-~~ 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.

~~++~~ 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.

~~+5-~~ 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.

~~+6-~~ 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.

~~+7-~~ 20. "Opium poppy" means the plant of the species *papaver somniferum* L., except its seeds.

~~+8-~~ 21. "Person" means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

~~+9-~~ 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:

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

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-6,9-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-oxazolamine)."

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. ~~D~~iphenoxylate.
 - 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 (PCC).~~
- 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 ~~(b, d)~~ [b,d] pyran-1-01, or (-)-delta-9-(trans)-tetrahydrocannabinol) (THC).
 - b. Nabilone [another name for nabilone (±)-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. Methypylon.
 - 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-e]diazepin-7(1H)-one~~; ~~4-(2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-[3,4-e]diazepin-7(1H)-one~~; flupyrzapon 4-(2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-[3,4-e]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. 9160)~~ 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

HOUSE AMENDMENTS TO ENGROSSED SB 2534

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

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

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HCR 3063.

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 1044, HB 1047, HB 1108, HB 1137, HB 1141, HB 1159, HB 1161, HB 1164, HB 1203, HB 1208, HB 1216, HB 1231, HB 1245, HB 1248, HB 1270, HB 1277, HB 1484.

CONSIDERATION OF AMENDMENTS

SB 2593: SEN. HEINRICH (Committee on Education) MOVED that the amendments on SJ pages 1146-1147 be adopted with DO PASS, which motion prevailed.

MOTION

SEN. WOGSLAND MOVED that the rules be suspended and that SB 2593 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2593: A BILL for an Act to create and enact a new subsection to section 15-29-08 of the North Dakota Century Code, relating to school board meetings.

ROLL CALL

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

YEAS: Bowman; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: David; Nething; Tallackson

SB 2593 passed and the title was agreed to.

MOTION

SEN. WOGSLAND MOVED that HB 1001, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1013: SEN. TALLACKSON (Committee on Appropriations) MOVED that the amendments on SJ page 1147 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

HB 1027: SEN. DOTZENROD (Committee on Finance and Taxation) MOVED that the amendments on SJ page 1111 be adopted and then be placed on the Fourteenth order with DO PASS, which motion lost on a verification vote.

MOTION

SEN. WOGSLAND MOVED that the rules be suspended and that HB 1027 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

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

ROLL CALL

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

YEAS: Bowman; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjelm; Streibel; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: David; Nething; Tallackson

HB 1027 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1117: SEN. DOTZENROD (Committee on Finance and Taxation) MOVED that the amendments on SJ pages 1147-1149 be adopted and then be placed on the Fourteenth order with DO PASS, which motion lost on a verification vote.

HB 1177: SEN. GRABA (Committee on Political Subdivisions) MOVED that the amendments on SJ page 1149 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

HB 1219: SEN. SCHOENWALD (Committee on Transportation) MOVED that the amendments on SJ pages 1149-1150 be adopted and then be placed on the Fourteenth order with DO NOT PASS, which motion prevailed.

MOTION

SEN. WOGSLAND MOVED that the rules be suspended and that HB 1219 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 1219: A BILL for an Act to create and enact a new section to chapter 54-45 of the North Dakota Century Code, relating to the civil air patrol; to amend and reenact sections 54-45-03, 65-06.1-01, and 65-06.1-02 of the North Dakota Century Code, relating to the civil air patrol; and to repeal sections 54-45-01, 54-45-02, and 54-45-04 of the North Dakota Century Code, relating to the civil air patrol.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 31 YEAS, 19 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Goetz; Graba; Hanson, E.; Heigaard; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Krauter; Langley; Lindaas; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Stenehjelm; Thane; Tomac; Wogsland; Yockim

NAYS: Bowman; David; DeKrey; Evanson; Freborg; Hanson, O.; Ingstad; Kinnoin; Krebsbach; Lindgren; Mutch; Naaden; Nalewaja; Nelson; Solberg; Streibel; Tennefos; Traynor; Vosper

ABSENT AND NOT VOTING: Nething; Peterson; Tallackson

HB 1219 passed and the title was agreed to.

SIGNING OF BILLS AND RESOLUTIONS

The President signed the following enrolled resolutions: SCR 4007, SCR 4017, SCR 4019, SCR 4025, SCR 4029, SCR 4031, SCR 4032, SCR 4034, SCR 4035, SCR 4038, SCR 4039, SCR 4043, SCR 4047, SCR 4050, SCR 4051, SCR 4052.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SCR 4007, SCR 4017, SCR 4019, SCR 4025, SCR 4029, SCR 4031, SCR 4032, SCR 4034, SCR 4035, SCR 4038, SCR 4039, SCR 4043, SCR 4047, SCR 4050, SCR 4051, SCR 4052.

CONSIDERATION OF AMENDMENTS

HB 1296: SEN. MATHERN (Committee on Human Services and Veterans Affairs) MOVED that the amendments on SJ page 1111 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

HB 1333: SEN. MEYER (Committee on Natural Resources) MOVED that the amendments on SJ page 1150 be adopted with DO PASS, which motion prevailed.

MOTION

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

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 51 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kels; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Nething; Tallackson

HB 1333 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1387: SEN. DOTZENROD (Committee on Finance and Taxation) MOVED that the amendments on SJ page 1150 be adopted and then be placed on the Fourteenth order with DO NOT PASS, which motion prevailed.

HB 1477: SEN. MATHERN (Committee on Human Services and Veterans Affairs) MOVED that the amendments on SJ pages 1111-1114 be adopted with DO PASS, which motion prevailed.

MOTION

SEN. WOGSLAND MOVED that the rules be suspended and that HB 1477 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 1477: A BILL for an Act to provide for utilization review of health care services; 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 51 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Nething; Tallackson

HB 1477 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1596: SEN. DOTZENROD (Committee on Finance and Taxation) MOVED that the amendments on SJ pages 1151-1152 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

HB 1597: SEN. GRABA (Committee on Political Subdivisions) MOVED that the amendments on SJ page 1152 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

HB 1604: SEN. TALLACKSON (Committee on Appropriations) MOVED that the amendments on SJ page 1152 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

MOTION

SEN. WOGSLAND MOVED that the rules be suspended and that HB 1604 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1604: A BILL for an Act to amend and reenact section 11-11-26 of the North Dakota Century Code, relating to bid requirements for purchases by counties.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 49 YEAS, 1 NAY, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

NAYS: Lindgren

ABSENT AND NOT VOTING: Jerome; Nething; Tallackson

HB 1604 passed and the title was agreed to.

HB 1072: A BILL for an Act to create and enact a new paragraph to subdivision i of subsection 18 of section 52-01-01 of the North Dakota Century Code, relating to the exclusion of golf caddies under the age of eighteen from the definition of employment under the unemployment compensation law.

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 41 YEAS, 8 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Hanson, O.; Holmberg; Ingstad; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; O'Connell; Peterson; Redlin; Robinson; Solberg; Stenehjøm; Streibel; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland

NAYS: Graba; Hanson, E.; Heinrich; Keller; Mathern; Satrom; Schoenwald; Yockim

ABSENT AND NOT VOTING: Heigaard; Jerome; Nething; Tallackson

HB 1072 passed and the title was agreed to.

HB 1083: A BILL for an Act to amend and reenact section 40-08-03 of the North Dakota Century Code, relating to the number of aldermen on a city council.

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

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjøm; Streibel; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Nething; Tallackson

HB 1083 passed and the title was agreed to.

HB 1095: A BILL for an Act to create and enact a new section to the North Dakota Century Code, relating to the access of operator services of telecommunications companies.

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

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch;

Naaden; Nalewaja; Nelson; O'Connell; Peterson; Redlin; Robinson;
Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tennefos; Thane;
Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Nething; Tallackson

HB 1095 passed and the title was agreed to.

SIGNING of BILLS and RESOLUTIONS

The President signed the following enrolled bill and resolution: SB 2489, SCR 4021.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2489, SCR 4021.

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause failed: HB 1511.

SECOND READING OF HOUSE BILL

HB 1098: A BILL for an Act to create and enact sections 57-51-02.2 and 57-51-02.3 of the North Dakota Century Code, relating to gross production tax on gas and oil; to amend and reenact sections 57-51-01, 57-51-02, 57-51-05, and subsections 1 and 2 of section 57-51-06 of the North Dakota Century Code and to amend and reenact section 1 of chapter 733 of the 1989 Session Laws of North Dakota, relating to imposition of gross production tax and the apportionment and use of the gross production tax; to repeal section 57-51-18 of the North Dakota Century Code, relating to payment where ownership is in dispute; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 51 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Nething; Tallackson

HB 1098 passed and the title was agreed to.

MOTION

SEN. WOGSLAND MOVED that HB 1112 be placed at the bottom of the Fourteenth order, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1119: A BILL for an Act to amend and reenact subsections 1 and 4 of section 6-09.4-10 of the North Dakota Century Code, relating to the reserve fund of the municipal bond bank.

ROLL CALL

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

NAYS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjøm; Streibel; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland

ABSENT AND NOT VOTING: Nething; Tallackson; Yockim

HB 1119 lost.

HB 1132: A BILL for an Act to amend and reenact section 39-02-05 of the North Dakota Century Code, relating to the fee for furnishing copies of records of the department of transportation.

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 48 YEAS, 2 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Naaden; Nalewaja; Nelson; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Stenehjøm; Streibel; Tennefos; Thane; Tomac; Traynor; Vosper; Yockim

NAYS: Mutch; Solberg

ABSENT AND NOT VOTING: Nething; Tallackson; Wogsland

HB 1132 passed and the title was agreed to.

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

MR. SPEAKER: The Senate has passed unchanged and the emergency clause carried on HB 1492.

SECOND READING OF HOUSE BILLS

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

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 51 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjøm; Streibel; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Nething; Tallackson

HB 1139 passed, the title was agreed to, and the emergency clause carried.

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

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 51 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Nething; Tallackson

HB 1193 passed and the title was agreed to.

HB 1255: A BILL for an Act to amend and reenact section 51-15-09 of the North Dakota Century Code, relating to remedies for violation of consumer protection provisions.

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

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Nething; Tallackson

HB 1255 passed and the title was agreed to.

HB 1256: A BILL for an Act to amend and reenact sections 16.1-01-10 and 44-08-21 of the North Dakota Century Code, relating to petitions for the recall of political subdivision elected officials.

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 50 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjelm; Streibel; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Freborg; Nething; Tallackson

HB 1256 passed and the title was agreed to.

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

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 50 YEAS, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjelm; Streibel; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

NAYS: Heinrich

ABSENT AND NOT VOTING: Nething; Tallackson

HB 1261 passed and the title was agreed to.

HB 1262: A BILL for an Act to create and enact a new section to chapter 32-03.1 of the North Dakota Century Code, relating to providing immunity to licensed health care providers who render medical care on a voluntary basis at free clinics.

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

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjelm; Streibel; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Nething; Tallackson

HB 1262 passed and the title was agreed to.

HB 1265: A BILL for an Act to create and enact a new section to chapter 65-05 of the North Dakota Century Code, relating to workers'

compensation fee schedules for medical and hospital services and supplies.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 12 YEAS, 39 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; David; Evanson; Kelsh; Maxson; Naaden; Nelson; Peterson; Stenehjem; Streibel; Tennefos; Vosper

NAYS: DeKrey; Dotzenrod; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Meyer; Moore; Mushik; Mutch; Nalewaja; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Solberg; Thane; Tomac; Traynor; Wogsland; Yockim

ABSENT AND NOT VOTING: Nething; Tallackson

HB 1265 lost.

HB 1266: A BILL for an Act to allow governmental units to enter energy efficiency performance-based contracts to provide guaranteed energy savings in buildings owned by governmental units.

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 19 YEAS, 31 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Graba; Heigaard; Heinrich; Holmberg; Ingstad; Keller; Kelly; Krauter; Lindaas; Marks; Mushik; O'Connell; Robinson; Schoenwald; Stenehjem; Tomac; Wogsland; Yockim

NAYS: Bowman; David; DeKrey; Evanson; Freborg; Goetz; Hanson, E.; Hanson, O.; Jerome; Kelsh; Kinnoin; Krebsbach; Langley; Lindgren; Lips; Mathern; Maxson; Meyer; Moore; Mutch; Naaden; Nalewaja; Nelson; Peterson; Redlin; Satrom; Solberg; Streibel; Thane; Traynor; Vosper

ABSENT AND NOT VOTING: Nething; Tallackson; Tennefos

HB 1266 lost.

HB 1310: A BILL for an Act to create and enact a new subsection to section 23-06.4-11 of the North Dakota Century Code, relating to declarations governing the use, withholding, or withdrawal of life-prolonging treatment; and to amend and reenact subsection 4 of section 23-06.4-02 and sections 23-06.4-03 and 23-06.4-04 of the North Dakota Century Code, relating to declarations governing the use, withholding, or withdrawal of life-prolonging treatment.

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 50 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Nething; Tallackson; Tennefos

HB 1310 passed and the title was agreed to.

MOTION

SEN. DOTZENROD MOVED that the Senate reconsider its action whereby HB 1591 failed to pass for want of a Constitutional majority, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1591: A BILL for an Act to amend and reenact section 50-24.1-02.3 of the North Dakota Century Code, relating to exemption of pre-need funeral plan from eligibility determination.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 29 YEAS, 20 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Bowman; DeKrey; Dotzenrod; Graba; Hanson, E.; Heigaard; Heinrich; Jerome; Kelly; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Marks; Mathern; Maxson; Meyer; Mushik; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Tomac; Traynor; Vosper; Wogsland; Yockim

NAYS: David; Evanson; Freborg; Goetz; Hanson, O.; Holmberg; Ingstad; Krebsbach; Lindgren; Lips; Moore; Mutch; Naaden; Nalewaja; Nelson; Peterson; Solberg; Stenehjerm; Streibel; Thane

ABSENT AND NOT VOTING: Keller; Nething; Tallackson; Tennefos

HB 1591 passed and the title was agreed to.

MOTIONS

SEN. MAXSON MOVED that Engrossed HB 1321 be amended as follows, which motion prevailed.

That the proposed amendments to Engrossed House Bill No. 1321 as printed on pages 1026-1027 of the Senate Journal be amended as follows:

Page 1027 of the Senate Journal, line 25, remove "section 2 of"

SEN. WOGSLAND MOVED that the rules be suspended and that HB 1321 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1321: A BILL for an Act to create and enact a new section to chapter 65-04 of the North Dakota Century Code, relating to calculation of employer's premiums; to amend and reenact section 65-04-04 of the North Dakota Century Code, relating to the basis for establishing workers' compensation premiums; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YFAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjerm; Streibel; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Freborg; Nething; Tallackson; Tennefos

HB 1321 passed and the title was agreed to.

HB 1329: A BILL for an Act to amend and reenact section 20.1-08-05 of the North Dakota Century Code, relating to publication of gubernatorial game and fish proclamations.

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 47 YEAS, 2 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Streibel; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

NAYS: Nelson; Solberg

ABSENT AND NOT VOTING: Freborg; Nething; Tallackson; Tennefos

HB 1329 passed and the title was agreed to.

HB 1338: A BILL for an Act relating to damage or destruction of animal research facilities; and to provide a penalty.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; O'Connell; Peterson; Redlin; Robinson; Satrom; Solberg; Stenehjem; Streibel; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Nething; Schoenwald; Tallackson; Tennefos

HB 1338 passed and the title was agreed to.

HB 1375: A BILL for an Act to create and enact a new section to chapter 40-08 of the North Dakota Century Code, relating to the election of council members in council cities; and to amend and reenact section 40-08-05 of the North Dakota Century Code, relating to qualifications of aldermen.

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 47 YEAS, 3 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mutch; Naaden; Nalewaja;

Nelson; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehj m; Streibel; Thane; Tomac; Traynor; Vosper; Wogsl nd; Yockim

NAYS: Kelly; Mushik; O'Connell

ABSENT AND NOT VOTING: Nething; Tallackson; Tennefos

HB 1375 passed and the title was agreed to.

HB 1378: A BILL for an Act to amend and reenact subsection 17 and subdivision e of subsection 18 of section 52-01-01 and section 65-01-03 of the North Dakota Century Code, relating to the definition of an independent contractor and employment for unemployment compensation purposes and to the definition of an independent contractor for workers' compensation purposes.

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 50 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehj m; Streibel; Thane; Tomac; Traynor; Vosper; Wogsl nd; Yockim

ABSENT AND NOT VOTING: Nething; Tallackson; Tennefos

HB 1378 passed and the title was agreed to.

MOTION

SEN. WOGSL ND MOVED that HB 1380, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1383: A BILL for an Act to provide for the creation of an aircraft repair and maintenance lien.

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 25 YEAS, 23 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Bowman; Dotzenrod; Graba; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kinnoin; Krauter; Langley; Lindaas; Marks; Mathern; Maxson; Meyer; Mushik; Nalewaja; Peterson; Redlin; Robinson; Schoenwald; Traynor; Yockim

NAYS: David; DeKrey; Evanson; Freborg; Hanson, E.; Hanson, O.; Heigaard; Kelsh; Krebsbach; Lindgren; Lips; Moore; Mutch; Naaden; Nelson; O'Connell; Satrom; Solberg; Stenehj m; Streibel; Thane; Vosper; Wogsl nd

ABSENT AND NOT VOTING: Goetz; Nething; Tallackson; Tennefos; Tomac

HB 1383 lost for want of a Constitutional majority.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HCR 3064.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has amended and subsequently passed: SB 2015, SB 2204, SB 2215, SB 2237, SB 2249, SB 2258, SB 2276, SB 2324, SB 2457, SB 2458.

HOUSE AMENDMENTS TO ENGROSSED SB 2015

Page 1, line 2, after "department" insert "; and to create and enact a new section to chapter 20.1-02 of the North Dakota Century Code, relating to the establishment of a game and fish department statewide land acquisition plan"

Page 1, line 11, replace "8,834,613" with "8,734,796"

Page 1, line 15, replace "2,853,926" with "2,053,926"

Page 2, line 3, replace "22,621,170" with "21,721,353"

Page 2, after line 24, insert:

"SECTION 5. A new section to chapter 20.1-02 of the North Dakota Century Code is created and enacted as follows:

Land acquisitions - Statewide land acquisition plan. The commissioner shall establish a comprehensive statewide land acquisition plan. Every land acquisition made by the department must be in accordance with the plan. The plan must be approved by the budget section of the legislative council. The budget section shall review each land acquisition made by the department in accordance with the statewide land acquisition plan."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 720 - GAME AND FISH

The amendment reduces salaries and wages by \$99,817 to delete funding for 1.5 FTE positions added in the executive budget, \$60,615 for one FTE fishery biologist, and \$39,202 for a .5 FTE environmental education curriculum coordinator.

The amendment reduces capital improvements by \$800,000 to delete funding for a natural science and outdoor skill learning center.

A section is added that adds a new section to state law requiring the Game and Fish Commissioner to establish a land acquisition plan and the plan and each land acquisition must be approved by the Budget Section.

HOUSE AMENDMENTS TO SB 2204

Page 1, line 7, remove "to provide a continuing"

Page 1, line 8, remove "appropriation;"

Page 1, line 18, after "funds" insert "within the limits of legislative appropriations"

Page 1, line 19, remove "or appropriated"

Page 2, line 9, remove "~ Continuing appropriation"

Page 2, line 11, replace "The fund may be expended by the centennial trees" with "Income earned on moneys in the fund must be credited to the fund"

Moneys in the fund may be spent by the centennial trees commission within the limits of legislative appropriations"

Page 2, remove lines 12 and 13

Page 2, line 14, remove "be used"

Page 2, after line 19, insert:

"Biennial report to the legislative assembly. The centennial trees commission shall present a report each biennium to the legislative assembly which must include information on the activities and the revenues and expenses of the commission."

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 711 - CENTENNIAL TREES COMMISSION

The continuing appropriation for the Centennial Trees Commission is replaced with the provision that funds in the Centennial trees program trust fund may be spent by the Centennial Trees Commission within the limits of legislative appropriations.

Language is added requiring the commission to present a biennial report to the Legislative Assembly.

HOUSE AMENDMENTS TO SB 2215

Page 2, line 8, remove the overstrike over "~~to farmers concerning farm~~"

Page 2, line 9, remove the overstrike over "~~credit prohibitions~~" and remove "and"

Page 2, line 10, remove "other"

ReNUMBER accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2237

Page 1, line 1, remove "new section to chapter 15-20.1 and a"

Page 1, remove lines 3 and 4

Page 1, line 5, remove "to provide for"

Page 1, remove lines 15 through 22

Page 4, line 13, after the underscored semicolon insert "the commission on the status of women,"

Page 7, line 5, remove "must be maintained in the office of the"

Page 7, line 6, remove "state board of vocational education"

Page 8, line 6, replace "must be paid from the appropriation for the state board of" with "and"

Page 8, line 7, remove "vocational education, expenses"

Page 9, line 28, after "9." insert "8." and remove the overstrike over "~~Prepare and submit to the executive director of the department of~~"

Page 9, remove the overstrike over line 29

Page 10, line 1, after "governor" insert "The director of the department of human services" and remove the overstrike over "~~shall designate a person with a demonstrated expertise in the~~"

Page 10, remove the overstrike over lines 2 through 4

ReNUMBER accordingly

HOUSE AMENDMENTS TO REENGROSSED SB 2249

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

Page 1, line 4, remove "and to provide for payments in lieu"

Page 1, line 5, remove "of taxes"

Page 1, line 12, after the period insert "An exemption under this section applies to any pipeline and associated necessary equipment for only the first ten full taxable years after commencement of construction of the pipeline."

Page 1, remove lines 13 through 22

Page 2, remove lines 1 through 7

ReNUMBER accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2258

Page 1, line 1, after "Act" insert "to create and enact a new section to chapter 54-27.2 of the North Dakota Century Code, relating to transfers from the budget stabilization fund;" and after "54-27.2-01" insert ", 54-27.2-02,"

Page 1, line 3, after the semicolon insert "and" and replace "for a transfer from the budget stabilization" with "an expiration date."

Page 1, remove lines 4 and 5

Page 1, after line 19, insert:

"SECTION 2. AMENDMENT. Section 54-27.2-02 of the North Dakota Century Code is amended and reenacted as follows:

54-27.2-02. Certain general fund revenues to be deposited in the budget stabilization fund. Notwithstanding any other provision of law except section 54-27.2-01, any amount in the state general fund in excess of ~~forty~~ one hundred five million dollars at the end of any biennium must be transferred by the state treasurer to the budget stabilization fund. For purposes of this section, "at the end of any biennium" means after cancellation of unexpended appropriations under section 54-44.1-11."

Page 2, replace lines 27 through 29 with:

"SECTION 4. A new section to chapter 54-27.2 of the North Dakota Century Code is created and enacted as follows:

Transfer to avoid negative general fund balance. Notwithstanding any other provision of law, if the governor orders a transfer, and if the transfer is approved by the budget section of the legislative council, the state treasurer shall transfer any necessary funds from the budget stabilization fund to the state general fund to offset a negative balance in the state general fund. The limitations of this chapter with respect to projected general fund revenues do not apply to limit the transfer provided under this section.

SECTION 5. EXPIRATION DATE. Sections 2 and 4 of this Act are effective through June 30, 1993, and are thereafter ineffective."

Page 3, remove lines 1 through 5

ReNUMBER accordingly

HOUSE AMENDMENTS TO REENGROSSED SB 2276

Page 1, line 6, remove "to repeal"

Page 1, remove lines 7 and 8

Page 1, line 9, remove "exemptions for new industries;"

Page 2, line 26, replace "which employs" with an underscored period

Page 2, remove lines 27 and 28

Page 4, line 21, after the underscored period insert "Exemptions under this section may not be granted for more than a twelve-month period for sales and use tax purposes or for more than five taxable years for income tax purposes."

Page 9, remove lines 23 and 24

ReNUMBER accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2324

Page 1, line 22, remove the overstrike over "who accepts a retirement allowance under"

Page 2, line 1, remove the overstrike over "chapter 39-03-1," after the first overstruck comma insert "52-11," and remove the overstrike over "54-52, 15-39-1, or under the alternative retirement program"

Page 2, line 2, remove the overstrike over "provided by the state board of higher education," and remove "with at least ten continuous"

Page 2, line 3, remove "years of state employment" and remove the overstrike over "at the time of retirement"

Page 2, line 7, remove the overstrike over "retirees from employment"

Page 2, line 8, remove the overstrike over "with" and remove "leaves the employ of"

Page 2, line 10, remove the overstrike over "prior to retirement"

ReNUMBER accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2457

Page 2, line 12, remove "including injuries sustained as a result of"

Page 2, line 13, remove "excessive corporal punishment"

Page 3, line 5, remove the underscored period

Page 3, remove line 6

Page 3, line 7, remove "nor may the execution of a sentence be suspended"

Page 4, line 20, replace "not" with "only"

Page 4, line 21, replace "request" with "grant" and replace "not" with "permission"

Page 5, line 22, replace "establish" with "provide, through", after "line" insert "maintained by the department", and replace "to be" with "a means"

Page 5, line 23, remove "known as 'carecheck'"

Page 7, line 15, replace "5" with "3"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2458

Page 4, line 1, remove "or by the commissioner of agriculture"

Page 4, line 2, remove "through an administrative hearing pursuant to chapter 28-32"

Renumber accordingly

MOTION

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

THE SENATE RECONVENED pursuant to recess taken, with President Omdahl presiding.

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

MR. SPEAKER: The President has signed: HCR 3063.

SECOND READING OF HOUSE BILLS

HB 1384: A BILL for an Act to provide for durable powers of attorney for health care; 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 50 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjerm; Streibel; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Nething; Tallackson; Tennefos

HB 1384 passed and the title was agreed to.

HB 1433: A BILL for an Act to amend and reenact subsections 4, 5, 9, and 10 of section 39-01-15 of the North Dakota Century Code, relating to parking privileges for mobility-impaired persons; to provide a penalty; and to provide a continuing appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 48 YEAS, 1 NAY, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjerm; Streibel; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

NAYS: O'Connell

ABSENT AND NOT VOTING: Heigaard; Nething; Tallackson; Tennefos

HB 1433 passed and the title was agreed to.

HB 1488: A BILL for an Act to amend and reenact subsection 1 of section 11-15-08 and section 11-15-09 of the North Dakota Century Code, relating to commissions collected by the sheriff.

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 49 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjelm; Streibel; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Heigaard; Nething; Tallackson; Tennefos

HB 1488 passed and the title was agreed to.

HB 1516: A BILL for an Act to establish a single trial court of general jurisdiction through the abolition of county courts and the provision for additional district court judgeships; to create and enact two new sections to chapter 27-05 of the North Dakota Century Code, relating to vacancies in the office of district court judge and the appointment of magistrates; to amend and reenact sections 11-21-01, 12-1-20-16, 23-07-1-09, subsection 2 of section 25-03-1-21, sections 27-05-01, 27-05-06, subsection 1 of section 27-05-08, sections 27-06-01, 27-07-1-02, 27-07-1-03, 27-23-02, 29-07-01.1, 29-22-02, 30-1-02-02, 40-18-06.2, 40-18-15.1, 40-18-19, and 58-02-23 of the North Dakota Century Code, relating to references to county courts and county judges, chambers of district judges and jurisdiction of district courts, multicounty agreements to share county judge services, vacancies in the office of county court judge, and abolition of the office of municipal judge upon transfer of all municipal cases to county or district court; to repeal sections 11-09-22, 11-09-23, 11-11-12, 11-15-10, 24-07-25, 27-01-04, 27-01-05, chapters 27-07.1 and 27-08.2, sections 27-09 1-21, 27-20-04, chapter 27-26, and section 31-09-07 of the North Dakota Century Code, relating to references to county courts and county court judges, to provide an effective date; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 6 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Redlin; Robinson; Satrom; Schoenwald; Stenehjelm; Streibel; Tomac; Traynor; Vosper; Wogsland; Yockim

NAYS: Goetz; Krauter; O'Connell; Peterson; Solberg; Thane

ABSENT AND NOT VOTING: Nething; Tallackson; Tennefos

HB 1516 passed and the title was agreed to.

MOTION

SEN. WOGSLAND MOVED that HB 1613 and HCR 3026, which are on the Fourteenth order, be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3038: A concurrent resolution urging the Office of Surface Mining, Reclamation and Enforcement of the United States Department of the Interior and the North Dakota Public Service Commission to reduce permitting requirements under the Surface Mining Control and Reclamation Act of 1977 and the North Dakota surface mining and reclamation operations laws for surface coal mining operations of five acres or less in size.

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of DO PASS.

HCR 3038 was declared adopted.

HCR 3042: A concurrent resolution directing the Legislative Council to study the problems associated with waste management, including the operation and effect of legislation relating to waste management, whether the Department of Health and Consolidated Laboratories is the appropriate state agency for waste management responsibilities, and the effect of establishing district and state waste management plans, and to request, accept, and expend funds to conduct the study.

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of DO PASS.

HCR 3042 was declared adopted.

HCR 3043: A concurrent resolution directing the Legislative Council to study the methods and manner in which tax-exempt entities acquire and hold real property, the effect of such acquisition and ownership on local tax bases, and the feasibility and desirability of limiting such acquisition, eliminating or limiting such tax exemptions, or requiring divestiture of such property and to study funding sources for the wetland tax exemption program.

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of DO PASS.

HCR 3043 was declared adopted.

SECOND READING OF HOUSE BILL

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

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 3 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Naaden; Nalewaja; Nelson; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

NAYS: Mutch; Solberg; Streibel

ABSENT AND NOT VOTING: Heigaard; Nething; Tallackson; Tennefos

HB 1014 passed and the title was agreed to.

MOTION

SEN. WOGSLAND MOVED that the rules be suspended and that HB 1296 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 1296: A BILL for an Act to provide for informed consent to health care on behalf of an incapacitated person by certain classes of persons.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Goetz; Graba; Hanson, E.; Hanson, O.; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjerm; Streibel; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Freborg; Heigaard; Nething; Tallackson; Tennefos

HB 1296 passed and the title was agreed to.

MOTION

SEN. WOGSLAND MOVED that HB 1112 be placed at the top of the Fourteenth order, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1112: A BILL for an Act to amend and reenact section 23-01-02 of the North Dakota Century Code, relating to health council membership.

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 47 YEAS, 1 NAY, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Streibel; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

NAYS: Heinrich

ABSENT AND NOT VOTING: Heigaard; Nething; Stenehjerm; Tallackson; Tennefos

HB 1112 passed and the title was agreed to.

HB 1215: A BILL for an Act to make an appropriation for defraying North Dakota's cost share of the Belfield/Bowman radiation remediation project costs under authority of the Uranium Mill Tailings Radiation Control Act; to provide authorization to the state department of health

and consolidated laboratories to negotiate with the department of energy on behalf of the state of North Dakota concerning the Belfield/Bowman radiation remediation project; and to provide authorization to acquire necessary land by purchase or eminent domain.

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 48 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Streibel; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Heigaard; Nething; Stenehjerm; Tallackson; Tennefos

HB 1215 passed and the title was agreed to.

HB 1300: A BILL for an Act to create and enact a new subsection to section 57-38-01 and a new subdivision to subsection 1 of section 57-38-01.2 of the North Dakota Century Code, relating to definition of qualified investment fund and exemption from income tax liability for distributions of a qualified investment fund; to amend and reenact subsections 3 and 4 of section 57-38-30.3 of the North Dakota Century Code, relating to exclusion from computation of income tax liability of distributions from a qualified investment fund; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Streibel; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Nething; Stenehjerm; Tallackson; Tennefos

HB 1300 passed and the title was agreed to.

HB 1431: A BILL for an Act to amend and reenact section 15-10-02 of the North Dakota Century Code, relating to the state board of higher education.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 2 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Bowman; David; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Mushik; Mutch; Naaden; Nalewaja; Nelson; O'Connell;

Peterson; Redlin; Robinson; Schoenwald; Solberg; Streibel; Thane;
Tomac; Traynor; Vosper; Wogsland; Yockim

NAYS: DeKrey; Moore

ABSENT AND NOT VOTING: Dotzenrod; Heigaard; Nething; Satrom; Stenehj m;
Tallackson; Tennefos

HB 1431 passed and the title was agreed to.

HB 1558: A BILL for an Act to establish a crime victims' account; and to
provide an appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been
read and has committee recommendation of DO PASS, the roll was called and
there were 45 YEAS, 0 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Evanson; Freborg; Goetz; Graba; Hanson, E.;
Hanson, O.; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh;
Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks;
Mathern; Maxson; Meyer; Mushik; Mutch; Nalewaja; Nelson; O'Connell;
Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Streibel;
Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Dotzenrod; Heigaard; Moore; Naaden; Nething;
Stenehj m; Tallackson; Tennefos

HB 1558 passed and the title was agreed to.

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

ROLL CALL

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

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba;
Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome;
Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas;
Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch;
Nalewaja; Nelson; O'Connell; Peterson; Robinson; Satrom; Schoenwald;
Solberg; Streibel; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Naaden; Nething; Redlin; Stenehj m; Tallackson;
Tennefos

HB 1103 passed and the title was agreed to.

MOTIONS

SEN. WOGSLAND MOVED that HB 1116, which is on the Fourteenth order, be laid
over one legislative day, which motion prevailed.

SEN. KELSH MOVED that HB 1471, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1524: A BILL for an Act to create and enact a new section to chapter 54-34 and a new section to chapter 57-39.2 of the North Dakota Century Code, relating to allocation of certain sales and use tax revenues to fund a rural economic development program under the economic development commission; to amend and reenact section 57-39.2-26 of the North Dakota Century Code, relating to allocation of sales tax revenue; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 18 YEAS, 30 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Freborg; Hanson, O.; Krebsbach; Lindgren; Marks; Meyer; Moore; Mutch; Nalewaja; Nelson; Peterson; Solberg; Streibel; Traynor; Vosper

NAYS: Dotzenrod; Evanson; Goetz; Graba; Hanson, E.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Lips; Mathern; Maxson; Mushik; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Thane; Tomac; Wogsland; Yockim

ABSENT AND NOT VOTING: Naaden; Nething; Stenehjelm; Tallackson; Tennefos

HB 1524 lost.

HB 1533: A BILL for an Act to provide for the rebirth of North Dakota's main streets by the establishment of real estate development corporations to allow cities to attract new businesses by offering favorable real estate lease terms; to provide a transfer; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 0 YEAS, 47 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

NAYS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Nalewaja; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Streibel; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Naaden; Nelson; Nething; Stenehjelm; Tallackson; Tennefos

HB 1533 lost.

MOTION

SEN. WOGSLAND MOVED that the Senate stand in recess until 2:00 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Omdahl presiding.

SECOND READING OF HOUSE BILL

HB 1538: A BILL for an Act to amend and reenact section 35-31-02 of the North Dakota Century Code, relating to filing of agricultural supplier's lien statements.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

YEAS: Bowman; DeKrey; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Moore; Mushik; Mutch; Nalewaja; Nelson; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Streibel; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: David; Dotzenrod; Ingstad; Meyer; Naaden; Nething; Stenehjem; Tallackson; Tennefos

HB 1538 passed and the title was agreed to.

MOTION

SEN. WOGSLAND MOVED that HB 1566, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1609: A BILL for an Act relating to physician assistants prescribing medications.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

YEAS: Bowman; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Moore; Mushik; Mutch; Nalewaja; Nelson; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Streibel; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: David; Ingstad; Meyer; Naaden; Nething; Stenehjem; Tallackson; Tennefos

HB 1609 passed and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3056: A concurrent resolution directing the Legislative Council to study the equity and advisability of the present method of issuance of gratis hunting permits.

The question being on the final adoption of the resolution, which has been read and has committee recommendation of DO PASS.

HCR 3056 was declared adopted.

HCR 3061: A concurrent resolution directing a Legislative Council study of the entire range of issues arising from the current methods and philosophy governing state employees' compensation

The question being on the final adoption of the resolution, which has been read and has committee recommendation of DO PASS.

HCR 3061 was declared adopted.

HCR 3066: A concurrent resolution urging the Governor and all North Dakotans to join in welcoming home all North Dakota personnel called to active military duty in the Persian Gulf War.

The question being on the final adoption of the resolution, which has been read and has committee recommendation of DO PASS.

HCR 3066 was declared adopted.

THE SENATE RECOGNIZED THE PRESENCE OF:

Former Senator Mark Adams

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3068: A concurrent resolution directing the Legislative Council to study the feasibility of implementing an educational funding formula based on current costs that considers using all sources of revenue and wealth to measure a school district's local ability to support education, incorporating sparsity of enrollment, requiring a minimum level of local effort, and providing additional funding for categories of students that are below statewide averages of per-pupil expenditures.

The question being on the final adoption of the resolution, which has been read and has committee recommendation of DO PASS.

HCR 3068 was declared adopted.

SECOND READING OF HOUSE BILL

HB 1190: A BILL for an Act to create and enact two new sections to chapter 54-52 and a new subsection to section 54-52.1-03.2 of the North Dakota Century Code, relating to retirement records and federal benefit limitations under the public employees retirement system plan and the retiree health benefits fund; and to amend and reenact sections 39-03.1-10, 39-03.1-10.1, 54-52-02.9, 54-52-06, 54-52-17.4, 54-52-23, and 54-52.1-01 of the North Dakota Century Code, relating to military service credit, participation by temporary employees, purchase of additional service credit, plan modifications under the public employees retirement system, and definitions.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

YEAS: Bowman; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Moore; Mushik; Nalewaja; Nelson; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Streibel; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: David; Ingstad; Meyer; Mutch; Naaden; Nething; Stenehjelm; Tallackson; Tennefos

HB 1190 passed and the title was agreed to.

MOTIONS

SEN. O'CONNELL MOVED that the Senate reconsider its action whereby HCR 3035 passed, which motion prevailed.

SEN. O'CONNELL MOVED that HCR 3035, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

SEN. WOGSLAND MOVED that HB 1428, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1462: A BILL for an Act to amend and reenact section 50-24.1-02.2 of the North Dakota Century Code, relating to community spouse resource allowance.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

YEAS: Bowman; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Moore; Mushik; Nalewaja; Nelson; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Streibel; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: David; Ingstad; Meyer; Mutch; Naaden; Nething; Stenehjøm; Tallackson; Teneffos

HB 1462 passed and the title was agreed to.

MOTION

SEN. WOGSLAND MOVED that HB 1543, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1555: A BILL for an Act to establish a state-community matching physician loan repayment program; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 43 YEAS, 1 NAY, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

YEAS: DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Moore; Mushik; Nalewaja; Nelson; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Streibel; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

NAYS: Bowman

ABSENT AND NOT VOTING: David; Ingstad; Meyer; Mutch; Naaden; Nething; Stenehjøm; Tallackson; Teneffos

HB 1555 passed and the title was agreed to.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2594.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1004, HB 1005, HB 1011, HB 1186, HB 1271, HB 1285, HB 1327, HB 1336, HB 1391, HB 1392, HB 1395, HB 1400, HB 1408, HB 1416, HB 1425, HB 1446, HB 1454, HB 1467, HB 1472, HB 1487, HB 1499, HB 1500, HB 1519, HB 1522, HB 1530, HB 1567, HB 1568, HB 1581, HB 1584, HB 1590, HCR 3027, HCR 3031.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2593.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1558.

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

MR. SPEAKER: The Senate has failed to pass: HB 1404, HB 1443, HB 1525, HB 1529, HB 1574, HB 1577, HCR 3051, HCR 3053.

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

MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1243.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1110, HB 1414, HB 1561.

CORRECTION and REVISION of the JOURNAL (Sen. Robinson, Chairman)

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

Page 1127, line 15, delete "HB 1196,"

Page 1127, line 18, after the colon insert "HB 1196,"

SEN. ROBINSON MOVED that the report be adopted, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1571: A BILL for an Act to create and enact a new section to chapter 4-12.2 of the North Dakota Century Code, relating to revocation of registration of an apiary; to amend and reenact sections 4-12.2-01, 4-12.2-04, 4-12.2-04.1, 4-12.2-06, 4-12.2-07, 4-12.2-08, 4-12.2-14, 4-12.2-18, 4-12.2-19, 4-12.2-20, 4-12.2-21, 4-12.2-22, and 4-12.2-24 of the North Dakota Century Code, relating to licensure of beekeepers, and registration, identification, and certification of apiaries; to repeal sections 4-12.2-09, 4-12.2-10, 4-12.2-11, 4-12.2-12, and 4-12.2-13 of the North Dakota Century Code, relating to a two-mile radius restriction for apiary locations; to provide a penalty; to provide an appropriation; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 42 YEAS, 1 NAY, 0 EXCUSED, 10 ABSENT AND NOT VOTING.

YEAS: Bowman; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Moore; Mushik; Nalewaja; Nelson; O'Connell; Peterson; Redlin; Robinson; Schoenwald; Solberg; Streibel; Thane; Traynor; Vosper; Wogsland; Yockim

NAYS: Tomac

ABSENT AND NOT VOTING: David; Ingstad; Meyer; Mutch; Naaden; Nething; Satrom; Stenehjelm; Tallackson; Tennefos

HB 1571 passed, the title was agreed to, and the emergency clause carried.

HB 1603: A BILL for an Act to amend and reenact sections 54-35-02.3 and 54-35-02.4 of the North Dakota Century Code, relating to the membership of the legislative council's committee on public employees retirement programs and its jurisdiction over workers' compensation and public employee and retiree health plans.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 21 YEAS, 23 NAYS, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

YEAS: Bowman, DeKrey; Dotzenrod; Evanson; Freborg; Graba; Hanson, E.; Holmberg; Jerome; Kinnoin; Krebsbach; Lindgren; Lips; Marks; Maxson; Moore; Nalewaja; Peterson; Solberg; Thane; Traynor

NAYS: Goetz, Hanson, O., Heigaard; Heinrich; Keller; Kelly; Kelsh; Krauter; Langley; Lindaas; Mathern; Mushik; Nelson; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Streibel; Tomac; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: David; Ingstad; Meyer; Mutch; Naaden; Nething; Stenehjelm; Tallackson; Tennefos

HB 1603 lost

HB 1610: A BILL for an Act to create and enact a new subsection to section 12.1-30-03 of the North Dakota Century Code and a new subsection to the new section to chapter 34-06 of the North Dakota Century Code as created by section 7 of House Bill No. 1046, as approved by the fifty-second legislative assembly, relating to businesses allowed to operate on Sunday, to amend and reenact subsections 32 and 33 of section 12.1-30-03 of the North Dakota Century Code, relating to businesses allowed to operate on Sunday and days of rest; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 43 YEAS, 1 NAY, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

YEAS: Bowman, DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Heigaard; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Moore; Mushik; Nalewaja; Nelson; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Streibel; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

NAYS: Hanson, O.

ABSENT AND NOT VOTING: David; Ingstad; Meyer; Mutch; Naaden; Nething; Stenehjelm; Tallackson; Tennefos

HB 1610 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 amended, subsequently passed, and the emergency clause carried: HB 1571.

APPOINTMENT OF CONFERENCE COMMITTEES

SEN. SCHOENWALD MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1381, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1381: Sens. Schoenwald, O'Connell, David.

SEN. MATHERN MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1424, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1424: Sens. Mathern, Jerome, Lindgren.

SEN. HEINRICH MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1450, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1450: Sens. Heinrich, Graba, Freborg.

SEN. LANGLEY MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1441, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1441: Sens. Langley, Krauter, Mutch.

SEN. LANGLEY MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1127, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1127: Sens. Schoenwald, Krauter, Krebsbach.

MOTIONS

SEN. WOGSLAND MOVED to amend Senate Rule 506 to read "fifty-sixth" legislative day instead of "fifty-third" legislative day, which motion prevailed.

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

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 2:55 p.m., March 22, 1991: 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 House does not concur in the Senate amendments to HB 1135, HB 1007, HB 1439, and HB 1483, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1135: Reps. Rennerfeldt; Bateman; Anderson, B.

HB 1007: Reps. Berg, R.; Dalrymple; Wilkie

HB 1439: Reps. Whalen; Soukup; Skjerven

HB 1483: Reps. Olsen, D.; Svedjan; Peterson

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Committees (Sen. Heigaard, Chairman) respectfully submits the following names for your Select Committee to consider the Governor's nomination for the North Dakota member of the Southwestern Low-Level Radioactive Waste Compact Commission:

Sen. Meyer, Chairman
 Sen. Graba
 Sen. Schoenwald
 Sen. Evanson
 Sen. Lindgren

SEN. HEIGAARD MOVED that the report be adopted, which motion prevailed.

MOTION

SEN. WOGSLAND MOVED that the Senate be on the Fifth order of business, and at the conclusion of the Fifth order, the Senate be on the Thirteenth order of business, and at the conclusion of the Thirteenth order, the Senate be on the Sixteenth order of business, and at the conclusion of the Sixteenth order, the Senate stand adjourned until 11:00 a.m., Monday, March 25, 1991, which motion prevailed.

REPORTS OF STANDING COMMITTEES

HB 1060, as engrossed: Committee on Political Subdivisions (Sen. Graba, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 2, replace "ten" with "eleven"

Page 3, line 3, after the underscored comma insert "furnace, water heater, humidifier, dehumidifier, garbage disposal, trash compactor."

Page 5, line 29, after the underscored period insert "In conducting the review, if the department finds that an applicant for a permit has intentionally misrepresented or concealed any material fact from the department, or has obtained a permit by intentional misrepresentation or concealment of a material fact, has been convicted of a felony or pleaded guilty or nolo contendere to a felony involving the laws of any state or the federal government within three years preceding the application for the permit, or has been adjudicated in contempt of an order of any court enforcing the laws of this state or any other state or the federal government within three years preceding the application for the permit, the department may deny the application. The department shall consider the relevance of the offense to the business to which the permit is issued, the nature and seriousness of the offense, the circumstances under which the offense occurred, the date of the offense, and the ownership and management structure in place at the time of the offense."

Page 11, after line 16, insert:

"SECTION 18. A new section to chapter 23-29 of the North Dakota Century Code is created and enacted as follows:

Statewide coordinating committee. The chairman of the governing board of each solid waste management district shall select a representative to serve on a statewide solid waste management coordinating committee. A representative of the department, the state engineer, and the state geologist shall also serve on the committee. The coordinating committee shall assist the districts in managing and regulating solid waste and shall coordinate efforts of the districts with state agencies. In addition, the coordinating committee shall review alternative means of managing solid waste including a review of forms of public ownership and financial assurance mechanisms for waste management facilities. A report of the review must be provided to the legislative assembly and the governor by January 1, 1993."

Renumber accordingly

HB 1061, as engrossed: Committee on Political Subdivisions (Sen. Graba, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Committee on Appropriations (6 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 2, remove "and"

Page 1, line 3, after "penalty" insert "; to provide an appropriation; and to provide a statement of legislative intent"

Page 1, line 21, after "commissioner" insert "a monthly surcharge of"

Page 2, line 1, remove "household," replace "or" with "residence," and after "residence" insert "of three units or less"

Page 2, line 2, remove "seventy-five"

Page 2, line 3, replace "cents" with "a monthly surcharge equivalent to five percent on all gross receipts for collection services"

Page 2, line 4, after "a" insert "multiple residence of four units or more, mobile home park," and after "office" insert "building"

Page 2, line 8, after the period insert "The surcharge must be submitted quarterly to the state tax commissioner."

Page 2, line 9, replace "monthly" with "quarterly"

Page 2, line 11, replace "monthly" with "quarterly"

Page 2, line 16, replace "the twenty-fifth day of" with "thirty days after the conclusion of each quarter"

Page 2, line 17, remove "each month"

Page 2, line 19, replace "month" with "quarter"

Page 2, line 23, remove "appropriated"

Page 2, line 24, replace "under section 1 of this Act" with "in the solid waste management fund"

Page 3, after line 8, insert:

"SECTION 5. APPROPRIATION. There is hereby appropriated out of any moneys in the state aid distribution fund, not otherwise appropriated, the sum of \$350,000, or so much thereof as may be necessary, to the department of health and consolidated laboratories for distribution to the solid waste management districts to assist the districts in developing comprehensive solid waste management plans for each district, and \$100,000, or so much thereof as may be necessary, to the department of health and consolidated laboratories to provide assistance to the solid waste management districts in developing the comprehensive plans for the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 6. LEGISLATIVE INTENT. It is the intent of the legislative assembly that any moneys remaining in the solid waste management fund on June 30, 1993, be available for appropriation for the biennium beginning July 1, 1993, and ending June 30, 1995. The fund must be used solely for the purpose of solid waste management activities "

Renumber accordingly

HB 1228: Committee on Agriculture (Sen. Kelsh, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1228 was placed on the Fourteenth order on the calendar.

HB 1242, as engrossed: Committee on Industry, Business and Labor (Sen. Langley, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 8, after the third comma insert "26.1-10-10,"

Page 1, line 9, remove "and"

Page 1, line 12, after "companies" insert "; and to provide a penalty"

Page 96, after line 26, insert:

"SECTION 7. AMENDMENT. Section 26.1-10-10 of the North Dakota Century Code is amended and reenacted as follows:

26.1-10-10. Receivership. Whenever it appears to the commissioner that any person has committed a violation of this chapter which so impairs the financial condition of a domestic insurance company as to threaten insolvency or make the further transaction of business by it hazardous to its policyholders, creditors, shareholders, or the public, then the commissioner may proceed as provided in chapter ~~26.1-07~~ 26.1-06.1 to take possession of the property of the insurance company and to carry on its business."

Page 100, replace lines 16 through 25 with:

1. "Affiliate" means a person that directly, or indirectly through one or more intermediaries, controls, or is under the control of, or is under common control with, the person specified.
2. "Control" or "controlled" means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract other than a contract for goods or nonmanagement services, or otherwise. No person may be deemed to control another person solely by reason of being an officer or director of that person.
 - a. Control is presumed to exist if any person, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing ten percent or more of the voting securities of any other person. This presumption may be rebutted upon filing with the commissioner by any person a disclaimer of control of any authorized insurance company. The disclaimer must fully disclose all material relationships and basis for affiliation between the person and the insurance company as well as the basis for disclaiming control. After a disclaimer has been filed, the person is relieved of any duty to register or report under this chapter which arises out of the person's relationship with the insurance company unless and until the commissioner disallows the disclaimer. The commissioner shall disallow the disclaimer only after furnishing all parties in interest with notice and opportunity to be heard and after making specific findings of fact to support the disallowance.
 - b. The commissioner may determine, after furnishing all persons in interest notice and opportunity to be heard and making specific findings of fact to support the determination, that control exists in fact,

notwithstanding the absence of a presumption to that effect. The commissioner may prospectively revoke or modify the determination after notice and opportunity to be heard, whenever in the commissioner's judgment, revocation or modification is consistent with this chapter."

Page 100, line 26, replace "2" with "3"

Page 101, line 3, replace "3" with "4"

Page 101, line 22, replace "4" with "5"

Page 101, line 28, replace "5" with "6"

Page 105, line 8, remove "1. a."

Page 105, line 10, replace "the commissioner shall" with "and that the violation substantially contributed to the insolvency of a controlled insurer, the commissioner or receiver may maintain a civil action against the controlling insurance broker for all damages caused by the insurance broker's acts."

Page 105, remove lines 11 through 29

Page 106, replace lines 1 through 10 with:

"26.1-26.2-04. Administrative penalties. In addition to any other remedies provided herein, whenever it appears to the commissioner that a person has committed or is committing an act that could be determined to be a violation, the commissioner may institute a proceeding under chapter 28-32. After the hearing, the commissioner may order one or both of the following:

1. That the person permanently cease and desist from committing the acts found to be in violation of this chapter.
2. Payment of a penalty of not more than ten thousand dollars for each and every act or violation.

This section does not affect the right of the commissioner to impose any other penalties provided for in title 26.1.

26.1-26.2-05. Third party remedies unaffected.

1. This chapter is not intended to and does not in any manner alter or affect the rights of policyholders, claimants, creditors, or other third parties.
2. This chapter is not intended to and does not in any manner create a defense to any claim of, or alter or affect the rights of, a receiver, existing in law or otherwise, to maintain a civil action against any person for all damages caused by that person's acts."

Renumber accordingly

HB 1534: Committee on Finance and Taxation (Sen. Dotzenrod, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 5, line 19, remove the overstrike over "No structure qualifies for this"

Page 5, remove the overstrike over lines 20 through 23

Page 5, line 24, remove the overstrike over "~~by the previous occupant.~~
~~Notwithstanding the vacancy requirements for~~" and remove "For"

Renumber accordingly

HB 1572: Committee on Political Subdivisions (Sen. Graba, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (4 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 9, remove the overstrike over "~~five-member~~"

Page 1, line 10, remove "~~six-member~~"

Page 1, line 13, remove "~~at-large~~", overstrike "member appointed by the governor;", and remove "~~one~~"

Page 1, line 21, overstrike "term of the", remove "~~at-large~~", and overstrike "member of the board appointed by the"

Page 1, line 22, overstrike "governor and the"

Page 2, line 16, replace "~~1991~~" with "1995"

Page 3, line 3, overstrike "The", remove "~~at-large~~", and overstrike "member of the board appointed by the governor must be"

Page 3, overstrike lines 4 and 5

Page 3, line 6, overstrike "public employment."

Renumber accordingly

HB 1599: Committee on Finance and Taxation (Sen. Dotzenrod, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 2, line 2, after the period insert "A local housing authority may elect to exercise the authority granted to the industrial commission under this section only within two years of the effective date of this Act. For transition of housing certificates and vouchers, a local housing authority that elects to exercise the authority granted to the industrial commission and that would administer three hundred or more units of certificates and vouchers administered by the industrial commission shall agree to accept a rate of seventy percent of the total contract administrative fees for the affected certificates and vouchers for two years or until all local housing authorities in the state have entered into the administration of their certificates and vouchers, whichever is sooner. The remaining thirty percent of the fees remain with the industrial commission until that time to assure the provision of housing services to rural areas until local administration is implemented."

Renumber accordingly

HB 1606, as engrossed: Committee on Finance and Taxation (Sen. Dotzenrod, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 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 "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 57-39.2 and a new section to chapter 57-40.2 of the North Dakota Century Code, relating to sales tax exemptions and use tax rates; to amend and reenact subsections 2 and 3 of section 57-60-02 of the North Dakota Century Code, relating to exemption from the privilege tax on coal facilities

during the first five years of production from a new electrical generating plant; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 57-39.2 of the North Dakota Century Code is created and enacted as follows:

Reduced rate and exemption for power plant construction and production equipment.

1. As used in this section, unless the context otherwise requires:
 - a. "Operator" means any person owning, holding, or leasing a power plant.
 - b. "Power plant" means an electrical generating plant, together with all additions thereto, which processes or converts lignite from its natural form into electrical power and which has at least one single electrical energy generation unit with a capacity of one hundred twenty thousand kilowatts or more.
 - c. "Production equipment" means machinery and attachment units, other than replacement parts, directly and exclusively used in the generation, transmission, or distribution of electrical energy for sale by a power plant.
2. Sales of production equipment used exclusively in power plants that begin construction after June 30, 1991, are exempt from the tax imposed by this chapter.
3. Sales of tangible personal property, other than production equipment, which is used in the construction of new power plants are exempt from the tax imposed by this chapter.
4. To receive the reduced rate or exemption at the time of purchase, the operator must receive from the commissioner a certificate that the tangible personal property or production equipment the operator intends to purchase qualifies for the reduced rate or exemption. If a certificate is not received prior to the purchase, the operator shall pay the five percent sales tax rate and apply to the commissioner for a refund.
5. If the tangible personal property or production equipment is purchased or installed by a contractor subject to the tax imposed by this chapter, the operator may apply for a refund of the difference between the amount remitted by the contractor and the reduced rate or exemption imposed or allowed by this section.

SECTION 2. A new section to chapter 57-40.2 of the North Dakota Century Code is created and enacted as follows:

Reduced rate and exemption for power plant construction and production equipment.

1. As used in this section, unless the context otherwise requires:
 - a. "Operator" means any person owning, holding, or leasing a power plant.

- b. "Power plant" means an electrical generating plant, together with all additions thereto, which processes or converts lignite from its natural form into electrical power and which has at least one single electrical energy generation unit with a capacity of one hundred twenty thousand kilowatts or more.
 - c. "Production equipment" means machinery and attachment units, other than replacement parts, directly and exclusively used in the generation, transmission, or distribution of electrical energy for sale by a power plant.
2. Sales of production equipment used exclusively in power plants that begin construction after June 30, 1991, are exempt from the tax imposed by this chapter.
 3. Sales of tangible personal property, other than production equipment, which is used in the construction of new power plants are exempt from the tax imposed by this chapter.
 4. To receive the reduced rate or exemption at the time of purchase, the operator must receive from the commissioner a certificate that the tangible personal property or production equipment the operator intends to purchase qualifies for the reduced rate or exemption. If a certificate is not received prior to the purchase, the operator shall pay the five percent sales tax rate and apply to the commissioner for a refund.
 5. If the tangible personal property or production equipment is purchased or installed by a contractor subject to the tax imposed by this chapter, the operator may apply for a refund of the difference between the amount remitted by the contractor and the reduced rate or exemption imposed or allowed by this section.

SECTION 3. AMENDMENT. Subsections 2 and 3 of section 57-60-02 of the 1989 Supplement to the North Dakota Century Code are amended and reenacted as follows:

2. For electrical generating plants, the tax shall be at a rate of twenty-five one-hundredths of one mill times sixty percent of the installed capacity of each unit times the number of hours in the taxable period. All electrical generating plants that begin construction after June 30, 1991, are exempt from sixty-five percent of the tax imposed by this subsection for five years from the date of the first taxable production from the plant. The board of county commissioners may, by resolution, grant to the operator of an electrical generating plant located within the county which begins construction after June 30, 1991, partial or complete exemption from the remaining thirty-five percent of the tax imposed by this subsection for a period not exceeding five years from the date of the first taxable production from the plant. Notwithstanding section 57-60-14, any tax collected from a plant subject to the exemption provided by this subsection must be allocated entirely to the county for allocation as provided in section 57-60-15. If a unit is incapable of generating electricity for eighteen consecutive months, the tax on that unit for taxable periods beginning after the eighteenth month must be reduced by the ratio that the cost of repair of the unit bears to the original cost of the unit. This reduced rate remains in effect until the unit is capable of generating electricity.

3. For electrical generating plants, in addition to the tax imposed by subsection 2, there shall be a tax at the rate of twenty-five one-hundredths of one mill on each kilowatt hour of electricity produced for the purpose of sale. For all electrical generating plants that begin construction after June 30, 1991, the production from the plants is exempt from the tax imposed by this subsection for five years from the date of the first taxable production from the plant.

SECTION 4. EFFECTIVE DATE. This Act is effective for taxable events occurring after June 30, 1991."

Renumber accordingly

FIRST READING OF HOUSE CONCURRENT RESOLUTION

HCR 3064: A concurrent resolution to create a new section to article X of the Constitution of North Dakota, relating to allocation of certain oil and gas production or extraction tax revenues to the petroleum reserve fund and the foundation aid stabilization fund and providing for use of the revenues in the petroleum reserve fund and the foundation aid stabilization fund; and to provide an effective date.

Was read the first time and referred to the Joint Constitutional Revision Committee.

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

MARION HOUN, Secretary