

## JOURNAL OF THE HOUSE

## Fifty-first Legislative Assembly

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Bismarck, March 31, 1989

The House convened at 9:00 a.m., with Speaker Kretschmar presiding.

The prayer was offered by Rev. Douglas Roberts, United Church of Christ, Bismarck.

The roll was called and all Representatives were present, except Representatives Huether and Wald.

A quorum was declared by the Speaker.

CORRECTION and REVISION of the JOURNAL (Rep. V. Olson, Chairman)  
MR. SPEAKER: Your Committee on Correction and Revision of the Journal has carefully examined the Journal of the Fifty-ninth Day and finds it to be correct.

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

## DOCTOR OF THE DAY SCHEDULE

April 3: David S. Akkerman, M.D. - FP Resident - Fargo  
April 4: Craig F. Kuhlmann, M.D. - FP Resident - Fargo  
April 5: Randall M. Silver, D.O. - FP Resident - Fargo  
April 6: M. Farrukh Khan, M.D. - General Surgery - Lisbon  
April 7: Dennis E. Wolf, M.D. - Family Practice - Dickinson

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)  
MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4043.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)  
MR. SPEAKER: The President has signed: HB 1013, HB 1033, HB 1034, HB 1035, HB 1057, HB 1197, HB 1211, HB 1226, HB 1307, HB 1312, HB 1384, HB 1407, HB 1413, HB 1457, HB 1521, HB 1603, HB 1618, HCR 3004, HCR 3005, HCR 3021, HCR 3067, HCR 3081, HCR 3083.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)  
MR. SPEAKER: The President has signed and your signature is respectfully requested: SB 2372.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)  
MR. SPEAKER: The Senate has amended and subsequently passed: HB 1063, HB 1283, HB 1421, HB 1449, HB 1479, HB 1537, HB 1666, HCR 3076.

## SENATE AMENDMENTS TO ENGROSSED HB 1063

Page 1, line 8, replace "\$302,300" with "\$422,300"

Renumber accordingly

## STATEMENT OF PURPOSE OF AMENDMENT:

This amendment provides an additional \$120,000 from the Capitol building fund to update and enhance the voting systems used by the House and Senate. The improvements include replacement of the control modules, superbrains, and display units, and installation of upgraded software.

## SENATE AMENDMENTS TO HB 1283

Page 2, line 8, overstrike "Beginning on October 1, 1987, food or food products purchased"

Page 2, line 9, overstrike "for human consumption" and insert immediately thereafter "Purchases made"

Page 3, line 21, overstrike "Beginning on October 1, 1987, food or food products purchased"

Page 3, line 22, overstrike "for human consumption" and insert immediately thereafter "Purchases made"

Renumber accordingly

## SENATE AMENDMENTS TO REENGROSSED HB 1421

Page 3, line 2, after the underscored period insert "The tests for the correspondence study must be administered by a certified teacher employed either by the public school district in which the parent resides or a state-approved private or parochial school."

Page 4, line 8, after "child" insert ", not including a child with developmental disabilities as defined by subsection 1 of section 25-01.2-01,"

Page 5, line 13, after "education" insert "or has received a general educational development certificate"

Page 5, line 15, remove the second "or"

Page 5, line 18, remove "by law"

Page 5, line 19, replace "the public schools" with "accordance with sections 15-38-07, 15-41-06, and 15-41-24"

Page 5, line 20, replace "eighty" with "seventy-five"

Page 7, line 15, replace "evaluated by a licensed professional for learning" with "professionally evaluated for a potential learning problem"

Page 7, line 16, remove "disabilities", after the first "the" insert "multidisciplinary assessment team", and replace "results in the determination that" with "determines that the child is not handicapped according to the eligibility criteria of the department of public instruction and the child does not require specially-designed instruction according to rules adopted by the department of public instruction"

Page 7, line 17, remove "a learning disability exists"

Page 7, line 24, after the underscored period insert "If the evaluation of the multidisciplinary assessment team determines that the child is handicapped, but not developmentally disabled, according to the eligibility criteria of the department of public instruction, and the student requires specially-designed instruction due to the handicap and that this instruction cannot be provided without special education and related services, the parent providing instruction may continue to provide home-based instruction, upon filing with the superintendent of public instruction an individualized education program plan, formulated within rules adopted by the department of public instruction, indicating that the child's needs for special education are being appropriately addressed by persons qualified to provide special education or related services. If such a plan is not filed, the parent is not entitled to an exemption under subsection 5 of section 15-34.1-03."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1449

Page 1, line 1, replace "pheasant and duck upland" with "wildlife"

Page 1, line 2, remove "a" and replace "transfer" with "transfers"

Page 1, line 3, after "fund" insert "and from the habitat restoration stamp fund", after the first semicolon insert "and", after "appropriation" insert "of the interest generated by the fund", and remove "; and to provide an"

Page 1, line 4, remove "expiration date"

Page 1, line 6, replace "Pheasant and duck upland" with "Wildlife"

Page 1, line 7, replace "pheasant and duck upland" with "wildlife"

Page 1, line 9, replace "pheasant and duck upland" with "wildlife"

Page 1, line 10, replace "upland" with "wildlife" and after "habitat" insert ", food plot development,"

Page 1, line 14, replace "pheasants and waterfowl" with "wildlife"

Page 1, line 16, replace "pheasant and duck upland" with "wildlife"

Page 1, line 19, replace "pheasant and" with "wildlife"

Page 1, line 20, remove "duck upland"

Page 2, after line 2, insert:

"SECTION 2. WILDLIFE HABITAT RESTORATION TRUST FUND. The funds transferred as required in section 3 of this Act must be invested in interest-bearing accounts known as the wildlife habitat restoration trust fund. The fund is established to provide funds from the interest generated by the fund for private land wildlife habitat leasing, food plot development, and wildlife habitat cost-sharing agreements as described in section 1 of this Act."

Page 2, line 10, replace "pheasant and" with "wildlife"

Page 2, line 11, remove "duck upland" and after "fund" insert ". The interest generated by the fund is to be used"

Page 2, replace lines 13 through 20 with:

"SECTION 4. TRANSFER. The amount of \$100,000 must be transferred annually from the game and fish operating fund to the wildlife habitat restoration trust fund.

SECTION 5. CONTINUING APPROPRIATION. The interest earned by moneys contained in the wildlife habitat restoration trust fund is hereby appropriated as a standing and continuing appropriation for the purposes of section 1 of this Act."

Renumber accordingly

#### SENATE AMENDMENTS TO ENGROSSED HB 1479

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new subsection to section 57-51.1-03 of the North Dakota Century Code, relating to an exemption from the oil extraction tax for a well requiring a work-over project.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subsection to section 57-51.1-03 of the 1987 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

The production of oil from a qualifying well that was worked over is exempt from any taxes imposed under this chapter for a period of twelve months, beginning with the first day of the third calendar month after the completion of the work-over project. The exemption provided by this subsection is only effective if the well operator files a notice of intention to begin a work-over project with the industrial commission prior to commencement of the project and establishes to the satisfaction of the industrial commission upon completion of the project that the cost of the project exceeded either a minimum of sixty-five thousand dollars or a minimum of thirty thousand dollars if production is increased at least fifty percent during the first two months after completion of the project. A qualifying well under this subsection is a well with an average daily production of no more than fifty barrels of oil during the latest six calendar months of continuous production prior to the filing of the notice required by this subsection. A work-over project under this subsection means the continuous employment of a work-over rig, including recompletions and reentries. The exemption provided by this subsection becomes ineffective if the average price of a barrel of crude oil between June first and October thirty-first of any year is thirty-three dollars or more."

Renumber accordingly

## SENATE AMENDMENTS TO HB 1537

Page 1, line 1, replace "23-25" with "23-01"

Page 1, line 5, replace "23-25" with "23-01"

Page 2, line 5, after "opinion" insert "of the department"

Page 2, replace lines 9 through 16 with:

"3. If the department, upon petition by any person affected by a rule of the department, identifies rules more stringent than federal regulations or rules where there are no corresponding federal regulations, the department shall review and revise those rules to comply with this Act within nine months of the filing of the petition."

Page 2, line 17, replace "5" with "4"

Page 2, line 19, replace "subsections 3 and 4" with "subsection 3"

Page 2, line 20, replace "6" with "5"

Page 2, line 22, after "regulation" insert "or where there is no corresponding federal regulation"

Page 2, line 28, replace "7" with "6"

Re-number accordingly

## SENATE AMENDMENTS TO ENGROSSED HB 1666

Page 4, after line 7, insert:

"(2) A house car or a vehicle towing a travel trailer being used solely for personal purposes may be driven with a class D license."

Page 4, line 8, replace "(2)" with "(3)"

Page 4, line 22, remove the overstrike over "←" and remove "(3)"

Re-number accordingly

## SENATE AMENDMENTS TO HCR 3076

Page 1, line 2, after "fees" insert "and the use and allocation of the game and fish operating fund's interest income"

Page 1, line 13, after the semicolon insert "and"

Page 1, after line 13, insert:

"WHEREAS, a portion of the game and fish operating fund's interest income is from motorboat license fees; and

WHEREAS, all of the game and fish operating fund's interest income is deposited in the deer depredation fund;"

Page 1, line 17, after "fees" insert "and the use and allocation of the game and fish operating fund's interest income"

Renumber accordingly

COMMUNICATION  
State of North Dakota  
OFFICE OF THE GOVERNOR  
Bismarck

March 30, 1989

The Honorable William Kretschmar  
Speaker of the House  
House Chamber  
State Capitol  
Bismarck, North Dakota 58505

Dear Mr. Speaker:

This is to inform you that on March 29, 1989, I signed the following: HB 1009, HB 1032, HB 1083, HB 1084, HB 1094, HB 1110, HB 1131, HB 1140, HB 1145, HB 1163, HB 1169, HB 1182, HB 1212, HB 1238, HB 1240, HB 1256, HB 1272, HB 1275, HB 1287, HB 1290, HB 1324, HB 1330, HB 1331, HB 1342, HB 1343, HB 1344, HB 1347, HB 1357, HB 1362, HB 1364, HB 1371, HB 1400, HB 1411, HB 1425, HB 1427, HB 1440, HB 1456, HB 1463, HB 1468, HB 1472, HB 1473, HB 1493, HB 1505, HB 1515, HB 1522, HB 1544, HB 1562, HB 1565, HB 1576, HB 1577, HB 1586, HB 1595, HB 1607, HB 1622, HB 1642, HB 1651, HB 1652, HB 1654, HB 1665.

Sincerely,

GEORGE A. SINNER  
Governor

FIRST READING OF SENATE CONCURRENT RESOLUTION

SCR 4043: A concurrent resolution to create a new section to article IV of the Constitution of North Dakota, relating to the office of state auditor; to amend sections 12 and 13 of article V of the Constitution of North Dakota, relating to the office of state auditor; and to provide an effective date.

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

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. GATES MOVED that the House do concur in the Senate amendments to HCR 3045 as printed on page 1683 of the House Journal, which motion prevailed.

HCR 3045, as amended, was placed on the Eleventh order of business on the calendar.

MOTION

REP. KLOUBEC MOVED that HCR 3045 be placed at the head of the calendar, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3045: A concurrent resolution urging the Governor of North Dakota to join with the President of the United States to declare 1989 as the Year of the Young Reader.

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

HCR 3045 was declared adopted on a voice vote.

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MOTION

REP. KLOUBEC MOVED that the rules be suspended and that HCR 3045 be messaged to the Senate immediately, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEES

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2226: Reps. Schatz, R. Berg, Tomac.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2335: Reps. Belter, D. Larson, Hokana.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2212: Reps. Aas, D. Larson, Shockman.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2320: Reps. R. Larson, Whalen, Stofferahn.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2475: Reps. Goetz, A. Hausauer, Tomac.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WENTZ MOVED that the House do not concur in the Senate amendments to HB 1320 as printed on page 1727 of the House Journal and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1320: Reps. Shaft, Urlacher, Ring.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WHALEN MOVED that the House do not concur in the Senate amendments to HB 1581 as printed on page 1750 of the House Journal and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEES

THE SPEAKER APPOINTED as a Conference Committee on HB 1581: Reps. Dorso, Soukup, Frey.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2242: Reps. Whalen, Vander Vorst, Skjervén.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2262: Reps. Stenehjem, Clayburgh, Kolbo.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2417: Reps. R. Anderson, Belter, Hokana.

MOTION

REP. KLOUBEC MOVED that SB 2015, SB 2018, SB 2019, SB 2023, SB 2089, SB 2090, SB 2094, and SB 2096 be placed at the foot of the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2046: A BILL for an Act to create and enact a new section to chapter 26.1-21 of the North Dakota Century Code, relating to the state bonding fund; and to amend and reenact sections 20.1-03-17 and 20.1-03-20 of

the North Dakota Century Code, relating to bonds of county auditors and agents appointed by county auditors to distribute hunting and fishing licenses or stamps.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 90 YEAS, 11 NAYS, 5 ABSENT AND NOT VOTING.

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

NAYS: Anderson, R.; Berg, R.; Bernstein; Dorso; Gates; Gunsch; Larson, R.; Murphy; Schatz; Shaft; Timm

ABSENT AND NOT VOTING: Huether; Kaldor; Kingsbury; Peterson; Wald

SB 2046 passed and the title was agreed to.

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#### MOTIONS

REP. SMETTE MOVED that the House reconsider its action whereby SB 2316 passed, which motion failed on a verification vote for want of a majority of the members elect.

REP. KLOUBEC MOVED that the House waive the reading of the title to SB 2055, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2055: A BILL for an Act to create and enact chapter 23-06.2 of the North Dakota Century Code, relating to the adoption of the Uniform Anatomical Gift Act (1987); to amend and reenact sections 23-06-01.2, 39-06-07, and subsection 1 of section 39-06-14 of the North Dakota Century Code, relating to disposal of bodies and donor designations on operators' licenses; to repeal section 23-06-01.1 and chapter 23-06.1 of the North Dakota Century Code, relating to physician liability for the removal of a body part and the Uniform Anatomical Gift Act; and to provide a penalty.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 99 YEAS, 0 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.;

Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Jensen; Kelly; Kloubec; Knell; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Bernstein; Huether; Kaldor; Kingsbury; Kolbo; Peterson; Sorensen

SB 2055 passed and the title was agreed to.

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MOTION

REP. KLOUBEC MOVED that SB 2062 be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2078: A BILL for an Act to amend and reenact section 38-18.1-02, subsection 4 of section 38-18.1-03, subsections 2 and 3 of section 38-18.1-05, and subsection 4 of section 38-18.1-06 of the North Dakota Century Code, relating to the termination of mineral interests.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 97 YEAS, 3 NAYS, 6 ABSENT AND NOT VOTING.

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

NAYS: Aas; Hausauer, A.; Martinson

ABSENT AND NOT VOTING: Huether; Kaldor; Kingsbury; Kolbo; Sorensen; Tomac

SB 2078 passed and the title was agreed to.

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## MOTION

REP. KLOUBEC MOVED that SB 2089 be placed at the head of the calendar, which motion prevailed.

## SECOND READING OF SENATE BILLS

SB 2089: A BILL for an Act to create and enact a new section to chapter 38-08 of the North Dakota Century Code, relating to the creation of a cash bond fund for the plugging of abandoned oil and gas wells and the reclamation of abandoned oil and gas well sites; and to provide an appropriation.

## ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 101 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Huether; Kaldor; Kingsbury; Kolbo; Sorensen

SB 2089 passed and the title was agreed to.

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SB 2105: A BILL for an Act to amend and reenact subsections 1 and 2 of section 62.1-02-01 of the North Dakota Century Code, relating to possession of firearms; and to declare an emergency.

## ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 93 YEAS, 7 NAYS, 6 ABSENT AND NOT VOTING.

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

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

NAYS: Aarsvold; Frey; Kouba; Larson, D.; Marks; Nelson; Schmidt

ABSENT AND NOT VOTING: Huether; Kaldor; Kingsbury; Kolbo; Nicholas; Sorensen

SB 2105 passed, the title was agreed to, and the emergency clause carried.

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SB 2110: A BILL for an Act to amend and reenact subsections 2 and 4 of section 12-60-16.1, subsections 2 and 3 of section 12-60-16.2, and section 12-60-16.4 of the North Dakota Century Code, relating to criminal history record information definitions and reportable offenses.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 99 YEAS, 0 NAYS, 7 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Huether; Kaldor; Kingsbury; Kolbo; Nicholas; Peterson; Sorensen

SB 2110 passed and the title was agreed to.

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CONSIDERATION OF MESSAGE FROM THE SENATE

REP. TIMM MOVED that the House do not concur in the Senate amendments to HB 1422 as printed on page 1728 of the House Journal and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1422: Reps. Knell, Dorso, Ness.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. HAUGLAND MOVED that the House do concur in the Senate amendments to HB 1076 as printed on page 1677 of the House Journal, which motion prevailed.

HB 1076, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1076: A BILL for an Act to amend and reenact subsections 1 and 2 of section 43-17-41 of the North Dakota Century Code, relating to duty of physicians and others to report injuries.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 80 YEAS, 16 NAYS, 10 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Gates; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Halmrast; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Jensen; Kelly; Knell; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; Payne; Rydell; Schatz; Scherber; Schindler; Schneider; Shaft; Shide; Shockman; Smette; Soukup; Starke; Stenehjelm; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Aarsvold; Anderson, B.; Carlson; Enget; Flaagan; Frey; Laughlin; Nelson; Ness; O'Shea; Ring; Schmidt; Skjervens; Solberg; Ulmer; Wilkie

ABSENT AND NOT VOTING: Gerhardt; Gunsch; Hanson, L.; Huether; Kaldor; Kingsbury; Kloubec; Kolbo; Peterson; Sorensen

HB 1076 passed and the title was agreed to.

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CONSIDERATION OF MESSAGE FROM THE SENATE

REP. HAUGLAND MOVED that the House do concur in the Senate amendments to Engrossed HB 1167 as printed on page 1542 of the House Journal, which motion prevailed.

Engrossed HB 1167, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1167: A BILL for an Act to create and enact a new subsection to section 50-06.2-02 and a new section to chapter 50-06.2 of the North Dakota Century Code, relating to the definition of qualified service provider and the freedom of choice of qualified service provider; and to amend and reenact subsection 4 of section 50-06.2-02, section 50-06.2-03, and subsection 3 of section 50-06.2-04 of the North Dakota Century Code, relating to the definition of family home care, payment for human services, and the availability of human services.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 94 YEAS, 0 NAYS, 12 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Anderson, R.; Berg, G.; Huether; Jensen; Kaldor; Kingsbury; Kloubec; Kolbo; Mertens; Peterson; Sorensen; Tomac

HB 1167 passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE SENATE

REP. NICHOLAS MOVED that the House do concur in the Senate amendments to HB 1181 as printed on page 1638 of the House Journal, which motion prevailed.

HB 1181, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

HB 1181: A BILL for an Act to amend and reenact sections 6-09.11-01, 6-09.11-03, 6-09.11-04, 6-09.11-06, 6-09.11-07, and 6-09.11-09 of the North Dakota Century Code, relating to financial assistance for family farmers; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 96 YEAS, 0 NAYS, 10 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Huether; Jensen; Kaldor; Kingsbury; Kloubec; Kolbo; Peterson; Ring; Sorensen; Ulmer

HB 1181 passed, the title was agreed to, and the emergency clause carried.

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#### CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WHALEN MOVED that the House do concur in the Senate amendments to HB 1207 as printed on page 1638 of the House Journal, which motion prevailed.

HB 1207, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

HB 1207: A BILL for an Act to create and enact two new sections to chapter 43-06 of the North Dakota Century Code, relating to powers of the state board of chiropractic examiners; to amend and reenact sections 43-06-01, 43-06-02, 43-06-03, 43-06-04, 43-06-08, 43-06-09, 43-06-10, 43-06-10.1, 43-06-11, 43-06-12, 43-06-13, 43-06-15, 43-06-16, and 43-06-19 of the North Dakota Century Code, relating to regulation of the practice of chiropractic; and to repeal section 43-06-14 of the North Dakota Century Code, relating to recording of licenses to practice chiropractic with registers of deeds.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 96 YEAS, 0 NAYS, 10 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Haugen; Huether; Jensen; Kaldor; Kingsbury; Kloubec; Kolbo; Peterson; Sorensen; Ulmer

HB 1207 passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WHALEN MOVED that the House do concur in the Senate amendments to HB 1213 as printed on page 1639 of the House Journal, which motion prevailed.

HB 1213, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

HB 1213: A BILL for an Act to create and enact chapter 51-23 of the North Dakota Century Code, relating to the regulation of certain commodities transactions; to provide a penalty; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 98 YEAS, 0 NAYS, 8 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Huether; Jensen; Kaldor; Kingsbury; Kloubec; Kolbo; Peterson; Sorensen

HB 1213 passed, the title was agreed to, and the emergency clause carried.

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#### CONSIDERATION OF MESSAGE FROM THE SENATE

REP. LINDGREN MOVED that the House do concur in the Senate amendments to Engrossed HB 1249 as printed on page 1542 of the House Journal, which motion prevailed.

HB 1249, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

HB 1249: A BILL for an Act to amend and reenact section 53-06.1-10 of the North Dakota Century Code, relating to maximum and minimum wagers in the game of twenty-one.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 62 YEAS, 35 NAYS, 9 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson, B.; Anderson, R.; Berg, G.; Berg, R.; Bernstein; Carlson; Christman; Clayburgh; Dalrymple; DeMers, P.; Dorso; Flaagan; Frey; Gates; Gerhardt; Gerl; Gilmore; Gorman; Graba; Halmrast;

Hanson, L.; Haugen; Haugland; Hausauer, R.; Hoffner; Hokana; Kelly; Kouba; Larson, R.; Laughlin; Lindgren; Martin; Martinson; Mertens; Murphy; Nelson; Nicholas; Nowatzki; Oban; Olson, V.; O'Shea; Payne; Ring; Scherber; Schneider; Shaft; Soukup; Stenehjem; Thompson, V.; Timm; Tollefson; Tomac; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, W.; Speaker Kretschmar

NAYS: Aarsvold; Belter; Brokaw; Enget; Gerntholz; Goetz; Gunsch; Hanson, O.; Hausauer, A.; Howard; Knell; Lang; Larson, D.; Marks; Melby; Myrdal; Ness; Olsen, D.; Olson, A.; Rydell; Schatz; Schindler; Schmidt; Shide; Shockman; Skjerven; Smette; Solberg; Starke; Stofferahn; Thompson, K.; Tokach; Trautman; Wilkie; Williams, A.

ABSENT AND NOT VOTING: DeMers, J.; Huether; Jensen; Kaldor; Kingsbury; Kloubec; Kolbo; Peterson; Sorensen

HB 1249 passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WHALEN MOVED that the House do concur in the Senate amendments to HB 1266 as printed on pages 1678-1679 of the House Journal, which motion prevailed.

HB 1266, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

HB 1266: A BILL for an Act to amend and reenact section 43-44-01, subsection 1 of section 43-44-02, section 43-44-06, and subsection 10 of section 43-44-10 of the North Dakota Century Code, relating to definitions, membership of the board of dietetic practice, licensure, titles, and abbreviations for dietitians and nutritionists, and persons exempt from licensure as dietitians and nutritionists.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 93 YEAS, 4 NAYS, 9 ABSENT AND NOT VOTING.

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

NAYS: Gunsch; Knell; Melby; Murphy

ABSENT AND NOT VOTING: Goetz; Huether; Jensen; Kaldor; Kingsbury; Kloubec; Kolbo; Peterson; Sorensen

HB 1266 passed and the title was agreed to.

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CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WENTZ MOVED that the House do concur in the Senate amendments to HB 1276 as printed on pages 1643-1644 of the House Journal, which motion prevailed.

HB 1276, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1276: A BILL for an Act to create and enact a new section to chapter 44-08 of the North Dakota Century Code, relating to recall of elected officials of political subdivisions; and to amend and reenact subsection 4 of section 16.1-01-09 and section 44-10-01 of the North Dakota Century Code, relating to recall petitions and removal from office.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 97 YEAS, 0 NAYS, 9 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Huether; Jensen; Kaldor; Kingsbury; Kloubec; Kolbo; Peterson; Stenehjelm; Wald

HB 1276 passed and the title was agreed to.

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CONSIDERATION OF MESSAGE FROM THE SENATE

REP. NICHOLAS MOVED that the House do concur in the Senate amendments to HB 1281 as printed on page 1679 of the House Journal, which motion prevailed.

HB 1281, as amended, was placed on the Eleventh order of business on the calendar.

## SECOND READING OF HOUSE BILL

HB 1281: A BILL for an Act to create and enact a new section to chapter 61-14 of the North Dakota Century Code, relating to placing and operating irrigation works or equipment near, on, or over roadways; to provide a penalty; and to declare an emergency.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 92 YEAS, 7 NAYS, 7 ABSENT AND NOT VOTING.

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

NAYS: Anderson, R.; Gerntholz; Gunsch; Knell; Schindler; Schmidt; Stenehjem

ABSENT AND NOT VOTING: Huether; Jensen; Kaldor; Kingsbury; Kloubec; Kolbo; Peterson

HB 1281 passed, the title was agreed to, and the emergency clause carried.

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## CONSIDERATION OF MESSAGE FROM THE SENATE

REP. A. OLSON MOVED that the House do concur in the Senate amendments to Engrossed HB 1284 as printed on page 1519 of the House Journal, which motion prevailed.

Engrossed HB 1284, as amended, was placed on the Eleventh order of business on the calendar.

## SECOND READING OF HOUSE BILL

HB 1284: A BILL for an Act to amend and reenact sections 61-16.1-12.1, 61-16.1-18, and 61-16.1-19 of the North Dakota Century Code, relating to approval of proposed water projects.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 95 YEAS, 2 NAYS, 9 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Carlson; Christman; Clayburgh; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hoffner; Hokana; Howard; Kelly; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin;

Martinson; Melby; Mertens; Murphy; Myrdal; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjervén; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Brokaw; Dalrymple

ABSENT AND NOT VOTING: Hausauer, R.; Huether; Jensen; Kaldor; Kingsbury; Kloubec; Nelson; Peterson; Timm

HB 1284 passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WHALEN MOVED that the House do concur in the Senate amendments to HB 1295 as printed on page 1679 of the House Journal, which motion prevailed.

HB 1295, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

HB 1295: A BILL for an Act to create and enact a new section to chapter 43-11 of the North Dakota Century Code, relating to the use of brush rollers by licensed cosmetologists.

#### MOTION

REP. FREY MOVED the previous question, which motion prevailed.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 63 YEAS, 37 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Berg, G.; Berg, R.; Brokaw; Carlson; Christman; Dalrymple; DeMers, J.; DeMers, P.; Flaagan; Frey; Gerl; Gilmore; Graba; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Kelly; Kolbo; Kouba; Lang; Laughlin; Marks; Martin; Martinson; Melby; Mertens; Nelson; Ness; Nicholas; Oban; Olsen, D.; Olson, V.; O'Shea; Peterson; Ring; Schindler; Schneider; Shide; Shockman; Skjervén; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, V.; Trautman; Ulmer; Urlacher; Vander Vorst; Watne; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Aas; Anderson, R.; Belter; Bernstein; Clayburgh; Dorso; Enget; Gates; Gerhardt; Gerntholz; Goetz; Gorman; Gunsch; Hanson, O.; Hokana; Howard; Jensen; Knell; Larson, D.; Larson, R.; Lindgren; Murphy; Myrdal; Olson, A.; Payne; Rydell; Schatz; Scherber; Schmidt; Shaft; Timm; Tokach; Tollefson; Tomac; Wald; Wentz; Whalen

ABSENT AND NOT VOTING: Huether; Kaldor; Kingsbury; Kloubec; Nowatzki; Thompson, K.

HB 1295 passed and the title was agreed to.

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## CONSIDERATION OF MESSAGE FROM THE SENATE

REP. HAUGLAND MOVED that the House do concur in the Senate amendments to HB 1298 as printed on page 1644 of the House Journal, which motion prevailed.

HB 1298, as amended, was placed on the Eleventh order of business on the calendar.

## SECOND READING OF HOUSE BILL

HB 1298: A BILL for an Act to amend and reenact subsections 3 and 4 of section 19-02.1-14.1 of the North Dakota Century Code, relating to selecting and dispensing generic drugs.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 90 YEAS, 8 NAYS, 8 ABSENT AND NOT VOTING.

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

NAYS: Hausauer, A.; Lang; Olsen, D.; Olson, A.; Schindler; Shide; Smette; Wald

ABSENT AND NOT VOTING: Anderson, R.; Berg, G.; Bernstein; Huether; Kaldor; Kingsbury; Nowatzki; Peterson

HB 1298 passed and the title was agreed to.

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## MOTIONS

REP. GUNSCH MOVED that the House reconsider its action whereby SCR 4061 passed, which motion lost on a verification vote.

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

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

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1005, HB 1089, HB 1155, HB 1504, and HB 1614 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1005: Reprs. Kingsbury, Gunsch, Solberg  
HB 1089: Reprs. R. Larson, Soukup, J. DeMers  
HB 1155: Reprs. Dorso, Tollefson, Oban  
HB 1504: Reprs. Gates, Myrdal, Scherber  
HB 1614: Reprs. Myrdal, V. Olson, Ness

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

MR. PRESIDENT: The House has adopted the conference committee report on HB 1144 and subsequently passed the same.

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

MR. PRESIDENT: The House has passed unchanged: SB 2008, SB 2011, SB 2012, SB 2013.

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 3011.

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

MR. PRESIDENT: The House has concurred in the Senate amendments to HCR 3045 and subsequently passed the same.

#### DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

THE SPEAKER ANNOUNCED that the following resolutions were delivered to the Secretary of State for his filing at the hour of 12:40 p.m., March 31, 1989: HCR 3004, HCR 3005, HCR 3021, HCR 3067, HCR 3081, HCR 3083.

#### DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

THE SPEAKER ANNOUNCED that the following bills were delivered to the Governor for his approval at the hour of 12:40 p.m., March 31, 1989: HB 1013, HB 1033, HB 1034, HB 1035, HB 1057, HB 1197, HB 1211, HB 1226, HB 1307, HB 1312, HB 1384, HB 1407, HB 1413, HB 1457, HB 1521, HB 1603, HB 1618.

SIGNING of BILLS and RESOLUTIONS (Roy Gilbreath, Chief Clerk)

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following enrolled bill: SB 2372.

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

MR. PRESIDENT: The Speaker has signed: SB 2372.

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

MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1076, HB 1167, HB 1181, HB 1207, and HB 1213 and subsequently passed the same.

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

MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1249, HB 1266, HB 1276, HB 1281, HB 1284, HB 1295, and HB 1298 and subsequently passed the same.

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1320, HB 1422, and HB 1581 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1320: Reprs. Shaft, Urlacher, Ring  
HB 1422: Reprs. Kneill, Dorso, Ness  
HB 1581: Reprs. Dorso, Soukup, Frey

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

MR. PRESIDENT: The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2212: Reprs. Aas, D. Larson, Shockman  
 SB 2226: Reprs. Schatz, R. Berg, Tomac  
 SB 2242: Reprs. Whalen, Vander Vorst, Skjerven  
 SB 2262: Reprs. Stenehjem, Clayburgh, Kolbo  
 SB 2320: Reprs. R. Larson, Whalen, Stofferahn  
 SB 2335: Reprs. Belter, D. Larson, Hokana  
 SB 2417: Reprs. R. Anderson, Belter, Hokana  
 SB 2475: Reprs. Goetz, A. Hausauer, Tomac

#### MOTION

REP. R. ANDERSON MOVED that HB 1489 and HB 1421 be placed at the head of the calendar, which motion prevailed.

#### CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WHALEN MOVED that the House do concur in the Senate amendments to Engrossed HB 1489 as printed on page 1730 of the House Journal, which motion prevailed.

Engrossed HB 1489, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

HB 1489: A BILL for an Act to amend and reenact section 26.1-26-31.1 of the North Dakota Century Code, relating to an exemption from the continuing education requirements for insurance agents, brokers, and consultants, to credit for certain courses, and to reporting requirements.

#### ROLL CALL

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

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

NAYS: Stofferahn

ABSENT AND NOT VOTING: Berg, G.; Bernstein; Huether; Kaldor; Kingsbury; Nicholas; Peterson; Stenehjem

HB 1489 passed and the title was agreed to.

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## CONSIDERATION OF MESSAGE FROM THE SENATE

REP. GATES MOVED that the House do concur in the Senate amendments to Engrossed HB 1421 as printed on page 1475 of the Senate Journal, which motion prevailed.

Engrossed HB 1421, as amended, was placed on the Eleventh order of business on the calendar.

## SECOND READING OF HOUSE BILL

HB 1421: A BILL for an Act to create and enact four new sections to chapter 15-34.1 of the North Dakota Century Code, relating to home-based instruction, quality assurance, state aid for students in home-based schools, and supervision or administration by state-approved private or parochial schools; to amend and reenact sections 15-19-01, 15-34.1-03, and 15-34.1-04 of the North Dakota Century Code, relating to correspondence study by students receiving home-based instruction, exceptions from the compulsory school attendance laws, and prosecution for violation of compulsory school attendance laws; to repeal section 15-34.1-05 of the North Dakota Century Code, relating to penalties for violating the compulsory school attendance provisions; and to provide an expiration date.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 73 YEAS, 25 NAYS, 8 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Clayburgh; Dalrymple; Dorso; Enget; Frey; Gates; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Jensen; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Marks; Martinson; Melby; Mertens; Murphy; Myrdal; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Ring; Rydell; Schatz; Schindler; Schmidt; Shaft; Shide; Shockman; Skjerven; Smette; Sorensen; Soukup; Starke; Stofferahn; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Wald; Wentz; Whalen; Williams, A.; Speaker Kretschmar

NAYS: Aarsvold; Anderson, B.; Brokaw; Carlson; Christman; DeMers, J.; DeMers, P.; Flaagan; Gerl; Hanson, L.; Kelly; Laughlin; Martin; Nelson; Ness; Olson, V.; O'Shea; Scherber; Schneider; Solberg; Thompson, K.; Urlacher; Watne; Wilkie; Williams, W.

ABSENT AND NOT VOTING: Gerhardt; Huether; Kaldor; Kingsbury; Nicholas; Peterson; Stenehjelm; Vander Vorst

HB 1421 passed and the title was agreed to.

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## CONSIDERATION OF MESSAGE FROM THE SENATE

REP. LINDGREN MOVED that the House do concur in the Senate amendments to HB 1321 as printed on pages 1500-1501 of the House Journal, which motion prevailed.

HB 1321, as amended, was placed on the Eleventh order of business on the calendar.

## SECOND READING OF HOUSE BILL

HB 1321: A BILL for an Act to amend and reenact sections 54-52-02, 54-52-02.1, subsection 3 of section 54-52.1-01, and section 54-52.1-03.1 of the North Dakota Century Code, relating to participation in the public employees retirement system by a city health department providing health services in a county and city health district and participation by district health units in the uniform group insurance program.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 99 YEAS, 0 NAYS, 7 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Huether; Kaldor; Kingsbury; Nicholas; Peterson; Stenehjem; Vander Vorst

HB 1321 passed and the title was agreed to.

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## MOTIONS

REP. KLOUBEC MOVED that the rules be suspended and that all bills amended yesterday be messaged to the Senate immediately, which motion prevailed.

REP. WENTZ MOVED that HCR 3087 be returned to the House floor from the Committee on Judiciary and be rereferred to the Committee on State and Federal Government, which motion prevailed. Pursuant to Rep. Wentz's motion, HCR 3087 was rereferred.

## SECOND READING OF SENATE BILLS

SB 2120: A BILL for an Act to create and enact a new section to chapter 52-06 of the North Dakota Century Code, relating to applicability of unemployment compensation decisions to separate proceedings.

## ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 7 YEAS, 91 NAYS, 8 ABSENT AND NOT VOTING.

YEAS: Bernstein; Hausauer, A.; Hoffner; Larson, R.; Oban; Wentz; Williams, W.

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

ABSENT AND NOT VOTING: Flaagan; Huether; Kaldor; Kingsbury; Nicholas; Peterson; Stenehjelm; Vander Vorst

SB 2120 lost.

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SB 2130: A BILL for an Act to amend and reenact subsections 1 and 2 of section 26.1-40-14 and section 26.1-40-17 of the North Dakota Century Code, relating to uninsured and underinsured motorist coverage.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 53 YEAS, 45 NAYS, 8 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Anderson, R.; Berg, G.; Brokaw; Carlson; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gerhardt; Gerl; Gilmore; Goetz; Graba; Gunsch; Halmrast; Hanson, L.; Haugen; Hausauer, A.; Hoffner; Hokana; Kolbo; Kouba; Laughlin; Marks; Martin; Mertens; Myrdal; Nelson; Ness; Nowatzki; Oban; Olsen, D.; Olson, A.; O'Shea; Ring; Scherber; Schmidt; Schneider; Shockman; Smette; Solberg; Starke; Stofferahn; Thompson, V.; Ulmer; Watne; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Aas; Belter; Berg, R.; Bernstein; Christman; Clayburgh; Dalrymple; Dorso; Gates; Gerntholz; Gorman; Hanson, O.; Haugland; Howard; Jensen; Kelly; Kloubec; Knell; Lang; Larson, D.; Larson, R.; Lindgren; Martinson; Melby; Murphy; Olson, V.; Payne; Rydell; Schatz; Schindler; Shaft; Shide; Skjerven; Sorensen; Soukup; Thompson, K.; Timm; Tokach; Tollefson; Tomac; Trautman; Urlacher; Wald; Wentz; Whalen

ABSENT AND NOT VOTING: Hausauer, R.; Huether; Kaldor; Kingsbury; Nicholas; Peterson; Stenehjelm; Vander Vorst

SB 2130 lost for want of a Constitutional majority.

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SB 2131: A BILL for an Act to amend and reenact sections 39-18-07 and 39-22.1-04 of the North Dakota Century Code, relating to penalties for violating mobile home and trailer dealer licensing laws.

## ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 89 YEAS, 9 NAYS, 8 ABSENT AND NOT VOTING.

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

NAYS: Brokaw; DeMers, J.; Gunsch; Murphy; Ring; Schindler; Schmidt; Schneider; Ulmer

ABSENT AND NOT VOTING: Hausauer, R.; Huether; Kaldor; Kingsbury; Nicholas; Peterson; Stenehjerm; Vander Vorst

SB 2131 passed and the title was agreed to.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2042, SB 2093, SB 2152, SB 2153, and SB 2222 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2042: Sens. Maxson, Ingstad, Lodoen  
 SB 2093: Sens. Keller, Krauter, Todd  
 SB 2152: Sens. Dotzenrod, Robinson, Holmberg  
 SB 2153: Sens. Dotzenrod, Maxson, Ingstad  
 SB 2222: Sens. J. Meyer, Hanson, Holmberg

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2537, SCR 4071.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2291, SB 2304, SB 2309, SB 2322, and SB 2376 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2291: Sens. J. Meyer, Mathern, Peterson  
 SB 2304: Sens. Robinson, Holmberg, Lodoen  
 SB 2309: Sens. Dotzenrod, Maxson, Ingstad  
 SB 2322: Sens. Mathern, O'Connell, Freborg  
 SB 2376: Sens. Robinson, Langley, Ingstad

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1245, HB 1262, HB 1267, HB 1415, HB 1539, HB 1634, HB 1640.

## SENATE AMENDMENTS TO ENGROSSED HB 1245

Page 4, line 23, after the period insert:

"All dollar amounts contained in this section which relate to a person's income are subject to an annual cost-of-living adjustment as provided in this subsection. The cost-of-living adjustment for any taxable year is the percentage by which the consumer price index determined in the preceding taxable year exceeds or is less than the consumer price index determined in taxable year 1988. For purposes of this subsection, the consumer price index for any taxable year is the average of the consumer price index as of the close of the twelve-month period ending on August thirty-first of the taxable year. For purposes of this subsection, "consumer price index" means the consumer price index for all urban consumers published by the United States department of labor. The tax commissioner shall make the adjustments to dollar amounts relating to a person's income under this section as provided in this subsection and certify the amounts determined to each county director of tax equalization on or before January first of each year.

4."

Page 4, line 25, overstrike "4." and insert immediately thereafter "5."  
 Page 5, line 3, overstrike "5." and insert immediately thereafter "6."  
 Renumber accordingly

In addition to the amendments to engrossed House Bill No. 1245 as printed on page 1346 of the Senate Journal, engrossed House Bill No. 1245 is amended as follows:

Page 1, line 14, remove the overstrike over "twelve" and remove "thirteen"  
 Page 2, line 3, remove the overstrike over "six" and remove "seven"  
 Page 2, line 7, remove the overstrike over "six" and remove "seven"  
 Page 2, line 8, remove the overstrike over "seven" and remove "eight"  
 Page 2, line 12, remove the overstrike over "seven" and remove "eight"  
 Page 2, line 13, remove the overstrike over "nine" and remove "ten"  
 Page 2, line 17, remove the overstrike over "nine" and remove "ten"  
 Page 2, line 18, remove the overstrike over "ten" and remove "eleven"  
 Page 2, line 22, remove the overstrike over "ten" and remove "eleven"  
 Page 2, line 23, remove the overstrike over "twelve" and remove "thirteen"  
 Page 3, line 6, remove the overstrike over "twelve" and remove "thirteen"  
 Page 3, line 18, remove the overstrike over "twelve"  
 Page 3, line 19, remove "thirteen"  
 Page 4, line 8, remove the overstrike over "ten" and remove "thirty"  
 Renumber accordingly

## SENATE AMENDMENTS TO ENGROSSED HB 1262

Page 1, replace lines 8 through 19 with:

- "1. "Degradable" means capable of being reduced to environmentally benign subunits under the action of normal environmental forces, including biodegradation, photodegradation, chemical degradation, or hydrolysis within reasonable time lines specific for waste types and waste management methods."

Page 2, remove lines 1 through 5

Page 2, line 8, replace "product" with "bottle", replace "any" with "a plastic", and replace "composed predominantly of" with "that has a neck that is smaller than the body of the container, accepts a screw-type, snap cap, or other closure, and has a capacity of at least sixteen fluid ounces [453.60 grams] but less than five gallons [18.93 liters]."

Page 2, remove lines 9 through 11

Page 2, after line 11, insert:

"6. "Rigid plastic container" means any formed or molded container, other than a bottle, intended for single use, composed predominately of plastic resin, and having a relatively inflexible finite shape or form with a capacity of at least eight ounces [226.80 grams] but not more than five gallons [18.93 liters]."

Page 2, line 16, after the period insert "The department may require test data to demonstrate that a plastic is degradable including the rate of degradation and the by-products of the degradation."

Page 2, line 17, replace "products" with "bottles and containers"

Page 2, line 18, replace "products" with "bottles and rigid plastic containers"

Page 2, line 20, replace "product" with "bottle or container"

Page 2, line 22, replace "product" with "bottle or rigid plastic container"

Page 2, line 23, replace "a triangle" with "three triangulated arrows"

Page 2, line 24, replace "triangle" with "three triangulated arrows" and after "used" insert ". The triangulated arrows must be equilateral, formed by three arrows with the apex of each point of the triangle at the midpoint of each arrow, rounded with a short radius. The pointer (arrowhead) of each arrow must be at the midpoint of each side of the triangle with a short gap separating the pointer from the base of the adjacent arrow. The triangle formed by the three arrows curved at their midpoints must depict a clockwise path around the code number. The numbers and letters used must be as follows"

Page 3, line 16, remove "The department may require test data to show that the plastic"

Page 3, line 17, remove "rings are degradable as required by this section."

Page 3, line 25, replace "1991" with "1990"

Re-number accordingly

#### SENATE AMENDMENTS TO ENGROSSED HB 1267

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 of the North Dakota Century Code, relating to a refund of sales tax for purchases made by residents of Canada; and to amend and reenact subsection 12 of section 57-39.2-04 of the North Dakota Century Code, relating to a sales tax exemption for purchases made by residents of certain adjoining states.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 12 of section 57-39.2-04 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

12. Gross receipts from ~~all sales a sale~~ otherwise taxable under this chapter ~~when~~ made to ~~persons a person~~ who ~~are~~ residents

is a resident of an adjoining states state which do does not impose or levy a retail sales tax or are residents of Canada; provided that such persons are under the following conditions:

- a. The nonresident is in the state of North Dakota for the express purpose of making such purchases a purchase, and not as tourists; and provided; further; that any such person furnish a tourist.
- b. The nonresident furnishes to the North Dakota retailer a certificate signed by him the nonresident in such a form as the commissioner may prescribe reciting sufficient facts establishing the exempt status of the sale. Unless such the certificate is furnished it shall be presumed, until the contrary is shown, that such person the nonresident was not in the state of North Dakota for the express purpose of making such purchases; provided; further; that this exemption shall not apply to any a purchase.
- c. The sale to any person who is a resident of another state if the sales price is twenty five dollars or less or to any person who is a resident of Canada if the sales price is twenty five dollars or less is fifty dollars or more.

SECTION 2. A new section to chapter 57-39.2 of the North Dakota Century Code is hereby created and enacted to read as follows:

Refunds for Canadian residents. The tax imposed under this chapter on gross receipts from sales made to a person who is a resident of Canada may be refunded under the following conditions:

1. The Canadian resident was in North Dakota for the express purpose of making a purchase, and not as a tourist.
2. The goods will be removed from North Dakota within thirty days of purchase and will be used permanently outside North Dakota.
3. The Canadian resident applies in writing to the commissioner on a form as the commissioner may prescribe reciting sufficient facts establishing the exempt status of the sale.
4. The qualifying sale is one in which the total gross receipts from each individual transaction, which may involve one or more items, equals fifty dollars or more.
5. The refund is five dollars or more. Qualifying sales may be accumulated for periods not in excess of one calendar year in order to reach the five dollar limit."

Renumber accordingly

SENATE AMENDMENTS TO REENGROSSED HB 1415

Page 1, line 7, replace "repeal" with "suspend"

Page 2, line 10, replace "REPEAL" with "SUSPENSION"

Page 2, line 12, replace "repealed" with "suspended until July 1, 1991, pursuant to the provisions of section 6 of this Act"

ReNUMBER accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1539

Page 4, line 5, remove "only within North Dakota"

Page 4, line 13, overstrike "located within" and overstrike "this state"

Page 4, line 18, remove "A"

Page 4, remove lines 19 through 21

Page 4, line 24, remove "A licensed distributor located"

Page 4, remove lines 25 and 26

Page 5, line 2, overstrike "located within" and overstrike "the state"

Page 5, line 8, remove ". A distributor"

Page 5, remove lines 9 and 10

Page 5, line 11, remove "within North Dakota"

Page 7, line 13, replace "an" with "the"

Page 7, line 14, after "reservation" insert "of the tribe of the enrolled tribal member"

ReNUMBER accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1634

Page 1, line 11, replace "twelve" with "nine"

ReNUMBER accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1640

Page 1, line 4, remove "subsection 4 of section"

Page 1, line 5, remove "11-10-10,"

Page 1, line 6, remove "salary,"

Page 2, remove lines 26 through 29

Page 3, remove lines 1 through 16

Page 4, line 28, remove "Each county"

Page 5, remove lines 1 and 2

Page 6, line 5, after the period insert "Biennial plan required -"

Page 6, line 6, remove the overstrike over the overstruck dash and insert immediately thereafter "Appeals"

Page 8, line 11, after the overstruck period insert "1."

Page 8, line 20, after the underscored period insert "If the board of county commissioners of each county cannot agree to share a county superintendent of schools, the superintendent of public instruction may require a county to participate in a plan to jointly employ a county superintendent of schools."

Page 8, line 21, after "the" insert "presidents of the"

Page 8, line 22, replace "in the counties" with "of each county", after "affected" insert "by the plan", and after "and" insert "must be confirmed"

Page 8, line 23, replace "the counties cannot agree to share a county superintendent" with "a majority of the presidents of the school boards in each county cannot agree to the plan, both the presidents of the school boards of the counties affected and the boards of county commissioners of the counties affected shall submit a plan to the superintendent of public instruction for resolution. The decision of the superintendent may be appealed as provided in subsection 3. The plan must describe the amount and quality of educational services to be provided to school districts in the counties by the county superintendent of schools. The plan must be reviewed, and amended if necessary, by the boards of county commissioners and submitted to the presidents of the school boards for approval and to the superintendent of public instruction for confirmation biennially."

Page 8, remove lines 24 and 25

Page 9, after line 6, insert:

- "2. The board of county commissioners of any county that elects not to share a county superintendent of schools with another county, or that has been exempted from sharing a county superintendent of schools by the superintendent of public instruction, must submit a plan biennially to the school boards of the school districts located within the county. The plan must describe the amount and quality of educational services to be provided to school districts in the county by the county superintendent of schools. The plan is approved if a majority of the presidents of the school boards in the county approve the plan and the plan is confirmed by the superintendent of public instruction. If a majority of the presidents of the school boards in the county cannot agree to the plan, both the presidents of the school boards and the board of county commissioners shall submit a plan to the superintendent of public instruction for resolution. The decision of the superintendent of public instruction may be appealed as provided in subsection 3.
3. If the superintendent of public instruction does not confirm a plan that has been approved locally, the superintendent of public instruction shall submit the plan to the state board of public school education for final resolution. A majority of the presidents of the school boards in a county or a board of county commissioners aggrieved by a decision of the superintendent of public instruction may appeal the decision

to the state board of public school education. A decision of or resolution by the state board of public school education under this section is final. The superintendent of public instruction may not serve on the board when the board is resolving disputes under this section."

Page 9, line 14, after "Sections" insert "5,", after "6" insert a comma, and replace "7" with "9"

Page 9, line 15, replace "5, 8," with "7, and" and remove ", and 11"

Renumber accordingly

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2389, SB 2459, and SB 2468 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2389: Sens. Maxson, Holmberg, Stenehjem  
 SB 2459: Sens. Maxson, Stenehjem, Nalewaja  
 SB 2468: Sens. Hanson, Nalewaja, Stenehjem

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

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

HB 1235: Sens. Kelsh, J. Meyer, Stenehjem  
 HB 1455: Sens. Mathern, O'Connell, Krebsbach  
 HB 1614: Sens. Hilken, O'Connell, Freborg

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

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

HB 1041: Sens. Kelsh, Heinrich, Peterson  
 HB 1089: Sens. Schoenwald, Krauter, Todd  
 HB 1134: Sens. J. Meyer, Mathern, Nalewaja  
 HB 1155: Sens. Schoenwald, Krauter, Nething  
 HB 1205: Sens. Mathern, J. Meyer, Stenehjem

#### SECOND READING OF SENATE BILL

SB 2135: A BILL for an Act to amend and reenact subdivision e of subsection 4 of section 54-52-17 of the North Dakota Century Code, relating to computation of disability benefits.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 97 YEAS, 0 NAYS, 9 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hoffner; Hokana; Howard; Jensen; Kelly; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz;

Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

**NAYS:** None

**ABSENT AND NOT VOTING:** Aas; Gerl; Hausauer, R.; Huether; Kaldor; Kingsbury; Nicholas; Stenehjelm; Vander Vorst

SB 2135 passed and the title was agreed to.

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#### MOTIONS

REP. KLOUBEC MOVED that the House waive the reading of the titles to SB 2145, SB 2216, SB 2238, and SB 2245, which motion prevailed.

REP. KLOUBEC MOVED that SB 2210 be laid over one legislative day, which motion prevailed.

#### SECOND READING OF SENATE BILLS

SB 2145: A BILL for an Act to create and enact three new subsections to section 52-04-12 of the North Dakota Century Code, relating to unemployment compensation contribution liens and certificates; and to amend and reenact subsection 2 of section 52-01-01, subsections 2 and 3 of section 52-04-05, subsection 4 of section 52-04-06.1, and sections 52-04-08 and 52-04-11 of the North Dakota Century Code, relating to definition of average annual payroll, determination of rates, incremental bonding of impact projects, and transfers of experience record for unemployment compensation purposes and to penalty and interest on unpaid unemployment compensation contributions.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 92 YEAS, 7 NAYS, 7 ABSENT AND NOT VOTING.

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

**NAYS:** Berg, G.; Bernstein; Gunsch; Knell; Myrdal; Olson, A.; Schmidt

**ABSENT AND NOT VOTING:** Hausauer, R.; Huether; Kaldor; Kingsbury; Nicholas; Stenehjelm; Vander Vorst

SB 2145 passed and the title was agreed to.

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SB 2216: A BILL for an Act to create and enact a new section to chapter 6-09 and two new sections to chapter 15-08.1 of the North Dakota Century Code, relating to transfer of certain property to and the management of certain property by the Bank of North Dakota; to amend and reenact sections 15-08.1-03, 15-08.1-05, 15-08.1-06, and 15-08.1-08 of the North Dakota Century Code, relating to property held by the Bank of North Dakota or the board of university and school lands; and to repeal 15-08.1-02, 15-08.1-04, and 15-08.1-07 of the North Dakota Century Code, relating to transfer of interests in realty from the Bank of North Dakota.

## ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 98 YEAS, 2 NAYS, 6 ABSENT AND NOT VOTING.

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

NAYS: Berg, R.; Schmidt

ABSENT AND NOT VOTING: Huether; Kaldor; Kingsbury; Nicholas; Stenehjem; Vander Vorst

SB 2216 passed and the title was agreed to.

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SB 2238: A BILL for an Act to amend and reenact sections 39-20-01, 39-20-03.1, 39-20-04, and subsection 1 of section 39-20-04.1 of the North Dakota Century Code, relating to juvenile custody under implied consent, taking possession of operators' licenses on arrest for alcohol offenses, and reports on arrest to the highway commissioner.

## ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 90 YEAS, 8 NAYS, 8 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Frey; Gates; Gerhardt; Gerl; Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hoffner; Howard; Jensen; Kelly; Kloubec; Knell; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal;

Ness; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schneider; Shaft; Shide; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Trautman; Ulmer; Urlacher; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Flaagan; Gilmore; Hokana; Kolbo; Nelson; Schmidt; Shockman; Tomac

ABSENT AND NOT VOTING: Haugen; Hausauer, R.; Huether; Kaldor; Kingsbury; Nicholas; Stenehjelm; Vander Vorst

SB 2238 passed and the title was agreed to.

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SB 2245: A BILL for an Act to create and enact sixteen new sections to chapter 14-09 of the North Dakota Century Code, relating to support payments and procedures, income withholding for child support enforcement, periodic review of child support orders, and medical support enforcement for child support; to amend and reenact subsection 15 of section 11-16-01, sections 14-09-09.6, 14-09-09.7, 14-09-09.10, 14-09-09.11, 14-09-09.12, 14-09-09.13, 14-09-09.14, subsections 1 and 2 of section 14-09-09.16, sections 14-09-09.17, 14-09-09.19, 14-09-09.21, subsection 1 of section 14-17-04, subsection 2 of section 14-17-05, section 14-17-10, subsection 3 of section 14-17-11, subsection 3 of section 14-17-12, sections 14-17-15, and 50-09-06 of the North Dakota Century Code, relating to spousal support and child support, income withholding for child support enforcement, genetic testing for child support, and assignment of support rights; to repeal sections 14-08-07, 14-08-08, 14-08-09, 14-08-10, and subsection 5 of section 14-17-14 of the North Dakota Century Code, relating to support payments and procedures and judgments or orders for child support; to provide an effective date; and to provide 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 94 YEAS, 3 NAYS, 9 ABSENT AND NOT VOTING.

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

NAYS: Frey; Gunsch; Kneil

ABSENT AND NOT VOTING: Gerl; Hausauer, R.; Huether; Kaldor; Kingsbury; Nicholas; Peterson; Stenehjelm; Vander Vorst

SB 2245 passed and the title was agreed to.

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SB 2271: A BILL for an Act to amend and reenact section 26.1-25-04.1 of the North Dakota Century Code, relating to premium reductions for accident prevention course completion.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 93 YEAS, 0 NAYS, 13 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Brokaw; Gerl; Hausauer, A.; Hausauer, R.; Huether; Kaldor; Kingsbury; Nicholas; Peterson; Stenehjem; Vander Vorst; Wentz; Williams, A.

SB 2271 passed and the title was agreed to.

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SB 2281: A BILL for an Act to amend and reenact section 35-05-04 of the North Dakota Century Code, relating to the invalidity of crop security agreements that claim security interests in other personal property.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 87 YEAS, 8 NAYS, 11 ABSENT AND NOT VOTING.

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

NAYS: Brokaw; Nelson; Ness; O'Shea; Ring; Shockman; Soukup; Watne

ABSENT AND NOT VOTING: Gerl; Hausauer, A.; Hausauer, R.; Huether; Kaldor; Kingsbury; Nicholas; Peterson; Stenehjem; Vander Vorst; Wentz

SB 2281 passed and the title was agreed to.

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SB 2286: A BILL for an Act to create and enact a new chapter to title 6 of the North Dakota Century Code, relating to oil and gas development loans by the Bank of North Dakota.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 93 YEAS, 4 NAYS, 9 ABSENT AND NOT VOTING.

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

NAYS: Gerl; Gunsch; Hausauer, A.; Thompson, K.

ABSENT AND NOT VOTING: Hausauer, R.; Huether; Kaldor; Kingsbury; Nicholas; Peterson; Stenehjem; Ulmer; Vander Vorst

SB 2286 passed and the title was agreed to.

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SB 2292: A BILL for an Act to amend and reenact section 39-10-21.1 of the North Dakota Century Code, relating to closing roads because of hazardous conditions.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 90 YEAS, 6 NAYS, 10 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hoffner; Howard; Jensen; Kelly; Kloubec; Knell; Kolbo; Kouba; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Myrdal; Nelson; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stofferahn;

Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Urlacher; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

**NAYS:** Hokana; Lang; Murphy; Ness; O'Shea; Payne

**ABSENT AND NOT VOTING:** DeMers, J.; Hausauer, R.; Huether; Kaldor; Kingsbury; Nicholas; Peterson; Stenehjem; Ulmer; Vander Vorst

SB 2292 passed and the title was agreed to.

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SB 2294: A BILL for an Act to amend and reenact subsection 1 of section 53-06.1-03 of the North Dakota Century Code, relating to local authorization for city or county festivals or celebrations to conduct raffles under the games of chance laws; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 95 YEAS, 4 NAYS, 7 ABSENT AND NOT VOTING.

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

**NAYS:** Gunsch; Hanson, O.; Larson, D.; Whalen

**ABSENT AND NOT VOTING:** Hausauer, R.; Huether; Kaldor; Kingsbury; Nicholas; Stenehjem; Vander Vorst

SB 2294 passed, the title was agreed to, and the emergency clause carried.

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SB 2295: A BILL for an Act to amend and reenact section 27-20-36 of the North Dakota Century Code, relating to limitations of time on orders of disposition for placement of minors in foster care under the Uniform Juvenile Court Act.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 98 YEAS, 0 NAYS, 8 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast;

Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hoffner; Hokana; Howard; Jensen; Kelly; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Hausauer, R.; Huether; Kaldor; Kingsbury; Nicholas; Starke; Stenehjem; Vander Vorst

SB 2295 passed and the title was agreed to.

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SB 2301: A BILL for an Act to amend and reenact section 47-18-05.1 of the North Dakota Century Code, relating to waiver of homestead exemptions on platted property.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 84 YEAS, 14 NAYS, 8 ABSENT AND NOT VOTING.

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

NAYS: Aarsvold; Anderson, B.; Brokaw; Carlson; Gerhardt; Gerl; Hausauer, A.; Murphy; Nelson; Ring; Shockman; Tomac; Ulmer; Watne

ABSENT AND NOT VOTING: Berg, G.; Huether; Kaldor; Kingsbury; Nicholas; Stenehjem; Urlacher; Vander Vorst

SB 2301 passed and the title was agreed to.

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MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)  
MR. PRESIDENT: The House has amended and subsequently failed to pass: SB 2505.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)  
MR. PRESIDENT: The House has amended and subsequently passed: SB 2316, SB 2371.

## SECOND READING OF SENATE BILLS

SB 2303: A BILL for an Act to amend and reenact section 47-18-05.1 of the North Dakota Century Code, relating to notice of waiver of homestead exemption.

## ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 35 YEAS, 64 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Aas; Berg, R.; Bernstein; Clayburgh; Dorso; Gates; Gerntholz; Goetz; Gorman; Hanson, O.; Haugen; Haugland; Howard; Kloubec; Kouba; Lang; Larson, R.; Lindgren; Martin; Melby; Olson, D.; Olson, V.; Payne; Peterson; Schatz; Shaft; Shide; Sorensen; Soukup; Timm; Tollefson; Urlacher; Wald; Wentz; Speaker Kretschmar

NAYS: Aarsvold; Anderson, B.; Anderson, R.; Belter; Berg, G.; Brokaw; Carlson; Christman; Dalrymple; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gerhardt; Gerl; Gilmore; Graba; Gunsch; Halmrast; Hanson, L.; Hoffner; Hokana; Jensen; Kelly; Knell; Kolbo; Larson, D.; Laughlin; Marks; Martinson; Mertens; Murphy; Myrdal; Nelson; Ness; Nowatzki; Oban; Olson, A.; O'Shea; Ring; Rydell; Scherber; Schindler; Schmidt; Schneider; Shockman; Skjerven; Smette; Solberg; Starke; Stofferahn; Thompson, K.; Thompson, V.; Tokach; Tomac; Trautman; Ulmer; Vander Vorst; Watne; Whalen; Wilkie; Williams, A.; Williams, W.

ABSENT AND NOT VOTING: Hausauer, A.; Hausauer, R.; Huether; Kaldor; Kingsbury; Nicholas; Stenehjem

SB 2303 lost.

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SB 2310: A BILL for an Act to provide uncompensated family leave to state employees and protect employment and benefit rights and to allow state employees to use certain other leave to care for a child, spouse, or parent with a serious health condition; and to provide an effective date.

## ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 87 YEAS, 10 NAYS, 9 ABSENT AND NOT VOTING.

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

NAYS: Bernstein; Dorso; Gorman; Gunsch; Hanson, O.; Payne; Soukup; Thompson, K.; Timm; Whalen

ABSENT AND NOT VOTING: Anderson, R.; Goetz; Hausauer, R.; Huether; Kaldor; Kingsbury; Nicholas; Stenehjem; Wald

SB 2310 passed and the title was agreed to.

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SB 2319: A BILL for an Act to create and enact a new section to chapter 35-01 of the North Dakota Century Code, relating to priority of a lien securing future advances.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 98 YEAS, 0 NAYS, 8 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Goetz; Hausauer, R.; Huether; Kaldor; Kingsbury; Nicholas; Stenehjem; Ulmer

SB 2319 passed and the title was agreed to.

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MOTION

REP. KLOUBEC MOVED that the House waive the reading of the title to SB 2328, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2328: A BILL for an Act to create and enact a new chapter to title 61 of the North Dakota Century Code, relating to the transfer of possessory interests in and the management of sovereign lands; to amend and reenact section 47-06-08 and subsection 13 of section 61-24-08 of the North Dakota Century Code, relating to the management of sovereign lands and the powers of the Garrison Diversion Conservancy District to use sovereign lands; and to repeal chapter 15-08.2 of the North Dakota Century Code, relating to the transfer of possessory interests in and the management of sovereign lands.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 97 YEAS, 0 NAYS, 9 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Goetz; Hausauer, R.; Huether; Kaldor; Kingsbury; Larson, R.; Nicholas; Stenehjem; Ulmer

SB 2328 passed and the title was agreed to.

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#### MOTION

REP. KLOUBEC MOVED that SB 2333, SB 2334, and SB 2375 be placed at the foot of the calendar, which motion prevailed.

#### SECOND READING OF SENATE BILLS

SB 2344: A BILL for an Act to amend and reenact subsection 2 of section 15-62.2-02 of the North Dakota Century Code, relating to grants to students by the board of higher education.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 88 YEAS, 8 NAYS, 10 ABSENT AND NOT VOTING.

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

NAYS: Anderson, R.; Murphy; Olson, A.; Olson, V.; Schmidt; Sorensen; Thompson, K.; Whalen

ABSENT AND NOT VOTING: Graba; Hausauer, R.; Huether; Kaldor; Kingsbury; Mertens; Nicholas; Nowatzki; Peterson; Stenehjem

SB 2344 passed and the title was agreed to.

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SB 2347: A BILL for an Act to amend and reenact section 39-21-39 of the North Dakota Century Code, relating to tinted windows and sunscreening devices.

## ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 87 YEAS, 10 NAYS, 9 ABSENT AND NOT VOTING.

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

NAYS: Clayburgh; Gunsch; Hanson, D.; Melby; Murphy; Payne; Soukup; Thompson, K.; Tomac; Urlacher

ABSENT AND NOT VOTING: Huether; Kaldor; Kingsbury; Mertens; Nicholas; Nowatzki; Peterson; Rydell; Stenehjem

SB 2347 passed and the title was agreed to.

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## CONSIDERATION OF MESSAGE FROM THE SENATE

REP. PETERSON MOVED that the House do not concur in the Senate amendments to HB 1022 as printed on pages 1722-1723 of the House Journal and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

## APPOINTMENT OF A CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1022: Reps. Wald, Dalrymple, Stofferahn.

## CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WHALEN MOVED that the House do not concur in the Senate amendments to HB 1191 as printed on page 1726 of the House Journal and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

## APPOINTMENT OF CONFERENCE COMMITTEES

THE SPEAKER APPOINTED as a Conference Committee on HB 1191: Reps. Dorso, Tokach, Enget.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2173: Reps. Tollefson, Tokach, Gerhardt.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2187: Reps. Christman, Urlacher, B. Anderson.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2256: Reps. Dorso, Shide, Enget.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2291: Reps. Clayburgh, Haugland, J. DeMers.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2322: Reps. R. Berg, Gates, Wilkie.

#### MOTION

REP. SCHNEIDER MOVED that the House reconsider its action whereby SB 2458 failed to pass, which motion prevailed on a verification vote.

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

MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1321, HB 1421, and HB 1489 and subsequently passed the same.

The House does not concur in the Senate amendments to HB 1022 and HB 1191 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1022: Reps. Wald, Dalrymple, Stofferahn  
 HB 1191: Reps. Dorso, Tokach, Enget

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

MR. PRESIDENT: The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2173: Reps. Tollefson, Tokach, Gerhard  
 SB 2187: Reps. Christman, Urlacher, B. Anderson  
 SB 2256: Reps. Dorso, Shide, Enget  
 SB 2291: Reps. Clayburgh, Haugland, J. DeMers  
 SB 2322: Reps. R. Berg, Gates, Wilkie

#### REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER: Your Conference Committee to which was referred Engrossed HB 1124 has had the same under consideration and recommends that the SENATE RECEDE from the Senate amendments as found on page 1438 of the House Journal and that Engrossed HB 1124 be amended as follows:

Page 1, line 2, replace "a" with "two" and replace "section" with "sections"

Page 1, line 3, after "policies" insert ", filing requirements for medicare supplement insurance policy advertising,"

Page 3, line 13, replace "A" with "Two" and replace "section" with "sections"

Page 3, line 14, replace "is" with "are"

Page 3, after line 14, insert:

"Filing requirements for advertising. Every insurer, health care service plan, or other entity providing medicare supplement insurance or benefits in this state shall provide a copy of any medicare supplement advertisement within ten days after its first use in this

state whether through written, radio, or television medium for review or approval by the commissioner to the extent required or authorized by state law."

Renumber accordingly

For the Senate: Sens. Keller, Krauter, Todd  
For the House: Reps. R. Larson, Whalen, Skjerven

Engrossed HB 1124 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)  
MR. SPEAKER: The Senate has amended and subsequently passed: HB 1078, HB 1499, HB 1563.

SENATE AMENDMENTS TO ENGROSSED HB 1078

Page 1, line 9, overstrike "him" and insert immediately thereafter "that person"

Page 1, line 14, overstrike "him" and insert immediately thereafter "that person" and overstrike "his" and insert immediately thereafter "that person's"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1499

Page 3, line 9, after "finalized" insert ", packaged,"

Page 3, line 16, replace "when the testing function" with "on the production line or at a site in the immediate location of production."

Page 3, remove line 17

Page 3, after line 19, insert:

"(5) To package the product for sale and shipment."

Page 5, line 10, after "finalized" insert ", packaged,"

Page 5, line 17, replace "when the testing function" with "on the production line or at a site in the immediate location of production."

Page 5, remove line 18

Page 5, after line 20, insert:

"(5) To package the product for sale and shipment."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1499

Page 1, line 13, replace "four" with "three"

Page 3, line 25, replace "four" with "three"

Renumber accordingly

## SENATE AMENDMENTS TO HB 1563

Page 1, line 1, after the second comma insert "45-11-04.1, 45-11-05,"

Page 1, line 2, after "to" insert "new and renewed fictitious name certificates and"

Page 1, line 20, after "the" insert "general"

Page 1, line 22, overstrike "members of the"

Page 2, line 1, overstrike "partnership" and insert immediately thereafter "general partners"

Page 2, after line 2, insert:

"SECTION 3. AMENDMENT. Section 45-11-04.1 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

45-11-04.1. Renewal. Any fictitious name certificate filed under this chapter must be renewed every five years from the date of the initial filing, except that those filings existing prior to July 1, 1985, must be required to file the statement of renewal by July 1, 1987, and then every five years thereafter. The statement of renewal ~~shall~~ must be executed by the partnership on forms prescribed and furnished by the secretary of state which are sent to the address of the principal place of business at least sixty days ~~prior to before~~ the deadline for filing. The statement must include the fictitious name of the partnership, the state or country of organization, the address of the principal place of business, the names and addresses of all ~~members~~ general partners, and a statement that the partnership is still in existence and continues to transact business in this state. If the secretary of state finds that the statement conforms to the requirements of this section, and the filing fee of twenty-five dollars has been paid, the secretary of state shall file the ~~same statement~~. If the secretary of state finds that it does not so conform, the secretary of state shall promptly return the ~~same statement~~ to the partnership for any necessary corrections, in which event, the fictitious name certificate is subject to cancellation if the statement is not returned corrected within thirty days after the statement was returned for corrections. If any partnership fails to file the statement of renewal when due, the fictitious name certificate must be canceled by the secretary of state and notice of such cancellation must be mailed to the address of the principal place of business.

SECTION 4. AMENDMENT. Section 45-11-05 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

45-11-05. New certificate required when members changed. Whenever there is a change in the general partners who are members of a partnership transacting business in this state under a fictitious name, or in a designation which does not show the names of the persons interested as general partners in the business, except in a case mentioned in section 45-11-03, a new certificate must be filed with the secretary of state as required by this chapter upon the formation of ~~such~~ the partnership."

60th DAY

FRIDAY, MARCH 31, 1989

1817

Renumber accordingly

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)  
MR. SPEAKER: The Senate has passed unchanged: HB 1008, HB 1030, HB 1126,  
HB 1668, HB 1671, HB 1673, HCR 3046, HCR 3085.

MOTIONS

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

REP. KLOUBEC MOVED that the House be on the Fourth order of business, and at the conclusion of the Fourth order, the House be on the Fifth order of business, and at the conclusion of the Fifth order, the House be on the Thirteenth order of business, and at the conclusion of the Thirteenth order, the House stand adjourned until 10:00 a.m., Monday, April 3, 1989, which motion prevailed.

COMMUNICATION

State of North Dakota  
OFFICE OF THE GOVERNOR  
Bismarck

March 31, 1989

The Honorable William Kretschmar  
Speaker of the House  
House Chamber  
State Capitol  
Bismarck, North Dakota 58505

Dear Mr. Speaker:

This is to inform you that on March 30, 1989, I signed the following: HB 1419, HB 1545, HB 1596.

Sincerely,

GEORGE A. SINNER  
Governor

COMMUNICATION

State of North Dakota  
OFFICE OF THE GOVERNOR  
Bismarck

March 31, 1989

The Honorable William Kretschmar  
Speaker of the House  
House Chamber  
State Capitol  
Bismarck, North Dakota 58505

Dear Mr. Speaker:

This is to inform you that on March 31, 1989, I signed House Bills 1013, 1014, and 1018, dealing with appropriations for the Soil Conservation Districts, for the "Atmospheric Resource Board" and for "Revenue Sharing for Cities and Counties." I have signed these bills only with the gravest reservations. Adequate funding has not yet been identified by the Legislature.

And yet a veto is not a desirable signal either since leaders in both parties assure me of adequate funding for critical areas such as Education and Human Services.

It has also been helpful that representatives of the cities and counties have assured me that they would not pursue additional revenue this session which may result from a legislatively mandated broadened sales tax.

Furthermore, in the event that the Legislature does not raise adequate revenues, I will insist that the appropriations provided in these bills be cut by subsequent amendments to these appropriations.

I fully realize how difficult the task ahead is and I continue to commend you for your work. If my office can be of assistance to you, please feel free to contact us.

Sincerely,

GEORGE A. SINNER  
Governor

#### REPORTS OF STANDING COMMITTEES

MR. SPEAKER: Your Committee on Industry, Business and Labor (Rep. Whalen, Chairman) to which was referred SB 2116 has had the same under consideration and recommends by a vote of 9 YEAS, 6 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 2, line 17, replace "thirty" with "thirty-six"

Renumber accordingly

SB 2116 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Finance and Taxation (Rep. A. Hausauer, Chairman) to which was referred SB 2201 has had the same under consideration and recommends by a vote of 9 YEAS, 6 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 57-38-29, subsections 2 and 6 of section 57-38-30.3, and subsection 2 of section 57-38-31 of the North Dakota Century Code, relating to individual income tax rates and filing methods; to repeal sections 57-38-01.15 and 57-38-34.2 of the North Dakota Century Code, relating to proration and itemization of deductions and filing of separate income tax returns; to provide an effective date; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 57-38-29 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-38-29. Rate of tax on individuals. A tax is hereby imposed upon every individual, to be levied, collected, and paid annually with respect to the taxable income of such individual as defined in this chapter, computed at the following rates:

1. On taxable income not in excess of three thousand dollars, a tax of ~~two and sixty-seven~~ three and twenty-four hundredths percent.
2. On taxable income in excess of three thousand dollars and not in excess of five thousand dollars, a tax of four and eighty-six hundredths percent.
3. On taxable income in excess of five thousand dollars and not in excess of eight thousand dollars, a tax of ~~five and thirty-three~~ six and forty-seven hundredths percent.
4. On taxable income in excess of eight thousand dollars and not in excess of fifteen thousand dollars, a tax of ~~six and sixty-seven~~ eight and ten hundredths percent.
5. On taxable income in excess of fifteen thousand dollars and not in excess of twenty-five thousand dollars, a tax of ~~eight~~ nine and seventy-one hundredths percent.
6. On taxable income in excess of twenty-five thousand dollars and not in excess of thirty-five thousand dollars, a tax of ~~nine~~ eleven and thirty-three hundredths percent.
7. On taxable income in excess of thirty-five thousand dollars and not in excess of fifty thousand dollars, a tax of ~~ten and sixty-seven~~ twelve and ninety-six hundredths percent.
8. On taxable income in excess of fifty thousand dollars, a tax of ~~twelve~~ fourteen and fifty-seven hundredths percent.

SECTION 2. AMENDMENT. Subsections 2 and 6 of section 57-38-30.3 of the 1987 Supplement to the North Dakota Century Code are hereby amended and reenacted to read as follows:

2. A tax is hereby imposed for each taxable year upon income earned or received in that taxable year by every resident and nonresident individual, estate, and trust. This tax is ~~fourteen~~ seventeen percent of the individual's, estate's, or trust's adjusted federal income tax liability for the taxable year.
6. ~~Where a husband and wife determine their federal income tax liability for the taxable year on a joint federal income tax return they may elect to determine their North Dakota income taxes separately. The federal income tax liability must be apportioned between them in the proportion that the adjusted gross income of each bears to their combined adjusted gross income. The adjusted gross income of each must be determined~~

in the same way that each would have been required to determine it if they had filed separate federal income tax returns. A husband and wife filing a joint federal income tax return shall file a joint state income tax return if the return is filed under this section. If separate federal income tax returns are filed, one spouse's state income tax return may be filed under this section and the other spouse's income tax return may be filed under the other provisions of this chapter.

SECTION 3. AMENDMENT. Subsection 2 of section 57-38-31 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. A husband and wife each having separate income may include their income in a single joint return; or if they have separate income from personal or professional services or from business or property in which the other has no ownership and if they file a joint federal income tax return in which such income is reported, they may file separate returns in which the separate income of each is reported in the same way that they would have been required to report it in separate federal returns if they had filed separate federal returns.

A husband and wife who have income from property or business in which both have an ownership interest may file a single joint return in which the income of both, along with any other income they may be required to report, is included, or they may file separate returns in the same way as provided in the preceding paragraph; provided, that the income from the property or business in which both have an ownership interest shall be allocated between them according to the capital interest of each, the management and control exercised by each, and the services performed by each with respect to such property or business, pursuant to rules and regulations promulgated by the tax commissioner for the reasonable allocation thereof. The same filing status and deduction method used by a husband and wife when filing federal income tax returns must be used when filing state income tax returns. If either spouse is a resident and the other is a nonresident, separate state income tax returns must be filed.

SECTION 4. REPEAL. Section 57-38-34.2 of the North Dakota Century Code and section 57-38-01.15 of the 1987 Supplement to the North Dakota Century Code are hereby repealed.

SECTION 5. EFFECTIVE DATE. This Act is effective for taxable years beginning after December 31, 1988.

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

Renumber accordingly

SB 2201 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was referred Engrossed SB 2261 has had the same under consideration and recommends by a vote of 23 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

In lieu of the amendments to engrossed Senate Bill No. 2261 adopted by the House as printed on page 1271 of the House Journal, engrossed Senate Bill No. 2261 is amended as follows:

Page 3, line 6, after the period insert "However, the survey shall maintain a facility or branch office for geologic studies and a core and sample library at the university of North Dakota where appropriate analytical equipment, geologic literature, and geological expertise are available."

Renumber accordingly

SB 2261 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was rereferred Engrossed SB 2298 has had the same under consideration and recommends by a vote of 17 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SB 2298 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Joint Constitutional Revision (Rep. Martin, Chairman) to which was referred SCR 4043 has had the same under consideration and recommends by a vote of 5 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

SCR 4043 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Natural Resources (Rep. A. Olson, Chairman) to which was referred SCR 4068 has had the same under consideration and recommends by a vote of 12 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

SCR 4068 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

#### FIRST READING OF SENATE BILL

SB 2537: A BILL for an Act to authorize the director of the department of human services to transfer title and convey certain land owned by the state of North Dakota to job service North Dakota for use as a job service office.

Was read the first time and referred to the Committee on State and Federal Government.

#### FIRST READING OF SENATE CONCURRENT RESOLUTION

SCR 4071: A concurrent resolution urging Congress to provide funds to replace the Four Bears Bridge west of New Town, North Dakota.

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

1822

JOURNAL OF THE HOUSE

60th DAY

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

ROY GILBREATH, Chief Clerk