

JOURNAL OF THE HOUSE

Fifty-first Legislative Assembly

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Bismarck, February 8, 1989
The House convened at 12:30 p.m., with Speaker Kretschmar presiding.

The prayer was offered by Rev. Ross Reinhiller, Good Shepherd United Methodist Church, Mandan.

The roll was called and all Representatives were present, except Representatives Frey, Gerhardt, and Haugen.

A quorum was declared by the Speaker.

REQUEST

REP. R. ANDERSON REQUESTED that the record show that Rep. Haugen was absent because he was attending a meeting, which request was granted.

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

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

Page 525, line 30, after "and" insert "whether the amendments are adopted or not adopted,"

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

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 Twenty-fifth Day and finds it to be correct.

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

HOUSE ENGROSSING REPORT

The following bills were engrossed: HB 1083, HB 1130, HB 1131, HB 1140, HB 1188, HB 1196, HB 1280, HB 1299, HB 1429, HB 1432, HB 1435, HB 1444, HB 1502, HB 1511, HB 1519, HB 1524, HB 1533, HB 1575, HB 1610.

MOTION

REP. KLOUBEC MOVED that the rules be suspended and that HB 1074, HB 1123, HB 1124, HB 1275, HB 1276, HB 1471, HB 1505, and HB 1532 recommending amendments on the Sixth order of business on the legislative calendar of the Twenty-sixth Day be adopted, which motion prevailed.

SIXTH ORDER OF BUSINESS

REP. WHALEN MOVED that the amendments to HB 1074 as recommended by the Committee on Industry, Business and Labor as printed on pages 564-566 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

HB 1074 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. WHALEN MOVED that the amendments to HB 1123 as recommended by the Committee on Industry, Business and Labor as printed on pages 566-568 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

HB 1123 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. WHALEN MOVED that the amendments to HB 1124 as recommended by the Committee on Industry, Business and Labor as printed on page 568 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

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

REP. WHALEN MOVED that the amendments to HB 1275 as recommended by the Committee on Industry, Business and Labor as printed on page 568 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

HB 1275 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. WENTZ MOVED that the amendments to HB 1276 as recommended by the Committee on Judiciary as printed on page 569 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

HB 1276 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. WHALEN MOVED that the amendments to HB 1471 as recommended by the Committee on Industry, Business and Labor as printed on pages 570-571 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

HB 1471 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. A. OLSON MOVED that the amendments to HB 1505 as recommended by the Committee on Natural Resources as printed on page 571 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

HB 1505 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. A. OLSON MOVED that the amendments to HB 1532 as recommended by the Committee on Natural Resources as printed on pages 571-572 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

HB 1532 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. WENTZ MOVED that the amendments to HB 1032 as recommended by the Committee on Judiciary as printed on pages 559-564 of the House Journal be adopted, and when so adopted, recommends the same DO PASS and be rereferred to the Committee on Appropriations, which motion prevailed.

HB 1032 was rereferred to the Committee on Appropriations.

MOTION

REP. A. HAUSAUER MOVED that HB 1503 be returned to the House floor from the Committee on Finance and Taxation, which motion prevailed.

REQUEST

REP. D. OLSEN REQUESTED the unanimous consent of the House to withdraw HB 1503. There being no objection, it was so ordered by the Speaker.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2220, SB 2315, SB 2316, SB 2319, SB 2329, SB 2337, SB 2340, SB 2442, SB 2459, SB 2469, SB 2508, SCR 4024.

SECOND READING OF HOUSE BILLS

HB 1184: A BILL for an Act to create and enact a new section to chapter 53-06.2 of the North Dakota Century Code, relating to off track parimutuel wagering; to amend and reenact sections 53-06.2-01, 53-06.2-02, 53-06.2-03, 53-06.2-05, 53-06.2-08, 53-06.2-11, and 53-06.2-16 of the North Dakota Century Code, relating to the racing commission, horse racing, and parimutuel wagering; 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 66 YEAS, 37 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, R.; Berg, G.; Berg, R.; Bernstein; Carlson; Christman; Clayburgh; DeMers, J.; DeMers, P.; Dorso; Flaagan; Gates; Gerl; Gertholz; Gorman; Graba; Halmrast; Hanson, L.; Hausauer, R.; Hoffner; Hokana; Huether; Jensen; Kelly; Kingsbury; Kloubec; Kolbo; Kouba; Larson, R.; Laughlin; Lindgren; Martin; Martinson; Mertens; Murphy; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, V.; O'Shea; Payne; Peterson; Ring; Schatz; Scherber; Schneider; Shaft; Shockman; Skjerven; Solberg; Soukup; Starke; Stenehjem; Stofferahn; Thompson, V.; Timm; Tomac; Ulmer; Wald; Whalen; Wilkie; Williams, W.; Speaker Kretschmar

NAYS: Aarsvold; Aas; Anderson, B.; Belter; Brokaw; Dalrymple; Enget; Gilmore; Goetz; Gunsch; Hanson, O.; Haugland; Hausauer, A.; Howard; Kaldor; Knell; Lang; Larson, D.; Marks; Melby; Myrdal; Olson, A.; Rydell; Schindler; Schmidt; Shide; Smette; Sorensen; Thompson, K.; Tokach; Tollefson; Trautman; Urlacher; Vander Vorst; Watne; Wentz; Williams, A.

ABSENT AND NOT VOTING: Frey; Gerhardt; Haugen

HB 1184 passed, the title was agreed to, but the emergency clause lost.

HB 1261: A BILL for an Act to amend and reenact section 19-10-03.1 of the North Dakota Century Code, relating to notice by retailers of the availability of information on octane enhancers and additives in gasoline.

MOTION

REP. W. WILLIAMS 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 40 YEAS, 64 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Belter; Berg, G.; Brokaw; Dalrymple; DeMers, P.; Enget; Gerntholz; Gilmore; Hokana; Huether; Kaldor; Kingsbury; Kolbo; Kouba; Laughlin; Marks; Martin; Mertens; Nelson; Ness; Nicholas; Nowatzki; O'Shea; Schatz; Schindler; Schmidt; Shockman; Skjerven; Solberg; Starke; Stofferahn; Thompson, V.; Trautman; Vander Vorst; Watne; Wilkie; Williams, A.; Speaker Kretschmar

NAYS: Aas; Anderson, R.; Berg, R.; Bernstein; Carlson; Christman; Clayburgh; DeMers, J.; Dorso; Flaagan; Gates; Gerhardt; Gerl; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Howard; Jensen; Kelly; Kloubec; Knell; Lang; Larson, D.; Larson, R.; Lindgren; Martinson; Melby; Murphy; Myrdal; Oban; Olsen, D.; Olson, A.; Olson, V.; Payne; Ring; Rydell; Scherber; Schneider; Shaft; Shide; Smette; Sorensen; Soukup; Stenehjem; Thompson, K.; Timm; Tokach; Tollefson; Tomac; Ulmer; Urlacher; Wald; Wentz; Whalen; Williams, W.

ABSENT AND NOT VOTING: Frey; Peterson

HB 1261 lost.

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

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1142, HB 1188, HB 1212, HB 1254, HB 1258, HB 1266, HB 1335, HB 1390.

SECOND READING OF HOUSE BILLS

HB 1485: A BILL for an Act to amend and reenact sections 4-10.2-01, 4-10.2-02, 4-10.2-03, 4-10.2-08, 4-10.2-09, 4-10.2-10, subdivision c of subsection 1 of section 4-14.2-02, sections 4-24-07, and 4-24-09 of the North Dakota Century Code, relating to changing the name and membership of the sunflower council and assessments relating to sunflower, safflower, rapeseed or canola, crambe, and flax.

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, 6 NAYS, 5 ABSENT AND NOT VOTING.

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

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

NAYS: Anderson, B.; Brokaw; Gunsch; Murphy; Shockman; Williams, W.

ABSENT AND NOT VOTING: Frey; Gerhardt; Mertens; Peterson; Ring

HB 1485 passed and the title was agreed to.

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 82 YEAS, 20 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson, R.; Belter; Berg, R.; Bernstein; Brokaw; Christman; Dalrymple; DeMers, J.; Dorso; Enget; Flaagan; Gates; Gerhardt; Gerl; Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kelly; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Martin; Martinson; Melby; Murphy; Nelson; Ness; Oban; Olsen, D.; Olson, V.; Payne; Ring; Rydell; Schatz; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjervsen; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Wentz; Whalen; Wilkie; Speaker Kretschmar

NAYS: Aarsvold; Anderson, B.; Carlson; Clayburgh; DeMers, P.; Gilmore; Hanson, L.; Kaldor; Kingsbury; Marks; Myrdal; Nicholas; Nowatzki; Olson, A.; O'Shea; Scherber; Stofferahn; Watne; Williams, A.; Williams, W.

ABSENT AND NOT VOTING: Berg, G.; Frey; Mertens; Peterson

HB 1489 passed and the title was agreed to.

HB 1601: A BILL for an Act to provide a continuing appropriation for the North Dakota centennial edition of the blue book; to amend and reenact subsection 5 of section 20 of chapter 70 of the 1987 Session Laws of North Dakota, relating to the sale of the blue book; to provide an expiration date; 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 99 YEAS, 2 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Gates; Gerhardt;

Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; 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; 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: Gerl; Murphy

ABSENT AND NOT VOTING: Berg, G.; Frey; Mertens; Peterson; Soukup

HB 1601 passed, the title was agreed to, and the emergency clause carried.

HB 1083: A BILL for an Act to amend and reenact subsection 4 of section 23-01-03 of the North Dakota Century Code, relating to the powers and duties of the state health council.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 85 YEAS, 19 NAYS, 2 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.; Enget; Flaagan; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Graba; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Huether; Jensen; Kaldor; Kelly; Kloubec; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Mertens; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; Payne; Ring; Rydell; Schatz; Scherber; Schmidt; Schneider; Shaft; Shockman; Skjerven; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Aas; Dorso; Goetz; Gorman; Gunsch; Howard; Kingsbury; Knell; Melby; Murphy; Myrdal; Nelson; Ness; O'Shea; Schindler; Shide; Smette; Vander Vorst; Wald

ABSENT AND NOT VOTING: Frey; Peterson

HB 1083 passed and the title was agreed to.

HB 1130: A BILL for an Act to amend and reenact section 61-31-10 of the North Dakota Century Code, relating to receipt of funds for the waterbank program and appropriating waterbank funds; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 101 YEAS, 3 NAYS, 2 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; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; O'Shea; Oban; Olsen, D.; Olson, A.; Olson, V.; Payne; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Brokaw; Gunsch; Thompson, K.

ABSENT AND NOT VOTING: Frey; Peterson

HB 1130 passed and the title was agreed to.

HB 1131: A BILL for an Act to amend and reenact section 60-06-15 of the North Dakota Century Code, relating to warehouse leases on railroad rights of way.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 103 YEAS, 0 NAYS, 3 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; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Frey; Peterson; Shide

HB 1131 passed and the title was agreed to.

HB 1140: A BILL for an Act to create and enact a new section to chapter 55-08 of the North Dakota Century Code, relating to the establishment of a state parks gift fund; and to amend and reenact section 55-08-07 of the North Dakota Century Code, relating to the expenditure of grants and bequests to the North Dakota parks and recreation department.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 104 YEAS, 0 NAYS, 2 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; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Frey; Peterson

HB 1140 passed and the title was agreed to.

MOTION

REP. R. ANDERSON MOVED that the House waive the reading of the title to HB 1196, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1196: A BILL for an Act to create and enact a new section to chapter 6-01 of the North Dakota Century Code, relating to the establishment of a special fund designated as the financial institutions regulatory fund; to amend and reenact sections 6-01-17, 6-01-17.1, 6-01-17.2, 6-03-70, 6-05-28, subsections 1, 2, and 4 of section 6-06-08, sections 6-06-08.1, 6-10-06, 7-05-01, 13-03-04, subsection 1 of section 13-03-09, section 13-03.1-05, subsection 1 of section 13-03.1-11, section 13-04.1-04, subdivision a of subsection 1 of section 13-04.1-11, section 13-05-04, subsection 2 of section 13-05-06, subsection 1 of section 51-17-07, and section 51-17-10 of the North Dakota Century Code, relating to the annual assessments, examination fees, investigation fees, and annual licenses of institutions and associations supervised; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 93 YEAS, 6 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; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Gunsch; Halmrast; Hanson, L.; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kloubec; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Murphy; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Ring; Rydell; Schatz; Scherber; Schindler; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Anderson, R.; Graba; Haugen; Knell; Schmidt; Starke

ABSENT AND NOT VOTING: Frey; Hanson, O.; Kingsbury; Mertens; Myrdal; Peterson; Wentz

HB 1196 passed and the title was agreed to.

HB 1280: A BILL for an Act to amend and reenact section 20.1-08-04.5 of the North Dakota Century Code, relating to the hunting of deer with muzzleloading long guns.

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, 6 NAYS, 7 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.; Enget; Flaagan; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Ring; Rydell; Scherber; Schindler; Schmidt; Schneider; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Wald; Watne; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Aas; Dorso; Payne; Schatz; Soukup; Timm

ABSENT AND NOT VOTING: Frey; Hanson, L.; Hausauer, R.; Peterson; Shaft; Vander Vorst; Wentz

HB 1280 passed and the title was agreed to.

HB 1429: A BILL for an Act to amend and reenact section 20.1-04-09 of the North Dakota Century Code, relating to the taking of wild turkeys.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 82 YEAS, 15 NAYS, 9 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, R.; Berg, G.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; Dorso; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Olson, V.; Payne; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shide; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tollefson; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Whalen; Wilkie; Speaker Kretschmar

NAYS: Anderson, B.; Berg, R.; DeMers, J.; DeMers, P.; Enget; Flaagan; Hanson, L.; Hoffner; Ness; Oban; Tokach; Tomac; Watne; Williams, A.; Williams, W.

ABSENT AND NOT VOTING: Belter; Frey; Hausauer, R.; Nelson; O'Shea; Peterson; Shaft; Shockman; Wentz

HB 1429 passed and the title was agreed to.

HB 1432: A BILL for an Act to require all townships in the state to have fire protection 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 25 YEAS, 73 NAYS, 8 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Berg, G.; Carlson; DeMers, J.; DeMers, P.; Flaagan; Gerhardt; Gilmore; Graba; Hanson, L.; Haugland; Hoffner; Jensen; Kaldor; Kelly; Kolbo; Laughlin; Mertens; Oban; Ring; Scherber; Schneider; Ulmer; Williams, A.

NAYS: Aas; Anderson, R.; Belter; Berg, R.; Bernstein; Brokaw; Christman; Clayburgh; Dalrymple; Dorso; Enget; Gates; Gerntholz; Goetz; Gorman; Gunsch; Halmrast; Hanson, O.; Haugen; Hausauer, A.; Hokana; Howard; Huether; Kloubec; Knell; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Marks; Martin; Martinson; Melby; Murphy; Myrdal; Ness; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Rydell; Schatz; Schindler; Schmidt; Shide; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, W.; Speaker Kretschmar

ABSENT AND NOT VOTING: Frey; Gerl; Hausauer, R.; Kingsbury; Nelson; Peterson; Shaft; Shockman

HB 1432 lost.

HB 1444: A BILL for an Act to amend and reenact section 6-09.10-03 of the North Dakota Century Code, relating to fees charged for assistance provided to farmers.

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, 3 NAYS, 6 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.; Enget; Flaagan; Gates; Gerhardt; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Myrdal; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Ring; Rydell; Schatz; Schindler; Schmidt; Schneider; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Dorso; Murphy; Whalen

ABSENT AND NOT VOTING: Frey; Gerl; Nelson; Peterson; Scherber; Shaft

HB 1444 passed and the title was agreed to.

SPECIAL ORDER OF BUSINESS

The following Boy Scouts were introduced to the Assembly:

- Cub Scout - David Dockter, Belfield, North Dakota
- Cub Scout - Brick Thompson, Dickinson, North Dakota
- Life Scout - Daron Janzen, Fargo, North Dakota
- Star Scout - Travis Anderson, Battle View, North Dakota
- Cub Scout - Michael Nelson, Turtle Lake, North Dakota
- Lodge Chief, Order of the Arrow - Chris Soper, Devils Lake, North Dakota
- Eagle Scout - Brent Wissbrod, Noonan, North Dakota

These boys have been participating in the annual Northern Lights Council Boy Scout report to the Governor.

SECOND READING OF HOUSE BILLS

HB 1502: A BILL for an Act to create and enact twelve new sections to chapter 60-03 of the North Dakota Century Code, relating to the insolvency of roving grain or hay buyers; to amend and reenact sections 60-03-01, 60-03-02, 60-03-04, 60-03-04.1, and 60-03-06 of the North

Dakota Century Code, relating to roving grain or hay buyers; to repeal section 60-03-09.1 of the North Dakota Century Code, relating to complaint procedure for roving grain or hay buyers; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 95 YEAS, 1 NAY, 10 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.; Enget; Flaagan; Gates; Gerhardt; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Ring; Rydell; Schatz; Scherber; Schindler; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stofferahn; Thompson, K.; Thompson, V.; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Murphy

ABSENT AND NOT VOTING: Aas; Dorso; Frey; Gerl; Kloubec; Peterson; Schmidt; Stenehjem; Timm; Wilkie

HB 1502 passed and the title was agreed to.

HB 1511: A BILL for an Act to require changing tables in restrooms in state buildings.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 42 YEAS, 60 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Brokaw; Carlson; Dalrymple; DeMers, J.; DeMers, P.; Enget; Flaagan; Gerhardt; Gilmore; Graba; Hanson, L.; Hoffner; Kaldor; Kelly; Kolbo; Lang; Laughlin; Marks; Mertens; Murphy; Nelson; Ness; Oban; Olson, A.; O'Shea; Ring; Scherber; Schindler; Schneider; Shockman; Starke; Stofferahn; Thompson, V.; Trautman; Ulmer; Watne; Wentz; Wilkie; Williams, A.; Williams, W.

NAYS: Aas; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Christman; Clayburgh; Dorso; Gates; Gerntholz; Goetz; Gorman; Gunsch; Halmrast; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hokana; Howard; Huether; Jensen; Kingsbury; Kloubec; Knell; Kouba; Larson, D.; Larson, R.; Lindgren; Martin; Martinson; Melby; Myrdal; Nicholas; Nowatzki; Olsen, D.; Olson, V.; Payne; Rydell; Schatz; Schmidt; Shaft; Shide; Skjerven; Smette; Solberg; Sorensen; Soukup; Stenehjem; Thompson, K.; Timm; Tokach; Tollefson; Tomac; Vander Vorst; Wald; Whalen; Speaker Kretschmar

ABSENT AND NOT VOTING: Frey; Gerl; Peterson; Urlacher

HB 1511 lost.

HB 1519: A BILL for an Act to amend and reenact section 4-10.4-04 of the North Dakota Century Code, relating to the establishment of barley districts.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 103 YEAS, 0 NAYS, 3 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; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Frey; Gerl; Peterson

HB 1519 passed and the title was agreed to.

HB 1524: A BILL for an Act to amend and reenact section 14-09-07 of the North Dakota Century Code, relating to the right of a custodial parent to change the residence of the child.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 18 YEAS, 85 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, R.; Gates; Gerhardt; Gorman; Halmrast; Haugland; Hoffner; Lang; Larson, R.; Martin; Murphy; Oban; Olson, V.; Rydell; Schindler; Thompson, K.; Tokach; Wentz

NAYS: Aarsvold; Aas; Anderson, B.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Gerntholz; Gilmore; Goetz; Graba; Gunsch; Hanson, L.; Hanson, O.; Haugen; Hausauer, A.; Hausauer, R.; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Larson, D.; Laughlin; Lindgren; Marks; Martinson;

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

ABSENT AND NOT VOTING: Frey; Gerl; Peterson

HB 1524 lost.

MOTION

REP. R. ANDERSON MOVED that HB 1533 be laid over two legislative days, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1575: A BILL for an Act to amend and reenact section 39-22-05 of the North Dakota Century Code, relating to motor vehicle dealer bonds; and to provide for application of this Act.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 89 YEAS, 9 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; Gates; Gerhardt; Gilmore; Goetz; Gorman; Graba; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kloubec; Knell; Kolbo; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Ring; Schatz; Scherber; Schneider; Shaft; Shide; Shockman; Smette; Solberg; Sorensen; Soukup; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Urlacher; Vander Vorst; Wald; Watne; Wentz; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Gerntholz; Gunsch; Kingsbury; Kouba; Murphy; Schindler; Schmidt; Skjerven; Wilkie

ABSENT AND NOT VOTING: Frey; Gerl; Hausauer, R.; Peterson; Rydell; Starke; Ulmer; Whalen

HB 1575 passed and the title was agreed to.

MOTION

REP. KLOUBEC MOVED that HB 1450, HB 1036, HB 1031, HB 1056, HB 1311, HB 1342, HB 1399, and HB 1416 be moved to the top of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1450: A BILL for an Act to adopt the Uniform Statutory Rule Against Perpetuities; and to repeal section 47-02-27 of the North Dakota Century Code, relating to the rule against perpetuities.

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; Gates; Gerhardt; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; 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: Frey; Gerl; Hausauer, R.; Peterson; Starke

HB 1450 passed and the title was agreed to.

HB 1036: A BILL for an Act to create and enact a new section to chapter 26.1-36 of the North Dakota Century Code, relating to insurance benefits for part-time employees; 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 49 YEAS, 52 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Berg, G.; Brokaw; Carlson; DeMers, J.; DeMers, P.; Flaagan; Gerhardt; Gilmore; Gorman; Graba; Halmrast; Hanson, L.; Haugland; Hausauer, A.; Hoffner; Hokana; Huether; Jensen; Kelly; Kolbo; Kouba; Laughlin; Marks; Martin; Martinson; Mertens; Nelson; Ness; Nowatzki; Oban; O'Shea; Ring; Rydell; Schatz; Scherber; Schneider; Shockman; Starke; Stofferahn; Thompson, V.; Tomac; Trautman; Ulmer; Watne; Wentz; Williams, A.; Williams, W.

NAYS: Anderson, R.; Belter; Berg, R.; Bernstein; Christman; Clayburgh; Dalrymple; Dorso; Enget; Gates; Gerntholz; Goetz; Gunsch; Hanson, O.; Haugen; Howard; Kaldor; Kingsbury; Kloubec; Knell; Lang; Larson, D.; Larson, R.; Lindgren; Melby; Murphy; Myrdal; Nicholas; Olsen, D.; Olson, A.; Olson, V.; Payne; Schindler; Schmidt; Shaft; Shide; Skjerven; Smette; Solberg; Sorensen; Soukup; Stenehjem; Thompson, K.; Timm; Tokach; Tollefson; Urlacher; Vander Vorst; Wald; Whalen; Wilkie; Speaker Kretschmar

ABSENT AND NOT VOTING: Aas; Frey; Gerl; Hausauer, R.; Peterson

HB 1036 lost.

MOTION

REP. R. ANDERSON MOVED that the House waive the reading of the title to HB 1031, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1031: A BILL for an Act to create and enact sections 28-32-01.1, 28-32-01.2, 28-32-01.3, 28-32-02.2, 28-32-02.3, 28-32-02.4, 28-32-02.5, 28-32-02.6, 28-32-02.7, 28-32-02.8, 28-32-02.9, 28-32-02.10, 28-32-02.11, 28-32-02.12, 28-32-02.13, 28-32-02.14, 28-32-14.1, 28-32-14.2, 28-32-14.3, 28-32-14.4, 28-32-14.5, 28-32-14.6, 28-32-14.7, 28-32-14.8, 28-32-14.9, 28-32-14.10, 28-32-14.11, 28-32-14.12, 28-32-14.13, 28-32-14.14, 28-32-14.15, 28-32-14.16, 28-32-14.17, 28-32-14.18, 28-32-14.19, 28-32-14.20, 28-32-14.21, 28-32-14.22, 28-32-14.23, 28-32-14.24, 28-32-14.25, 28-32-14.26, 28-32-14.27, 28-32-14.28, 28-32-14.29, 28-32-14.30, 28-32-14.31, 28-32-14.32, 28-32-14.33, and 28-32-14.34 of the North Dakota Century Code, relating to administrative rulemaking and adjudicatory procedures; to amend and reenact subsection 3 of section 4-18.1-18, section 15-38.1-05, subsection 2 of section 15-47-38, subsection 7 of section 15-47-38.1, subsection 2 of section 19-03.1-33, sections 28-32-01, 28-32-02, 28-32-03, 28-32-03.1, 28-32-03.2, 28-32-22, and subsection 3 of section 38-14.1-30 of the North Dakota Century Code, relating to agency rulemaking procedures and adjudicatory procedures and publication and distribution of the administrative code and administrative bulletin; and to repeal sections 28-32-05, 28-32-06, 28-32-07, 28-32-08, 28-32-09, 28-32-10, 28-32-11, 28-32-12, 28-32-13, and 28-32-14 of the North Dakota Century Code, relating to administrative agency rulemaking procedures and adjudicatory proceedings.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 1 YEA, 101 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Speaker Kretschmar

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

ABSENT AND NOT VOTING: Frey; Gerl; Hausauer, R.; Peterson

HB 1031 lost.

HB 1056: A BILL for an Act to amend and reenact section 30.1-28-09 of the North Dakota Century Code, relating to guardianship proceedings and the appointment of a guardian ad litem.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 0 YEAS, 100 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: None

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

ABSENT AND NOT VOTING: Anderson, R.; Frey; Gerl; Hausauer, R.; Hoffner; Peterson

HB 1056 lost.

HB 1311: A BILL for an Act to repeal section 30.1-14-05 of the North Dakota Century Code, relating to declination of informal probate.

ROLL CALL

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

YEAS: Flaagan; Laughlin

NAYS: Aarsvold; Aas; Anderson, B.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Gates; Gerhardt; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; 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; 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

ABSENT AND NOT VOTING: Anderson, R.; Frey; Gerl; Haugen; Hausauer, R.; Peterson

HB 1311 lost.

HB 1342: A BILL for an Act to amend and reenact section 53-06.1-10.1 of the North Dakota Century Code, relating to limitations on cash prizes in raffles.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 77 YEAS, 23 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Belter; Berg, G.; Berg, R.; Bernstein; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Flaagan; Gates; Gerhardt; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Haugland; Hokana; Howard; Huether; Jensen; Kelly; Kloubec; Knell; Kolbo; Kouba; Larson, R.; Laughlin; Lindgren; Marks; Martin; Melby; Mertens; Murphy; Nelson; Ness; Nicholas; Nowatzki; Oban; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schmidt; Shaft; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Williams, W.; Speaker Kretschmar

NAYS: Aarsvold; Aas; Brokaw; Enget; Gerntholz; Hanson, O.; Hausauer, A.; Hoffner; Kaldor; Kingsbury; Lang; Larson, D.; Martinson; Myrdal; Olsen, D.; Olson, A.; Schindler; Shide; Thompson, K.; Wentz; Whalen; Wilkie; Williams, A.

ABSENT AND NOT VOTING: Anderson, R.; Frey; Gerl; Haugen; Hausauer, R.; Schneider

HB 1342 passed and the title was agreed to.

MOTION

REP. KLOUBEC MOVED that the House waive the reading of the title to HB 1399, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1399: A BILL for an Act to amend and reenact sections 32-19-04, 32-19-06, 32-19-07, 32-19-08, 32-19-09, 32-19-10, 32-19-11, 32-19-18, 32-19-19, 32-19-20, 32-19-21, 32-19-22, 32-19-23, 32-19-24, 32-19-25, 32-19-26, 32-19-27, 32-19-28, 32-19-29, 32-19-30, 32-19-31, 32-19-38, 32-19-39, and 32-19-40 of the North Dakota Century Code, relating to real estate mortgage foreclosure actions; and to repeal sections 32-19-05, 32-19-12, 32-19-13, 32-19-14, 32-19-15, 32-19-16, 32-19-17, 32-19-32, 32-19-33, 32-19-34, and 32-19-35 of the North Dakota Century Code, relating to real estate mortgage foreclosure actions.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 42 YEAS, 59 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson, R.; Belter; Berg, R.; Bernstein; Christman; Dalrymple; Dorso; Enget; Gates; Gilmore; Goetz; Gorman; Haugland; Howard; Kloubec; Knell; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Murphy; Olson, V.; Payne; Rydell; Scherber; Schneider; Shaft; Smette; Sorensen; Stenehjem; Thompson, K.; Tokach; Tollefson; Trautman; Urlacher; Wald; Wentz; Whalen; Williams, A.; Speaker Kretschmar

NAYS: Anderson, B.; Berg, G.; Brokaw; Carlson; Clayburgh; DeMers, J.; DeMers, P.; Flaagan; Gerhardt; Gerntholz; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Hausauer, A.; Hoffner; Hokana; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kolbo; Laughlin; Marks; Martin; Martinson; Melby; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; O'Shea; Peterson; Ring; Schatz; Schindler; Schmidt; Shide; Shockman; Skjerven; Solberg; Starke; Stofferahn; Thompson, V.; Timm; Tomac; Ulmer; Vander Vorst; Watne; Wilkie; Williams, W.

ABSENT AND NOT VOTING: Aarsvold; Frey; Gerl; Hausauer, R.; Soukup

HB 1399 lost.

HB 1416: A BILL for an Act to create and enact a new section to chapter 12-44.1 of the North Dakota Century Code, relating to judgments for the costs of imprisonment.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 26 YEAS, 77 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Brokaw; Carlson; Flaagan; Gates; Gerhardt; Gerntholz; Graba; Hanson, L.; Hanson, O.; Jensen; Lang; Laughlin; Marks; Melby; Schatz; Scherber; Shide; Skjerven; Solberg; Sorensen; Starke; Thompson, K.; Vander Vorst; Watne; Williams, A.; Williams, W.

NAYS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Gilmore; Goetz; Gorman; Gunsch; Halmrast; Haugen; Haugland; Hausauer, A.; Hoffner; Hokana; Howard; Huether; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Larson, D.; Larson, R.; Lindgren; Martin; Martinson; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schindler; Schmidt; Schneider; Shaft; Shockman; Smette; Soukup; Stenehjem; Stofferahn; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Wald; Wentz; Whalen; Wilkie; Speaker Kretschmar

ABSENT AND NOT VOTING: Frey; Gerl; Hausauer, R.

HB 1416 lost.

MOTION

REP. KLOUBEC MOVED that the House stand in recess for fifteen minutes, which motion prevailed.

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

REQUEST

REP. KLOUBEC REQUESTED that the record show that the members of the Committee on Joint Constitutional Revision (Reps. Martin, Shaft, Wentz, Kaldor, and Oban) be excused to attend a committee meeting, which request was granted.

SECOND READING OF HOUSE BILL

HB 1610: A BILL for an Act to provide for equipment and building lease disclosures.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 85 YEAS, 2 NAYS, 19 ABSENT AND NOT VOTING.

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

NAYS: Dalrymple; Huether

ABSENT AND NOT VOTING: Aas; Frey; Gerl; Gilmore; Hausauer, A.; Kaldor; Lang; Laughlin; Martin; Mertens; Oban; Peterson; Shaft; Smette; Thompson, V.; Tollefson; Tomac; Wentz; Whalen

(Committee on Joint Constitutional Revision members excused.)

HB 1610 passed and the title was agreed to.

MOTION

REP. KLOUBEC MOVED that HB 1333 be moved to the bottom of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1334: A BILL for an Act to amend and reenact section 20.1-05-03 of the North Dakota Century Code, relating to the season for taking deer.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 18 YEAS, 76 NAYS, 12 ABSENT AND NOT VOTING.

YEAS: Berg, G.; Brokaw; Flaagan; Gerhardt; Gilmore; Haugen; Hausauer, R.; Kelly; Laughlin; Ness; Schindler; Schneider; Shockman; Starke; Stofferahn; Thompson, V.; Timm; Vander Vorst

NAYS: Aarsvold; Anderson, B.; Anderson, R.; Belter; Berg, R.; Bernstein; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Gates; Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hoffner; Hokana; Howard; Huether; Jensen; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Marks; Martinson; Melby; Murphy; Myrdal; Nelson; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Ring; Rydell; Schatz; Scherber; Schmidt; Skjerven; Smette; Solberg; Sorensen; Soukup; Stenehjem; Thompson, K.; Tokach; Tomac; Trautman; Ulmer; Urlacher; Wald; Watne; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

ABSENT AND NOT VOTING: Aas; Frey; Gerl; Kaldor; Martin; Mertens; Oban; Peterson; Shaft; Shide; Tollefson; Wentz

(Committee on Joint Constitutional Revision members excused.)

HB 1334 lost.

HB 1387: A BILL for an Act to amend and reenact section 20.1-01-31 of the North Dakota Century Code, relating to interference with rights of hunters.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 91 YEAS, 3 NAYS, 12 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; Gates; Gerhardt; Gilmore; Goetz; Gorman; Graba; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kelly; Kingsbury; Kloubec; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martinson; Melby; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shide; Shockman; Skjerven; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Gunsch; Knell; Smette

ABSENT AND NOT VOTING: Aas; Frey; Gerl; Gerntholz; Kaldor; Martin; Mertens; Oban; Ring; Shaft; Tollefson; Wentz

(Committee on Joint Constitutional Revision members excused.)

HB 1387 passed and the title was agreed to.

HB 1394: A BILL for an Act to create and enact a new section to chapter 40-01 and a new subsection to section 40-05-01 of the North Dakota Century Code, relating to an organization of city governments.

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, 0 NAYS, 11 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; Gates; Gerhardt; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martinson; Melby; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Aas; Frey; Gerl; Gerntholz; Kaldor; Martin; Mertens; Oban; Shaft; Tollefson; Wentz

(Committee on Joint Constitutional Revision members excused.)

HB 1394 passed and the title was agreed to.

HB 1404: A BILL for an Act to amend and reenact section 11-10-02 of the North Dakota Century Code, relating to appointment of state's attorneys in counties having a population of eight thousand or fewer.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 48 YEAS, 47 NAYS, 11 ABSENT AND NOT VOTING.

YEAS: Anderson, R.; Belter; Berg, R.; Bernstein; Dalrymple; Dorso; Flaagan; Gates; Gilmore; Gorman; Gunsch; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Kingsbury; Kloubec; Knell; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Melby; Murphy; Olsen, D.; Olson, A.; Olson, V.; Payne; Peterson; Rydell; Schatz; Scherber; Schmidt; Shide; Skjerven; Smette; Sorensen; Soukup; Starke; Stenehjem; Thompson, K.; Timm; Tokach; Tomac; Trautman; Urlacher; Whalen

NAYS: Aarsvold; Anderson, B.; Berg, G.; Brokaw; Carlson; Christman; Clayburgh; DeMers, J.; DeMers, P.; Enget; Gerhardt; Goetz; Graba; Halmrast; Hanson, L.; Hoffner; Hokana; Howard; Huether; Jensen; Kelly; Kolbo; Kouba; Marks; Martinson; Myrdal; Nelson; Ness; Nicholas; Nowatzki; O'Shea; Ring; Schindler; Schneider; Shockman; Solberg; Starke; Stofferahn; Thompson, V.; Ulmer; Vander Vorst; Wald; Watne; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

ABSENT AND NOT VOTING: Aas; Frey; Gerl; Gerntholz; Kaldor; Martin; Mertens; Oban; Shaft; Tollefson; Wentz

(Committee on Joint Constitutional Revision members excused.)

HB 1404 lost for want of a Constitutional majority.

HB 1412: A BILL for an Act to amend and reenact sections 21-06-05, 21-06-06, and 54-46-12 of the North Dakota Century Code, relating to city and park district records.

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

NAYS: None

ABSENT AND NOT VOTING: Aas; Frey; Gerl; Gerntholz; Hanson, O.; Kaldor; Martin; Mertens; Oban; Olson, V.; Shaft; Tollefson; Wentz

(Committee on Joint Constitutional Revision members excused.)

HB 1412 passed and the title was agreed to.

MOTION

REP. KLOUBEC MOVED that HB 1414 be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1441: A BILL for an Act to amend and reenact subsection 2 of section 11-18-05 of the North Dakota Century Code, relating to fees charged by the register of deeds; and to repeal section 47-20.1-08 of the North Dakota Century Code, relating to fees for filing corner records.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 33 YEAS, 57 NAYS, 16 ABSENT AND NOT VOTING.

YEAS: Berg, G.; Berg, R.; Bernstein; Flaagan; Gerhardt; Goetz; Gunsch; Haugen; Haugland; Hausauer, R.; Kingsbury; Knell; Larson, D.; Larson, R.; Laughlin; Lindgren; Melby; Murphy; Myrdal; Olson, A.; Payne; Peterson; Schatz; Schmidt; Shide; Stenehjem; Thompson, K.; Tokach; Tomac; Ulmer; Urlacher; Wald; Whalen

NAYS: Aarsvold; Anderson, B.; Belter; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Gates; Gorman; Graba; Halmrast; Hanson, L.; Hausauer, A.; Hoffner; Hokana; Howard; Huether; Jensen; Kelly; Kloubec; Kolbo; Kouba; Lang; Marks; Martinson; Nelson; Ness; Nicholas; Nowatzki; O'Shea; Ring; Rydell; Scherber; Schindler; Schneider; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stofferahn; Thompson, V.; Timm; Trautman; Vander Vorst; Watne; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

ABSENT AND NOT VOTING: Aas; Anderson, R.; Frey; Gerl; Gerntholz; Gilmore; Hanson, O.; Kaldor; Martin; Mertens; Oban; Olsen, D.; Olson, V.; Shaft; Tollefson; Wentz

(Committee on Joint Constitutional Revision members excused.)

HB 1441 lost.

HB 1462: A BILL for an Act to repeal sections 22-01-06.1, 22-01-06.2, 22-01-06.3, 22-01-06.4, and 22-01-06.5 of the North Dakota Century Code, relating to a guaranty of delivery.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 85 YEAS, 5 NAYS, 16 ABSENT AND NOT VOTING.

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

NAYS: Brokaw; Enget; Solberg; Thompson, V.; Watne

ABSENT AND NOT VOTING: Aas; Anderson, R.; Frey; Gerl; Gerntholz; Gilmore; Hanson, O.; Kaldor; Martin; Mertens; Oban; Olson, V.; Shaft; Smette; Tollefson; Wentz

(Committee on Joint Constitutional Revision members excused.)

HB 1462 passed and the title was agreed to.

HB 1463: A BILL for an Act to amend and reenact section 40-49-10 of the North Dakota Century Code, relating to the interest in contracts of members of the park board.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 86 YEAS, 4 NAYS, 16 ABSENT AND NOT VOTING.

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

NAYS: DeMers, J.; Gunsch; Hanson, L.; Schatz

ABSENT AND NOT VOTING: Aas; Anderson, R.; Frey; Gerl; Gerntholz; Gilmore; Hanson, O.; Kaldor; Martin; Mertens; Oban; Olson, V.; Shaft; Smette; Tollefson; Wentz

(Committee on Joint Constitutional Revision members excused.)

HB 1463 passed and the title was agreed to.

HB 1551: A BILL for an Act to create and enact a new section to chapter 60-02 of the North Dakota Century Code, relating to act of God clauses in contracts for the sale of grain.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 39 YEAS, 50 NAYS, 17 ABSENT AND NOT VOTING.

YEAS: Berg, G.; Brokaw; DeMers, P.; Enget; Goetz; Graba; Halmrast; Haugen; Hausauer, A.; Hoffner; Hokana; Kingsbury; Kolbo; Lang; Larson, R.; Laughlin; Lindgren; Martinson; Murphy; Ness; Olson, A.; O'Shea; Rydell; Schatz; Schindler; Schneider; Shockman; Skjervren; Solberg; Sorensen; Stofferahn; Thompson, K.; Timm; Tomac; Ulmer; Urlacher; Wald; Whalen; Williams, W.

NAYS: Aarsvold; Anderson, B.; Belter; Berg, R.; Bernstein; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; Dorso; Flaagan; Gates; Gerhardt; Gorman; Gunsch; Hanson, L.; Haugland; Hausauer, R.; Howard; Huether; Jensen; Kelly; Kloubec; Knell; Kouba; Larson, D.; Marks; Melby; Myrdal; Nelson; Nicholas; Nowatzki; Olsen, D.; Payne; Ring; Scherber; Schmidt; Shide; Soukup; Starke; Stenehjem; Thompson, V.; Tokach; Trautman; Vander Vorst; Watne; Wilkie; Williams, A.; Speaker Kretschmar

ABSENT AND NOT VOTING: Aas; Anderson, R.; Frey; Gerl; Gerntholz; Gilmore; Hanson, O.; Kaldor; Martin; Mertens; Oban; Olson, V.; Peterson; Shaft; Smette; Tollefson; Wentz

(Committee on Joint Constitutional Revision members excused.)

HB 1551 lost.

HB 1312: A BILL for an Act to amend and reenact subsection 1 of section 6-03-47.2 of the North Dakota Century Code, relating to the investments of state banks.

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, 0 NAYS, 17 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Aas; Anderson, R.; Frey; Gerl; Gerntholz; Gilmore; Hanson, O.; Kaldor; Martin; Mertens; Oban; Olson, V.; Peterson; Shaft; Smette; Tollefson; Wentz

(Committee on Joint Constitutional Revision members excused.)

HB 1312 passed and the title was agreed to.

MOTIONS

REP. WHALEN MOVED that HB 1358 and HB 1492 be laid over one legislative day, which motion prevailed.

REP. HOFFNER MOVED that HB 1405 be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1430: A BILL for an Act to create and enact a new section to chapter 65-01 of the North Dakota Century Code, relating to actions against employers for intentional injuries to employees covered by the workers' compensation fund; and to amend and reenact sections 65-01-08, 65-04-28, 65-04-29, and 65-05-06 of the North Dakota Century Code, relating to actions against employers for intentional injuries to employees covered by the workers' compensation fund.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 32 YEAS, 59 NAYS, 15 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Berg, G.; Brokaw; Carlson; DeMers, J.; DeMers, P.; Flaagan; Gerhardt; Gilmore; Graba; Hanson, L.; Hoffner; Hokana; Huether; Kelly; Kolbo; Laughlin; Marks; Melby; Nelson; Ness; O'Shea; Ring; Scherber; Schneider; Shockman; Stofferahn; Thompson, V.; Ulmer; Watne; Williams, A.; Williams, W.

NAYS: Anderson, R.; Belter; Berg, R.; Bernstein; Christman; Clayburgh; Dalrymple; Dorso; Enget; Gates; Goetz; Gorman; Gunsch; Halmrast; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Howard; Jensen; Kingsbury; Kloubec; Knell; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Martinson; Murphy; Myrdal; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Payne; Peterson; Rydell; Schatz; Schindler; Schmidt; Shide; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Thompson, K.; Timm; Tokach; Tomac; Trautman; Vander Vorst; Wald; Whalen; Wilkie; Speaker Kretschmar

ABSENT AND NOT VOTING: Aarsvold; Aas; Frey; Gerl; Gerntholz; Hanson, O.; Kaldor; Martin; Mertens; Oban; Olson, V.; Shaft; Tollefson; Urlacher; Wentz

(Committee on Joint Constitutional Revision members excused.)

HB 1430 lost.

MOTION

REP. A. HAUSAUER MOVED that HB 1442 be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1516: A BILL for an Act to amend and reenact subsection 1 of section 43-12.1-12 of the North Dakota Century Code, relating to license by endorsement for registered or licensed practical nurses.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 22 YEAS, 70 NAYS, 14 ABSENT AND NOT VOTING.

YEAS: Belter; Dalrymple; Gilmore; Gunsch; Howard; Huether; Kingsbury; Knell; Kouba; Melby; Murphy; Nicholas; Olsen, D.; Payne; Schatz; Shide; Starke; Thompson, V.; Trautman; Vander Vorst; Whalen; Speaker Kretschmar

NAYS: Anderson, B.; Anderson, R.; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Gates; Gerhardt; Goetz; Gorman; Graba; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Jensen; Kelly; Kloubec; Kolbo; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martinson; Myrdal; Nelson; Ness; Nowatzki; Olson, A.; O'Shea; Peterson; Ring; Rydell; Scherber; Schindler; Schmidt; Schneider; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Stenehjem; Stofferahn; Thompson, K.; Timm; Tokach; Tomac; Ulmer; Urlacher; Wald; Watne; Wilkie; Williams, A.; Williams, W.

ABSENT AND NOT VOTING: Aarsvold; Aas; Frey; Gerl; Gerntholz; Hanson, O.; Kaldor; Martin; Mertens; Oban; Olson, V.; Shaft; Tollefson; Wentz

(Committee on Joint Constitutional Revision members excused.)

HB 1516 lost.

HB 1520: A BILL for an Act to amend and reenact section 23-01-02 of the North Dakota Century Code, relating to the health council membership.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 57 YEAS, 33 NAYS, 16 ABSENT AND NOT VOTING.

YEAS: Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Christman; Clayburgh; Dalrymple; Dorso; Enget; Gates; Gilmore; Goetz; Gorman; Gunsch; Halmrast; Haugland; Hausauer, R.; Howard; Huether; Kingsbury; Knell; Kolbo; Kouba; Lang; Larson, R.; Lindgren; Marks; Melby; Murphy; Myrdal; Nelson; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Payne; Peterson; Schatz; Schindler; Schmidt; Shide; Skjerven; Smette; Solberg; Soukup; Thompson, K.; Thompson, V.; Timm; Tokach; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Whalen; Speaker Kretschmar

NAYS: Anderson, B.; Carlson; DeMers, J.; DeMers, P.; Flaagan; Gerhardt; Graba; Hanson, L.; Hausauer, A.; Hoffner; Hokana; Jensen; Kelly; Kloubec; Larson, D.; Laughlin; Martinson; Ness; O'Shea; Ring; Rydell; Scherber; Schneider; Shockman; Sorensen; Starke; Stenehjerm; Stofferahn; Urlacher; Watne; Wilkie; Williams, A.; Williams, W.

ABSENT AND NOT VOTING: Aarsvold; Aas; Brokaw; Frey; Gerl; Gerntholz; Hanson, O.; Haugen; Kaldor; Martin; Mertens; Oban; Olson, V.; Shaft; Tollefson; Wentz

(Committee on Joint Constitutional Revision members excused.)

HB 1520 passed and the title was agreed to.

HB 1537: A BILL for an Act to create and enact a new section to chapter 23-25 of the North Dakota Century Code, relating to rulemaking authority of the state department of health and consolidated laboratories.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 82 YEAS, 9 NAYS, 15 ABSENT AND NOT VOTING.

YEAS: Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Christman; Clayburgh; Dalrymple; Dorso; Enget; Flaagan; Gates; Gerhardt; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martinson; Melby; Murphy; Myrdal; Nelson; Nicholas; Nowatzki; Olsen, D.; Olson, A.; O'Shea; Payne; Peterson; Rydell; Schatz; Scherber; Schindler; Schmidt; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjerm; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tomac;

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

NAYS: Anderson, B.; Carlson; DeMers, J.; DeMers, P.; Kelly; Ness; Ring; Watne; Williams, A.

ABSENT AND NOT VOTING: Aarsvold; Aas; Frey; Gerl; Gerntholz; Hanson, O.; Kaldor; Martin; Mertens; Oban; Olson, V.; Schneider; Shaft; Tollefson; Wentz

(Committee on Joint Constitutional Revision members excused.)

HB 1537 passed and the title was agreed to.

HB 1542: A BILL for an Act to amend and reenact section 57-43.2-18 of the North Dakota Century Code, relating to allocation of a portion of the two percent special excise tax on special fuels to a special fund in the state treasury to be used for soil and water conservation programs within the soil conservation districts of the state; 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 35 YEAS, 56 NAYS, 15 ABSENT AND NOT VOTING.

YEAS: Brokaw; DeMers, P.; Enget; Flaagan; Gilmore; Graba; Haugen; Haugland; Kingsbury; Kolbo; Kouba; Lang; Laughlin; Melby; Myrdal; Ness; Nicholas; Nowatzki; Olsen, D.; Olson, A.; O'Shea; Peterson; Schindler; Skjervén; Solberg; Starke; Stofferahn; Thompson, K.; Tokach; Tomac; Ulmer; Vander Vorst; Whalen; Wilkie; Speaker Kretschmar

NAYS: Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; Dorso; Gates; Gerhardt; Goetz; Gorman; Gunsch; Halmrast; Hanson, L.; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kelly; Kloubec; Knell; Larson, D.; Larson, R.; Lindgren; Marks; Martinson; Murphy; Nelson; Payne; Ring; Rydell; Schatz; Scherber; Schmidt; Schneider; Shide; Shockman; Sorensen; Soukup; Stenehjem; Thompson, V.; Timm; Trautman; Urlacher; Wald; Watne; Williams, A.; Williams, W.

ABSENT AND NOT VOTING: Aarsvold; Aas; Frey; Gerl; Gerntholz; Hanson, O.; Kaldor; Martin; Mertens; Oban; Olson, V.; Shaft; Smette; Tollefson; Wentz

(Committee on Joint Constitutional Revision members excused.)

HB 1542 lost.

HB 1545: A BILL for an Act to provide certain architects and engineers with information about products manufactured in the state.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 91 YEAS, 0 NAYS, 15 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Aarsvold; Aas; Frey; Gerl; Gerntholz; Gilmore; Kaldor; Martin; Mertens; Oban; Olson, V.; Shaft; Smette; Tollefson; Wentz

(Committee on Joint Constitutional Revision members excused.)

HB 1545 passed and the title was agreed to.

HB 1573: A BILL for an Act to amend and reenact sections 57-39.2-04.1 and 57-40.2-04.1 of the North Dakota Century Code, relating to sales and use tax exemptions for food samples given to customers in food stores.

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, 3 NAYS, 16 ABSENT AND NOT VOTING.

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

NAYS: Huether; Watne; Williams, A.

ABSENT AND NOT VOTING: Aarsvold; Aas; Frey; Gerl; Gerntholz; Gilmore; Kaldor; Martin; Mertens; Oban; Olson, V.; Shaft; Smette; Tollefson; Wentz; Whalen

(Committee on Joint Constitutional Revision members excused.)

HB 1573 passed and the title was agreed to.

HB 1623: A BILL for an Act to create and enact a new section to title 6, a new section to title 7, and a new section to title 47 of the North Dakota Century Code, allowing banking institutions, savings and loan associations, and other persons to pay interest on escrow accounts related to mortgages on residences.

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, 2 NAYS, 16 ABSENT AND NOT VOTING.

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

NAYS: Berg, R.; Gorman

ABSENT AND NOT VOTING: Aarsvold; Aas; Frey; Gerl; Gerntholz; Gilmore; Kaldor; Martin; Mertens; Oban; Olson, V.; Shaft; Smette; Tollefson; Wentz; Whalen

(Committee on Joint Constitutional Revision members excused.)

HB 1623 passed and the title was agreed to.

HB 1628: A BILL for an Act to provide for the imposition, collection, and use of a production tax upon aggregate materials removed from counties; 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 9 YEAS, 80 NAYS, 17 ABSENT AND NOT VOTING.

YEAS: Brokaw; Hoffner; Kingsbury; Laughlin; Ness; O'Shea; Shockman; Skjerven; Williams, A.

NAYS: Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Gates; Gerhardt; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hokana; Howard; Jensen; Kelly; Kloubec; Knell; Kolbo; Kouba; Lang;

Larson, D.; Larson, R.; Lindgren; Marks; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shide; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wilkie; Williams, W.; Speaker Kretschmar

ABSENT AND NOT VOTING: Aarsvold; Aas; Flaagan; Frey; Gerl; Gertholz; Gilmore; Huether; Kaldor; Martin; Oban; Olson, V.; Shaft; Smette; Tollefson; Wentz; Whalen

(Committee on Joint Constitutional Revision members excused.)

HB 1628 lost.

MOTION

REP. KLOUBEC MOVED that HB 1629 and HB 1632 be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3047: A concurrent resolution urging Congress to allow taxation of the income of credit unions and provide for capital adequacy for all financial services providers.

REQUEST

REP. BROKAW REQUESTED a recorded roll call vote on the adoption of HCR 3047, which request was granted.

ROLL CALL

The question being on the adoption of the resolution, which has been read, the roll was called and there were 58 YEAS, 33 NAYS, 15 ABSENT AND NOT VOTING.

YEAS: Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Christman; Clayburgh; Dalrymple; DeMers, P.; Dorso; Enget; Goetz; Gorman; Gunsch; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Howard; Jensen; Kelly; Kingsbury; Kloubec; Knell; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Martinson; Melby; Murphy; Myrdal; Ness; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Rydell; Schatz; Schindler; Shide; Solberg; Sorensen; Soukup; Stenehjem; Thompson, K.; Timm; Tokach; Urlacher; Wald; Wilkie; Speaker Kretschmar

NAYS: Anderson, B.; Brokaw; Carlson; Flaagan; Gates; Gerhardt; Gilmore; Graba; Halmrast; Hanson, L.; Hoffner; Hokana; Huether; Kolbo; Laughlin; Marks; Mertens; Nelson; Ring; Scherber; Schmidt; Shockman; Skjerven; Starke; Stofferahn; Thompson, V.; Tomac; Trautman; Ulmer; Vander Vorst; Watne; Williams, A.; Williams, W.

ABSENT AND NOT VOTING: Aarsvold; Aas; DeMers, J.; Frey; Gerl; Gertholz; Kaldor; Martin; Oban; Schneider; Shaft; Smette; Tollefson; Wentz; Whalen

(Committee on Joint Constitutional Revision members excused.)

HCR 3047 was declared adopted on a roll call vote.

MOTIONS

REP. G. BERG MOVED that HB 1333 be laid over one legislative day, which motion prevailed.

REP. R. ANDERSON MOVED that HB 1632 be placed at the head of the calendar, which motion prevailed.

REP. R. ANDERSON MOVED that the House waive the reading of the title to HB 1632, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1632: A BILL for an Act to create and enact two new sections to chapter 54-44.2 of the North Dakota Century Code, relating to the capitol telephone exchange and wide area telephone service; to amend and reenact section 54-16-11.1, subsections 3 and 5 of section 54-44-11, and sections 54-44.2-01, 54-44.2-02, 54-44.2-02.1, 54-44.2-02.2, 54-44.2-04, 54-44.2-06, and 54-44.2-07 of the North Dakota Century Code, relating to the redesignation of the office of central data processing as the information services division; and to repeal chapter 48-07 of the North Dakota Century Code, relating to the capitol telephone exchange and wide area telephone service.

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, 0 NAYS, 14 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Aarsvold; Aas; Frey; Gerl; Gerntholz; Kaldor; Martin; Oban; Schneider; Shaft; Smette; Tollefson; Wentz; Whalen

(Committee on Joint Constitutional Revision members excused.)

HB 1632 passed and the title was agreed to.

MOTIONS

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

REP. KLOUBEC MOVED that the House be on the Fifth order of business, and at the conclusion of the Fifth order, the House be on the Thirteenth order of business, and at the conclusion of the Thirteenth order, the House stand adjourned until 1:00 p.m., Thursday, February 9, 1989, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER: Your Committee on Finance and Taxation (Rep. A. Hausauer, Chairman) to which was referred HB 1029 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 20, remove the overstrike over "~~one and~~" and replace "two" with "one-half"

Page 1, line 21, remove the overstrike over "~~one and~~" and replace "two" with "one-half"

Renumber accordingly

HB 1029 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 HB 1043 has had the same under consideration and recommends by a vote of 22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1043 was placed on the Eleventh 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 HB 1049 has had the same under consideration and recommends by a vote of 17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 1, replace "two" with "a", replace "subsections" with "subsection", and after "section" insert "10-30.1-04"

Page 1, line 2, replace "57-38-30.3" with "and two new sections to chapter 10-30.2" and after "to" insert "investments made by venture capital corporations and procedures for claiming"

Page 1, line 4, remove "under the simplified optional method of computing state"

Page 1, line 5, remove "income tax liability", after the semicolon insert "and", replace "10-30.1-09" with "10-30.1-01, 10-30.1-06, subsection 2 of section 10-30.1-07", and after the first comma insert "and sections"

Page 1, line 7, after "to" insert "investments made by venture capital corporations and"

Page 1, line 9, remove the semicolon

Page 1, line 10, remove "and to provide an effective date"

Page 1, remove lines 12 through 22

Page 1, after line 22, insert:

"SECTION 1. AMENDMENT. Section 10-30.1-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

10-30.1-01. Definitions. As used in this chapter, unless the context otherwise requires, the term:

1. "Qualified entity" means a business that:
 - a. Is a small business concern as defined under Public Law No. 85-536, § 2[3], 72 Stat. 384; 15 U.S.C. 632, as amended; and
 - b. Is doing business within this state.

A "qualified entity" does not include any business that invests in tax-exempt securities on or after January 1, 1989. In addition, any venture capital corporation organized before January 1, 1989, may invest not more than one million dollars in entities that purchase tax-exempt securities.

2. "Taxpayer" includes any individual, corporation, or fiduciary subject to a tax or a duty to file a tax return imposed by chapter 57-38.
3. "Venture capital corporation" means a corporation ~~which~~ that is organized for the specific purposes and under the specific conditions provided for in this chapter.

SECTION 2. A new subsection to section 10-30.1-04 of the 1987 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

If a venture capital corporation does not invest or provide financing with a substantial portion of the funds received from investors, the venture capital corporation must be dissolved and all funds held by the corporation must be returned to the investors in proportion to their investments.

SECTION 3. AMENDMENT. Section 10-30.1-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

10-30.1-06. Amount of tax credit. Subject to sections 10-30.1-07 and 10-30.1-08, the maximum amount of tax credit a taxpayer may receive is equal to twenty-five percent of the taxpayer's investment in any venture capital corporations, up to a total tax credit of two hundred fifty thousand dollars under this chapter. However, a taxpayer is not entitled to a tax credit if the taxpayer has purchased stock from and sold stock back to the venture capital corporation in a manner that indicates that the sole purpose of the taxpayer's activities was to avoid paying state income tax by receiving additional tax credits.

SECTION 4. AMENDMENT. Subsection 2 of section 10-30.1-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. A taxpayer is eligible for a tax credit under this chapter on the date the venture capital corporation receives full consideration for the investment purchased by the taxpayer in the venture capital corporation. In the event the venture capital corporation must return the taxpayer's investment pursuant to subsection 8 of section 10-30.1-04 or section 2 of this Act, any tax credit taken by a taxpayer for the investment under this chapter plus penalty and interest as provided in section 57-38-45 must be paid to the state tax commissioner; however, the taxpayer is entitled to retain a percentage of the tax credit equal to the percentage of the taxpayer's investment not returned by the venture capital corporation, up to a maximum percentage of ten percent."

Page 4, line 18, after "corporation" insert ". If investments reported to the state tax commissioner pursuant to section 10 of this Act exceed the ten million dollar limitation imposed by this section, the credit must be allowed to taxpayers in the chronological order of their investments in either the corporation or an affiliate of the corporation as determined from the forms provided for in section 10 of this Act"

Page 4, after line 24, insert:

"SECTION 10. A new section to chapter 10-30.2 of the 1987 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

Investment reporting forms. Within thirty days of the date on which an investment is purchased, or within sixty days from the effective date of this Act, the corporation or an affiliate of the corporation must file with the state tax commissioner and provide to the investor the completed form prescribed by the state tax commissioner stating with respect to the investment in the corporation or an affiliate of the corporation the following:

1. The name, address, and identification number of the taxpayer who purchased the investment.
2. The dollar amount paid by the taxpayer for the investment.
3. The date on which the corporation or an affiliate of the corporation received full consideration for the investment.

SECTION 11. A new section to chapter 10-30.2 of the 1987 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

Tax credit procedure. To receive the tax credit provided by this chapter, a taxpayer must claim the credit on the taxpayer's annual tax return in the manner prescribed by the state tax commissioner and file with that tax return a copy of the form issued by the corporation or an affiliate of the corporation pursuant to section 10 of this Act."

Page 4, remove lines 25 through 29

Page 5, remove lines 1 through 18

Renumber accordingly

HB 1049 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor (Rep. Whalen, Chairman) to which was referred HB 1085 has had the same under consideration and recommends by a vote of 11 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1085 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was rereferred HB 1126 has had the same under consideration and recommends by a vote of 22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

HB 1126 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor (Rep. Whalen, Chairman) to which was referred HB 1186 has had the same under consideration and recommends by a vote of 12 YEAS, 1 NAY, 4 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 4, remove "43-13-01,"

Page 1, remove lines 10 through 22

Page 2, remove lines 1 through 29

Page 3, remove lines 1 through 10

Page 10, line 23, remove the overstrike over "~~is an habitual drunkard~~" and insert immediately thereafter "3."

Page 10, line 25, remove "for other than"

Page 10, line 26, remove "accepted diagnostic or therapeutic purposes"

Page 10, line 27, overstrike "3." and insert immediately thereafter "4."

Page 11, line 1, overstrike "4." and insert immediately thereafter "5."

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

Page 11, line 4, overstrike "6." and insert immediately thereafter "7."

Page 11, line 6, overstrike "7." and insert immediately thereafter "8."

Renumber accordingly

HB 1186 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor (Rep. Whalen, Chairman) to which was referred HB 1331 has had the same under consideration

and recommends by a vote of 14 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

HB 1331 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary (Rep. Wentz, Chairman) to which was referred HB 1352 has had the same under consideration and recommends by a vote of 14 YEAS, 0 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 10, remove "An "anabolic steroid""

Page 1, remove lines 11 through 19

Re-number accordingly

HB 1352 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor (Rep. Whalen, Chairman) to which was referred HB 1353 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

HB 1353 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education (Rep. Gates, Chairman) to which was referred HB 1376 has had the same under consideration and recommends by a vote of 14 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1376 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education (Rep. Gates, Chairman) to which was referred HB 1401 has had the same under consideration and recommends by a vote of 9 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS and be rereferred to the Committee on Appropriations.

HB 1401 was rereferred to the Committee on Appropriations.

MR. SPEAKER: Your Committee on Finance and Taxation (Rep. A. Hausauer, Chairman) to which was referred HB 1415 has had the same under consideration and recommends by a vote of 17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS and be rereferred to the Committee on Appropriations:

Page 1, line 3, after "alcohol" insert "; to create and enact a new section to chapter 57-43.1 of the North Dakota Century Code, relating to refundability of taxes; to amend and reenact subsection 4 of section 4-14.1-02 of the North Dakota Century Code, relating to the purposes of the agriculturally derived fuels tax fund; to repeal subsections 2 and 3 of section 57-43.1-02 and subsection 2 of section 57-43.2-02 of the North Dakota Century Code, relating to tax reduction for fuels that contain a blend of qualifying alcohol; to provide an appropriation; to provide an effective date; and to declare an emergency"

Page 1, line 5, underscore "Severability of fuels tax reductions. If for any reason"

Page 1, underscore lines 6 through 11

Page 1, after line 11, insert:

"SECTION 2. AMENDMENT. Subsection 4 of section 4-14.1-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4. Cooperation with private industry to establish or continue privately owned agricultural processing plants in this state to supply demand for agriculturally derived fuel, chemicals, and other agricultural products.

SECTION 3. A new section to chapter 57-43.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

Nonrefundability of taxes. No person may apply for a refund of any tax paid based upon a claim of unconstitutionality of subsection 3 of section 57-43.1-01 unless the taxes were timely paid under protest.

SECTION 4. REPEAL. Subsections 2 and 3 of section 57-43-1.02 and subsection 2 of section 57-43.2-02 of the 1987 Supplement to the North Dakota Century Code are hereby repealed.

SECTION 5. APPROPRIATION. There is hereby appropriated out of any moneys in the highway distribution fund, not otherwise appropriated, the sum of \$3,500,000, or so much thereof as may be necessary, to the agriculturally derived fuels tax fund for the purpose of providing a production subsidy to North Dakota ethanol plants for the period beginning July 1, 1989, and ending June 30, 1991. The distribution to the agriculturally derived fuels fund must be made in two equal installments on the first day of each fiscal year for the biennium beginning July 1, 1989, and ending June 30, 1991. Distribution from the agriculturally derived fuels fund to the producers of the agricultural derived fuel must be at the rate of forty cents for each gallon of agriculturally derived fuel produced in the state that is marketed by the producing plant to a distributor or wholesaler for sale within North Dakota. Payment must be approved to the producing plant upon presentation by the plant with an affidavit to the effect that the ethanol sold from the plant and for which the producers credit as being sought, is to be sold at retail to consumers in North Dakota. The certification by the producer of the ethanol must be accompanied by an affidavit from the wholesaler or retailer to the same effect. Upon receipt of the certifications, which must be prepared under oath, the payment must be made to the certifying producer to the extent that funds permit.

SECTION 6. EFFECTIVE DATE. If the Legislative Assembly does not appropriate any moneys from the highway distribution fund to the agriculturally derived fuels tax fund for the purpose of providing a production subsidy for the period beginning July 1, 1989, and ending June 30, 1991, or if such a subsidy is determined by a court of final jurisdiction to be unconstitutional, the provisions of subsection 2 of section 57-43.1-02 and subsection 2 of section 57-43.2-02 continue in effect and the reductions provided for motor vehicle fuels and special

fuels that contain an appropriate blend of qualifying alcohol continue to apply to alcohol derived from agricultural products, regardless of the place of production.

SECTION 7. EFFECTIVE DATE. Section 3 of this Act is effective for all taxable periods after May 31, 1988.

SECTION 8. EMERGENCY. Section 7 of this Act is declared to be an emergency measure."

Renumber accordingly

HB 1415 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education (Rep. Gates, Chairman) to which was referred HB 1472 has had the same under consideration and recommends by a vote of 14 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS and be rereferred to the Committee on Appropriations.

HB 1472 was rereferred to the Committee on Appropriations.

MR. SPEAKER: Your Committee on Finance and Taxation (Rep. A. Hausauer, Chairman) to which was referred HB 1499 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION:

Page 2, line 2, after "reduction" insert " , unless the purchase price of the replacement machinery or equipment results in either a physical expansion or an economic expansion of the plant"

Page 2, after line 28, insert:

"d. "Manufacturing", in addition to the meaning ordinarily ascribed to it, means the processing of agricultural products, including registered and certified seed, but does not include mining, refining, extracting oil and gas, or the generation of electricity."

Page 3, line 1, replace "d." with "e."

Page 4, line 2, after "reduction" insert " , unless the purchase price of the replacement machinery or equipment results in either a physical expansion or an economic expansion of the plant"

Renumber accordingly

HB 1499 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor (Rep. Whalen, Chairman) to which was referred HB 1541 has had the same under consideration and recommends by a vote of 14 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1541 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education (Rep. Gates, Chairman) to which was referred HB 1556 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

HB 1556 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary (Rep. Wentz, Chairman) to which was referred HB 1564 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 3, after "perjury" insert "; and to amend and reenact section 28-32-11 of the North Dakota Century Code, relating to duty of administrative hearing officers to warn parties of perjury"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Section 28-32-11 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

28-32-11. Administration of oaths - Parties to be advised of perjury provisions. The officer, special examiner, chairman, or acting chairman of an administrative agency before which a proceeding or hearing is held ~~shall have~~ has the power to examine witnesses and records and to administer oaths to witnesses. The officer conducting the proceeding or hearing shall, before any party or any representative of a party to an action or proceeding testifies, advise the witness of the provisions of subsection 1 of section 12.1-11-01 and of the maximum penalty for perjury."

Page 1, underscore lines 7 through 10

ReNUMBER accordingly

HB 1564 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor (Rep. Whalen, Chairman) to which was referred HB 1612 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1612 was placed on the Eleventh 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 HB 1613 has had the same under consideration and recommends by a vote of 17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 1, after the comma insert "a new subsection to section 57-40.2-04,"

Page 1, line 4, remove "and the byproducts of coal beneficiation"

Page 1, line 5, after "tax" insert "and use tax" and remove "enhanced"

Page 1, line 6, remove "value"

Page 1, line 15, remove "and the"

Page 1, line 16, replace "byproducts of coal beneficiation as defined in" with "taxed under"

Page 1, after line 16, insert:

"SECTION 2. A new subsection to section 57-40.2-04 of the 1987 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

Gross receipts from the initial sale of beneficiated coal."

Page 2, remove lines 26 through 28

Page 2, after line 28, insert:

"Design capacity of a coal beneficiation plant" means the number of tons a coal beneficiation plant is designed to produce as certified by a registered professional engineer."

Page 3, remove lines 4 through 11

Page 3, after line 11, insert:

"For coal beneficiation plants the tax shall be twenty cents on each ton of two thousand pounds [907.18 kilograms] of beneficiated coal produced for the purpose of sale, or one and one-quarter percent of the gross receipts derived from such facility for the preceding month, whichever amount is greater. Any amount of beneficiated coal produced in excess of eighty percent of the design capacity of the coal beneficiation plant is exempt from such tax."

Renumber accordingly

HB 1613 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education (Rep. Gates, Chairman) to which was referred HB 1618 has had the same under consideration and recommends by a vote of 12 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS and be rereferred to the Committee on Appropriations.

HB 1618 was rereferred to the Committee on Appropriations.

MR. SPEAKER: Your Committee on Finance and Taxation (Rep. A. Hausauer, Chairman) to which was referred HB 1638 has had the same under consideration and recommends by a vote of 9 YEAS, 8 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 15, remove "except a fraternal benefit society,"

Page 1, remove line 17

Page 1, line 18, remove "administered for"

Page 1, line 19, after "benefits" insert ", except a group established under chapter 54-52.1"

Renumber accordingly

HB 1638 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary (Rep. Wentz, Chairman) to which was referred HB 1644 has had the same under consideration and recommends by a vote of 10 YEAS, 3 NAYS, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 7, remove the overstrike over "A" and remove "Except as"

Page 1, line 8, remove "otherwise provided in this section, a"

Page 1, line 9, overstrike "the amount of five dollars" and insert immediately thereafter "compensation" and overstrike "each hour" and insert immediately thereafter "time"

Page 1, line 10, after "court" insert ". The governing body of the city shall establish the amount of compensation"

Page 1, line 11, overstrike "seven" and insert immediately thereafter "twenty-five", overstrike "and fifty cents" and insert immediately thereafter ", or less than five dollars,", overstrike "any such appearance" and insert immediately thereafter "each day necessarily spent in municipal court", and remove "A law"

Page 1, remove lines 12 through 14

Renumber accordingly

HB 1644 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 HB 1646 has had the same under consideration and recommends by a vote of 17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same be rereferred to the Committee on Appropriations WITHOUT RECOMMENDATION:

Page 1, line 3, replace "for" with "in connection with"

Page 1, line 19, after the period insert "The industrial commission shall manage the capital construction fund and shall invest the fund to obtain the maximum return."

Page 1, line 20, remove "only" and replace "capital improvement projects" with "the following purposes"

Page 2, line 1, replace "Payment of principal and interest on bonds issued for" with "Lease payments under capital construction"

Page 2, line 2, after "authorized" insert "for bond issuance"

Page 2, line 5, replace "Payment of principal and interest on bonds issued for" with "Lease payments under capital construction"

Page 2, line 6, after "authorized" insert "for bond issuance"

Page 2, replace lines 7 and 8 with:

"3. Direct payment of costs of acquisition, construction, and associated costs in connection with capital construction projects authorized for bond issuance by the legislative assembly."

Page 2, replace lines 17 through 29 with:

"SECTION 3. PROJECT AUTHORIZATION. The industrial commission may construct and acquire and issue evidences of indebtedness pursuant to chapter 54-17.2 in the amounts provided in this section, or so much thereof as may be necessary, and the amounts provided in this section are hereby appropriated to the industrial commission for the following projects:

NAME OF AGENCY, DEPARTMENT, OR INSTITUTION - TYPE OF FACILITY	AUTHORIZATION DATE	STATE FUNDS
North Dakota state university - construction of computer center	January 1, 1990	\$ 5,375,000
University of North Dakota - acquisition of united hospital - north unit	January 1, 1990	1,720,000
North Dakota state college of science - construction of agricultural mechanics building	February 1, 1991	2,916,000
University of North Dakota - renovation of Abbott hall	February 1, 1992	3,300,000
Minot state university - construction of library	February 1, 1993	<u>7,728,000</u>
Total major capital construction		\$21,039,000"

Page 3, delete lines 1 through 14

Page 3, after line 28, insert:

"SECTION 5. APPROPRIATION. There is hereby appropriated out of any moneys in the capital construction fund in the state treasury, not otherwise appropriated, the sum of \$8,375,000, or so much thereof as may be necessary, to the industrial commission for the purpose of necessary expenditures under sections 1 and 3 of this Act for the biennium beginning July 1, 1989, and ending June 30, 1991."

Reumber accordingly

HB 1646 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 SB 2279 has had the same under consideration and recommends by a vote of 22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SB 2279 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

FIRST READING OF SENATE BILLS

SB 2172: A BILL for an Act to amend and reenact section 49-09-04.2 of the North Dakota Century Code, relating to priority in the sale and use of abandoned railroad right of way.

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

SB 2223: A BILL for an Act to amend and reenact subsections 1 and 2 of section 10-04-16 and subsections 1 of section 10-04-16.1 of the North Dakota Century Code, relating to injunctions for violations and to investigations under the securities laws.

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

SB 2284: A BILL for an Act to create and enact a new chapter to title 43 of the North Dakota Century Code, relating to the authority of health professional licensing boards to establish agreements with peer assistance entities.

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

SB 2297: A BILL for an Act to amend and reenact section 7-04-23 of the North Dakota Century Code, relating to retention of records by building and loan associations.

Was read the first time and referred to the Committee on Industry, Business and Labor.

SB 2322: A BILL for an Act to amend and reenact section 57-19-06 of the North Dakota Century Code, relating to school district authority to withdraw from special reserve funds.

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

SB 2341: A BILL for an Act to amend and reenact section 6-03-02.1 of the North Dakota Century Code, relating to indemnification of bank employees, directors, and officers.

Was read the first time and referred to the Committee on Industry, Business and Labor.

SB 2367: A BILL for an Act to amend and reenact sections 43-07-25, 52-01-03, subsection 4 of section 57-38-57, and section 65-04-15 of the North Dakota Century Code, relating to the sharing of information among the offices of the secretary of state, job service North Dakota, tax commissioner, and workers compensation bureau with respect to contractors.

Was read the first time and referred to the Committee on Industry, Business and Labor.

SB 2411: A BILL for an Act to create and enact a new subdivision to subsection 9 of section 26.1-04-03 of the North Dakota Century Code, relating to unfair insurance claim settlement practices.

Was read the first time and referred to the Committee on Industry, Business and Labor.

SB 2412: A BILL for an Act to amend and reenact section 54-52.1-02 and subsection 3 of section 54-52.1-03 of the North Dakota Century Code, relating to establishing subgroups in the uniform group insurance program.

Was read the first time and referred to the Committee on Industry, Business and Labor.

SB 2420: A BILL for an Act to amend and reenact section 6-05-04 of the North Dakota Century Code, relating to surety deposit investments; and to declare an emergency.

Was read the first time and referred to the Committee on Industry, Business and Labor.

SB 2440: A BILL for an Act to amend and reenact section 53-06.1-07.1 of the North Dakota Century Code, relating to age limitations for participation in games of bingo.

Was read the first time and referred to the Committee on Political Subdivisions.

SB 2450: A BILL for an Act to amend and reenact section 35-13-01 of the North Dakota Century Code, relating to repairman's liens.

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

SB 2461: A BILL for an Act to amend and reenact subsection 14 of section 54-52-01 and section 54-52-03 of the North Dakota Century Code, relating to the membership of the public employees retirement board.

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

SB 2477: A BILL for an Act to create and enact a new subsection to section 65-12-04.1 of the North Dakota Century Code, relating to exemption of miniature model boilers from boiler inspection.

Was read the first time and referred to the Committee on Industry, Business and Labor.

SB 2486: A BILL for an Act to amend and reenact section 55-06-01 of the North Dakota Century Code, relating to the Yellowstone-Missouri-Fort Union commission.

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

SB 2491: A BILL for an Act to amend and reenact section 26.1-03-20 of the North Dakota Century Code, relating to the examination of insurance companies.

Was read the first time and referred to the Committee on Industry, Business and Labor.

SB 2494: A BILL for an Act to amend and reenact subsection 2 of section 26.1-45-09 of the North Dakota Century Code, relating to the outline of coverage required to be delivered to applicants for long-term care insurance.

Was read the first time and referred to the Committee on Industry, Business and Labor.

SB 2515: A BILL for an Act to amend and reenact subsection 1 of section 12.1-23-05 of the North Dakota Century Code, relating to grading of theft offenses.

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

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4001: A concurrent resolution directing the Legislative Council to study in lieu of property tax payments to school districts; school district revenues derived from oil, gas, and coal taxes; and other payments to school districts other than from the state to determine whether to include these funds as local resources when measuring school district contributions to the foundation program.

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

SCR 4002: A concurrent resolution directing the Legislative Council to study the use of various factors in addition to property wealth which could be used in the education finance formula to equalize educational opportunities for students.

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

SCR 4016: A concurrent resolution directing the Legislative Council to study the present trends of social service program funding and the equitable distribution of costs for such programs.

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

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

ROY GILBREATH, Chief Clerk