

JOURNAL OF THE HOUSE

Fifty-first Legislative Assembly

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Bismarck, February 22, 1989

The Joint Session convened at 1:00 p.m. with Speaker Kretschmar presiding.

SPECIAL ORDER OF BUSINESS - JOINT SESSION
Centennial Celebration of the North Dakota Constitution

REP. KLOUBEC MOVED that the House be on a Special Order of Business for the purpose of recognizing and celebrating the Centennial of the North Dakota Constitution, which motion prevailed. For this purpose, the Senators joined the Representatives in a Joint Session.

REP. KLOUBEC MOVED that a committee of two be appointed to escort Lt. Governor Lloyd Omdahl to the rostrum, which motion prevailed. Speaker Kretschmar appointed Reps. R. Anderson and Stofferahn to such committee and Lt. Governor Lloyd Omdahl was escorted to the rostrum.

REP. KLOUBEC MOVED that a committee of two be appointed to escort the Honorable George A. Sinner, Governor, to the rostrum, which motion prevailed. Lt. Governor Omdahl appointed Sen. Stromme and Rep. Martin, co-chairpersons of the Committee on Joint Constitutional Revision, to such committee and the Honorable George A. Sinner, Governor, was escorted to the rostrum.

The Joint Session was called to order by Lt. Governor Omdahl.

The invocation was given by Sen. Waldera.

The Governor's Centennial Chorus from West Fargo High School, under the direction of John Loy, sang "Winter Skies" and during the singing of "Dakota Land" the North Dakota Constitution of 1889 and the present North Dakota Constitution were brought into the chamber.

The Honorable Justice Herbert L. Meschke, Chair of the Constitutional Celebration Committee spoke on "The Framework of Our Government - North Dakota Constitution".

REMARKS BY HONORABLE JUSTICE HERBERT L. MESCHKE

Fellow Citizens: Today we celebrate our state constitution as the framework for our state government - the framework for all we do together as a people in North Dakota.

One hundred years ago Congress approved expanding the Union by four more states. North Dakota was one of them. President Grover Cleveland signed that Enabling Act on February 22, 1889.

The Enabling Act made few demands on the people of this new state. It directed a convention of delegates, elected by the people, to convene at the "seat of government" of each territory and to create a new state government.

The Enabling Act called upon each convention to first "declare on behalf of the people" of that state "that they adopt the Constitution of the United

States". When the convention had recorded that pledge, it was "authorized to form [a] constitution[] and state government[]" for the state.

There were few restrictions: Let me quote the central ones: "the Constitution shall be republican in form, and make no distinction in civil or political rights on account of race or color, . . . and not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence".

The command to establish a government "republican in form" meant to put the supreme power in the people, to be exercised by selecting representatives to act for them in public decisions.

An election in May of 1889 selected 58 delegates and that first constitutional convention for North Dakota began on July 4, 1889. Six weeks later, on August 17, 1889, the convention recommended a constitution. By a direct vote of 27,441 in favor and 8,107 against on October 1, 1889, the people of North Dakota approved our constitution. The handwritten document before you today is the very one approved in 1889. That is how the framework of our state government was built.

We should not gather today simply to look back, although that is a proper purpose of our celebration. Rather, I suggest that we look at the past only to study the process of building and maintaining government for ourselves as a people. To create an active verb from a stolid noun, as our flexible English language allows, let us talk about "frameworking" - the manner of making and amending our constitution.

In many ways, this comparison of the structure of government to the framework of a building is suitable to our purpose. Think about this capitol building with its separate legislative and judicial wings complementing an executive structure. It took "frameworking" to make this capitol. Similarly, it has taken "frameworking" to structure our government.

In a sense, all of us are "frameworkers". Our constitution was first adopted by a vote of the people. It can only be changed by the majority of voting citizens of our state. That is true whether through amendments recommended by the legislature or through amendments initiated by petition. We have voted on at least two hundred twenty-one amendments in the last 100 years, agreeing on a hundred twenty-five changes to our constitution and rejecting nearly a hundred. So frameworking is something we all do by participating in our general, statewide elections.

This illustrates, best of all, how our constitution does not belong only to those of us who interpret it as judges, or who implement it as legislators, or who execute it as officials. Because we have built it together, and we can only change it together, the constitution belongs to all of us as a people.

As with our first constitution, there is only a single, central restraint on our amendment activity: We cannot make a change "repugnant to the Constitution of the United States". If we did, it would be the duty of our supreme court, as well as of the federal courts, to declare it void and to make it ineffective. This principle reminds us that even frameworking has its limits. Likewise, even our federal constitution has a limit. It can only be changed by consent of the people of the whole country.

Although there has been a trend toward broadening of federal influences and interests since the beginnings of our country, most governance still happens at the state and local level. Think about it: When we are born, the state registers our arrival; when we go to school, it is usually a public school operated by a local school district formed and largely funded through state government; we travel on highways built and maintained by the state, even if some funding and some regulation devolve from the federal level; if we go to college, it is usually state funded and operated; our businesses and enterprises are permitted, regulated, and taxed by the state and local governments we design; and when we die, it is the state that approves our burial and records our passing. These examples only illustrate, and do not catalog, the lengthy list of public activities carried out through the framework of state and local government.

Though we are all frameworkees, and though the people chose 58 pioneers to represent us a century ago, the first frameworkees of our state government were not those delegates who gathered in Bismarck on July 4, 1889. In a real way, the first frameworkeing for our state constitution was done by another representative group of only 38 persons - those who produced the miracle at Philadelphia one hundred years earlier in 1787, our United States Constitution. That basic trilateral structure of separate executive, judicial, and legislative branches of government was adopted for North Dakota, as it has been for all other 49 states. The same great themes of checks and balances, of freedom and order, and of securing the blessings of liberty while promoting the common welfare, were incorporated into our state government by the delegates to our first state constitutional convention. In this way, our celebration today extends more than a single century. It goes back to that climactic time two centuries ago when our country began.

North Dakota's first constitutional convention had more to follow than the examples of our federal constitution and of the constitutions of the first 38 states. Our first convention received plenty of good advice - though they did not follow all of it. For example, Judge Thomas M. Cooley, an eminent legal scholar of the time, from Michigan, came to North Dakota and addressed the convention. He urged: "Don't, in your constitution-making, legislate too much. In your Constitution you are tying the hands of the people. . . . Take care to put proper restrictions upon [the Legislatures], but at the same time leave what properly belongs to the field of legislation, to the Legislature[s] of the future. You have got to trust somebody in the future and it is right and proper that each department of government should be trusted to perform its legitimate function."

There is another fascinating example of good advice to that first convention, though the story is incomplete. There is a well-known legend that the Northern Pacific Railroad hired a Harvard law professor to design a "model" constitution for North Dakota. Pursuing that legend, our Constitutional Celebration Committee has recently retrieved copies of correspondence between that professor, James B. Thayer, and Northern Pacific lawyers and officials in 1889. That correspondence authenticates some important aspects of the legend, particularly Professor Thayer's objective of "a very short and simple instrument". It does not detract from this worthy goal of simplicity that this correspondence also chronicles that railroad lawyers tampered with Thayer's model, leading to his disavowal of the version that came west to North Dakota for introduction to the 1889 convention.

Undoubtedly there is much more useful advice about "frameworkeing" of our constitution, not only in the history of that original convention, but also in the history of the hundreds of initiatives and referendums that the people

have been asked to vote on in the last century. And, there are more lessons about "frameworking" in North Dakota's second constitutional convention in 1972. The whole product of that second convention was not then accepted by the voters. But, since then, many proposals of that second constitutional convention have been separately submitted to the people by the legislature and have been adopted.

Although we have three volumes of journals and debates from that second convention, the incomplete history from our first convention suggests that we should expand the history of our second one while many of its participants are still with us. Some of the delegates to North Dakota's second convention are present today. They can yet contribute their experiences in "frameworking" and their advice about it to the future of the process. We need that information. It is "fill material" which can strengthen the foundation on which we build.

Let me repeat: While one purpose of this celebration is to contemplate the past century of government in our state, my remarks are meant as more than a memorial to frameworking - the making and amending of our constitution until this time. Thus, you will observe that we have sought to expand the focus of this program and the reception which follows. We seek to portray our state constitution as embodying not official power, but the people's purposes. In other words, those of us who are officials of government - administrators, judges, and legislators - are being given the opportunity to acknowledge our common heritage and to recognize our present trust. These pairings of people in the professional to bring in our constitution - our elders in ethnic dress with our youngsters in today's clothes - symbolize "the future of our past". "Frameworking" will be as necessary tomorrow as it was yesterday. Any structure will crumble without constant maintenance and remodeling. That is as true of constitutions as it is of buildings.

Therefore, I respectfully submit, we should look to yesterday's good advice and beneficial experiences. In particular, we should remember the advice to keep our framework of government refined and short. That is still a sound direction. The 1972 convention tried. While our first constitution had 215 separate sections, the one recommended in 1972 had about half as many. At last count, we have 203 sections - still far too many.

The lack of success to date in the simplification effort should not discourage us. Legislative action a quarter century ago began a better tradition and set a sound continuing course.

In 1963 at the urging of a farsighted state senator from Dickinson, William R. Reichert, the thirty-eighth legislative assembly created an interim subcommittee on constitutional revision. (Since then, similar revision and study committees on the constitution have frequently been used by the legislature.) There is good advice in the report of that first constitutional revision committee to the 1965 legislature. Permit me to quote a part that reinforces my remarks: "[The framers of our first state constitution] . . . failed to recognize that the constitution should provide only the solid framework to hang the provisions for state and local government upon, and not to completely create and forever govern them in detail."

We have sought to carry this message to you in several ways today. The digest of our present North Dakota Constitution, done by Associate Dean Barry Vickrey of the Law School, printed and released publicly for this occasion, is another example of our principal theme. It summarizes the essence of a

century of frameworking. It frees the basic outlines of the framework of our state government from the thick text of a large volume in the North Dakota Century Code. Professor Vickrey has shown us how meaningful our state constitution is for everyone. It can be understood by each of us - not just by lawyers and officials. Read it; it is yours.

Notice that the first guarantee in our state constitution is that each of us is "equally free and independent". That fundamental phrase expresses an elementary truth. We hope that your wearing the pin with that phrase, distributed to commemorate this occasion, will remind you of the process of government that we have contemplated and discussed in this ceremony. Echoing Chuck Suchy's song, we are "independent and free"; we are "conceived equally". Hopefully, our "legacy will last", if that "vision and trust, given to us", is properly handed on to "the future of our past".

Yesterday's framework of government endures; "frameworking" continues. We must continuously seek to keep our constitution up to date as a structure of government.

Fittingly for this February reflection, President Abraham Lincoln left us with the right thought: "It is . . . for us to be here dedicated to the . . . task remaining before us - . . . that government of the people, by the people, for the people, shall not perish from the earth."

Thank you.

MOTION

REP. KLOUBEC MOVED that the remarks of Justice Herbert L. Meschke be printed in the Journal, which motion prevailed.

The benediction was given by Rep. Wentz.

The Governor's Centennial Chorus from West Fargo High School sang "The Future of the Past" and "Grasses Grow". A reception is to follow in Memorial Hall immediately following the ceremony.

The Joint Session of the Legislative Assembly's Centennial Celebration of the North Dakota Constitution was dissolved.

The House convened at 3:00 p.m., with Speaker Kretschmar presiding.

The prayer was offered by Father Albert Leary, Christ the King Catholic Church, Mandan.

The roll was called and all Representatives were present, except Representatives Dalrymple, Kelly, and Payne.

A quorum was declared by the Speaker.

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

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

MOTIONS

REP. NICHOLAS MOVED that the divided committee report on HB 1200, which is on the Sixth order, be rereferred to the Committee on Agriculture, which motion prevailed on a verification vote. Pursuant to Rep. Nicholas' motion, the divided committee report on HB 1200 was rereferred.

REP. KLOUBEC MOVED that HB 1044, HB 1218, HB 1246, HB 1536, and HB 1639, which are on the Eleventh order, be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1027: A BILL for an Act to amend and reenact sections 57-39.2-02.1, 57-39.2-03.2, 57-39.2-08.2, 57-40.2-02.1, 57-40.2-03.2, 57-40.3-02, 57-40.5-02, and 57-43.2-18 of the North Dakota Century Code, relating to sales and use tax rates, motor vehicle and aircraft excise tax rates, and the distribution of the two percent excise tax on special fuels; and to repeal section 57-43.2-19 of the North Dakota Century Code, relating to distribution of the excise tax on special fuels.

REQUEST

REP. TIMM REQUESTED that the question on the final passage of Engrossed HB 1027 be divided to have the sections voted on separately, in the following manner, which request was granted as per House Rule 316, which states that the Division of the Question must be supported by twelve members.

DIVISION A

SECTION 8. AMENDMENT. Section 57-43.2-18 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-43.2-18. Distribution of tax. All money collected by the commissioner under the provisions of this chapter must be transferred to the state treasurer who shall credit ~~such money, interest, and penalties to the highway tax distribution fund to be distributed pursuant to section 54-27-19~~ it as follows:

1. All of the tax imposed under section 57-43.2-02, and related penalty, interest, and license fees, must be credited to the highway tax distribution fund to be distributed under sections 54-27-19 and 54-27-19.1.
2. All of the tax imposed under section 57-43.2-03, and related penalty and interest, must be credited to the general fund.

SECTION 9. REPEAL. Section 57-43.2-19 of the North Dakota Century Code is hereby repealed.

DIVISION B

A BILL for an Act to amend and reenact sections 57-39.2-02.1, 57-39.2-03.2, 57-39.2-08.2, 57-40.2-02.1, 57-40.2-03.2, 57-40.3-02, 57-40.5-02, and 57-43.2-18 of the North Dakota Century Code, relating to sales and use tax rates, motor vehicle and aircraft excise tax rates, and the distribution of the two percent excise tax on special fuels; and to repeal section 57-43.2-19 of the North Dakota Century Code, relating to distribution of the excise tax on special fuels.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 57-39.2-02.1 of the North Dakota Century Code without the amendments made in section 3 of chapter 687 of the 1987 Session Laws is hereby amended and reenacted to read as follows:

57-39.2-02.1. Sales tax imposed.

1. Except as otherwise expressly provided in subsection 2 for sales of mobile homes used for residential or business purposes and for sales of farm machinery, farm machinery repair parts, and irrigation equipment used exclusively for agricultural purposes and except as otherwise expressly provided in this chapter, there is imposed a tax of ~~five~~ six percent upon the gross receipts of retailers from all sales at retail including the leasing or renting of tangible personal property as provided in this section, within the state of North Dakota of the following to consumers or users:
 - a. Tangible personal property, consisting of goods, wares, or merchandise, except mobile homes used for residential or business purposes and farm machinery, farm machinery repair parts, and irrigation equipment used exclusively for agricultural purposes.
 - b. The furnishing or service of gas, communication services, or steam other than steam used for processing agricultural products.
 - c. Tickets or admissions to places of amusement or entertainment or athletic events, including amounts charged for participation in an amusement, entertainment, or athletic activity, and including the playing of any machine for amusement or entertainment in response to the use of a coin. The tax imposed by this section applies only to ~~eighty~~ seventy-five percent of the gross receipts collected from coin-operated amusement devices.
 - d. Magazines and other periodicals.
 - e. The leasing or renting of a hotel or motel room or tourist court accommodations.
 - f. The leasing or renting of tangible personal property the transfer of title to which has not been subjected to a retail sales tax under this chapter or a use tax under chapter 57-40.2.
2. There is hereby imposed a tax of ~~three~~ four percent upon the gross receipts of retailers from all sales at retail of mobile homes used for residential or business purposes, except as provided in subsection 35 of section 57-39.2-04, and of farm machinery, farm machinery repair parts, and irrigation equipment used exclusively for agricultural purposes, including the leasing or renting of farm machinery and irrigation equipment used exclusively for agricultural purposes within the state of North Dakota to consumers or users.
3. In the case of a contract for the construction of highways, roads, streets, bridges, and buildings for which the bid was submitted prior to ~~December 9, 1986~~ May 1, 1989, the contractor receiving the

award shall be liable only for the sales or use tax at the rate of tax in effect on the date the bid was submitted.

SECTION 2. AMENDMENT. Section 57-39.2-03.2 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-39.2-03.2. Sales tax on alcoholic beverages and tobacco products. Notwithstanding any other provision of law, the sales taxes imposed by this chapter apply to the gross receipts of retailers from all sales at retail of alcoholic beverages as defined in section 5-01-01, whether mixed or unmixed at the time of sale or thereafter, and whether sold for consumption on the premises or through off-sale outlets for consumption off the premises, and cigarettes, cigars, and other tobacco products, provided that gross receipts from the sale thereof shall mean and include any other taxes imposed on such merchandise or its use or on the retail or other sale thereof. Notwithstanding any other provision of law, there is imposed a tax of ~~six~~ seven percent on the gross receipts of retailers from all sales at retail of alcoholic beverages, which is in lieu of and not in addition to any other tax imposed by this chapter.

SECTION 3. AMENDMENT. Section 57-39.2-08.2 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-39.2-08.2. Sales tax to be added to purchase price and be a debt.

1. Except as otherwise provided in subsection 2, retailers shall add the tax imposed under this chapter, or the average equivalent thereof, to the sales price or charge, and when added, such tax shall constitute a part of such price or charge, shall be a debt from the consumer or user to the retailer until paid, and shall be recoverable at law in the same manner as other debts. In adding such tax to the price or charge, retailers shall adopt the following bracket system for the application of the tax:

00-01 to 00-15	no tax
00-16 through 00-20	1¢ tax
00-21 through 00-40	2¢ tax
00-41 through 00-60	3¢ tax
00-61 through 00-80	4¢ tax
00-81 through 01-00	5¢ tax
Each additional \$1-00 - 5¢ additional tax, or	
each additional 20¢ or fraction thereof over	
\$1-00 - 1¢ additional tax.	
<u>\$0.01</u> through <u>\$0.08</u>	<u>no tax</u>
<u>\$0.09</u> through <u>\$0.24</u>	<u>1¢ tax</u>
<u>\$0.25</u> through <u>\$0.41</u>	<u>2¢ tax</u>
<u>\$0.42</u> through <u>\$0.58</u>	<u>3¢ tax</u>
<u>\$0.59</u> through <u>\$0.74</u>	<u>4¢ tax</u>
<u>\$0.75</u> through <u>\$0.91</u>	<u>5¢ tax</u>
<u>\$0.92</u> through <u>\$1.08</u>	<u>6¢ tax</u>
<u>Each additional \$1.00 - 6¢ additional tax, or</u>	
<u>each additional 15¢ or fraction thereof over</u>	
<u>\$1.00 - 1¢ additional tax.</u>	

2. On retail sales of mobile homes used for residential or business purposes, except as provided in subsection 35 of section

57-39.2-04, and of farm machinery, farm machinery repair parts, and irrigation equipment used exclusively for agricultural purposes, retailers shall add the tax imposed under this chapter, or the average equivalent thereof, to the sales price or charge, and when added, such tax shall constitute a part of such price or charge, shall be a debt from the consumer or user to the retailer until paid, and shall be recoverable at law in the same manner as other debts. In adding such tax to the price or charge, retailers shall add to it ~~three~~ four percent of such price or charge.

SECTION 4. AMENDMENT. Section 57-40.2-02.1 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-40.2-02.1. Use tax imposed.

1. Except as otherwise expressly provided in subsection 2 for purchases of mobile homes used for residential or business purposes and for purchases of farm machinery, farm machinery repair parts, and irrigation equipment used exclusively for agricultural purposes, an excise tax is imposed on the storage, use, or consumption in this state of tangible personal property purchased at retail for storage, use, or consumption in this state, at the rate of ~~five~~ six percent of the purchase price of such property. Except as limited by section 57-40.2-11, an excise tax is imposed on the storage, use, or consumption in this state of tangible personal property not originally purchased for storage, use, or consumption in this state at the rate of ~~five~~ six percent of the fair market value of such property at the time it was brought into this state.
2. An excise tax is imposed on the storage, use, or consumption in this state of mobile homes used for residential or business purposes, except as provided in subsection 19 of section 57-40.2-04, and of farm machinery, farm machinery repair parts, and irrigation equipment used exclusively for agricultural purposes purchased at retail for storage, use, or consumption in this state at the rate of ~~three~~ four percent of the purchase price thereof. Except as limited by section 57-40.2-11, and except as provided in subsection 35 of section 57-39.2-04, an excise tax is imposed on the storage, use, or consumption in this state of mobile homes used for residential or business purposes and of farm machinery, farm machinery repair parts, and irrigation equipment used exclusively for agricultural purposes not originally purchased for storage, use, or consumption in this state at the rate of ~~three~~ four percent of the fair market value of such mobile homes used for residential or business purposes and of such farm machinery, farm machinery repair parts, and irrigation equipment used exclusively for agricultural purposes at the time it was brought into this state.
3. In the case of a contract awarded for the construction of highways, roads, streets, bridges, and buildings prior to ~~December 7, 1986~~ May 1, 1989, the contractor receiving the award shall be liable only for the sales or use tax at the rate of tax in effect on the date of contract.

SECTION 5. AMENDMENT. Section 57-40.2-03.2 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-40.2-03.2. Use tax on alcoholic beverages and tobacco products. Notwithstanding any other provision of law, the use taxes imposed by this chapter apply to the storage, use, or consumption in this state of alcoholic beverages as defined in section 5-01-01, whether mixed or unmixed at the time of sale or thereafter, and whether sold for consumption on the premises or through off-sale outlets for consumption off the premises, and cigarettes, cigars, and other tobacco products, provided that gross receipts from the sale thereof shall mean and include any other taxes imposed on such merchandise or its use or on the retail or other sale thereof. Notwithstanding any other provision of law, there is imposed a tax of ~~six~~ seven percent on the storage, use, or consumption in this state of alcoholic beverages, which is in lieu of and not in addition to any other tax imposed by this chapter.

SECTION 6. AMENDMENT. Section 57-40.3-02 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-40.3-02. Tax imposed. There is hereby imposed an excise tax at the rate of ~~five~~ six percent on the purchase price of any motor vehicle purchased or acquired either in or outside of the state of North Dakota for use on the streets and highways of this state and required to be registered under the laws of this state.

SECTION 7. AMENDMENT. Section 57-40.5-02 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-40.5-02. Tax imposed. There is imposed an excise tax at the rate of ~~five~~ six percent on the purchase price of any aircraft purchased or acquired either in or outside of the state of North Dakota or on the lease or rental cost of any aircraft, less fuel, if rented dry and required to be registered under the laws of this state, except on aircraft or helicopters designed or modified for exclusive use as agricultural aircraft for aerial application of agricultural chemicals, insecticides, fungicides, growth regulators, pesticides, dusts, fertilizer, or other agricultural materials, the excise tax is imposed at the rate of ~~three~~ four percent on the purchase price of any such aircraft purchased or acquired in or outside of this state, including the leasing or renting of such agricultural aircraft to users for agricultural purposes.

ROLL CALL

The question being on the motion to adopt Division A of Engrossed HB 1027, the roll was called and there were 40 YEAS, 64 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Brokaw; Carlson; DeMers, J.; DeMers, P.; Enget; Frey; Gerhardt; Gerl; Gerntholz; Gilmore; Halmrast; Hanson, L.; Hoffner; Hokana; Huether; Kaldor; Kelly; Kolbo; Laughlin; Marks; Mertens; Nelson; Ness; Nowatzki; Oban; O'Shea; Peterson; Ring; Scherber; Schneider; Shockman; Skjerven; Solberg; Stofferahn; Ulmer; Watne; Williams, A.; Williams, W.

NAYS: Aas; Belter; Berg, G.; Berg, R.; Bernstein; Christman; Clayburgh; Dalrymple; Dorso; Flaagan; Gates; Goetz; Gorman; Gunsch; Hanson, O.;

Haugen; Haugland; Hausauer, A.; Hausauer, R.; Howard; Jensen; Kingsbury; Kloubec; Knell; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Martin; Martinson; Melby; Murphy; Myrdal; Nicholas; Olsen, D.; Olson, A.; Olson, V.; Payne; Rydell; Schatz; Schindler; Schmidt; Shaft; Shide; Smette; Sorensen; Soukup; Starke; Stenehjem; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Urlacher; Vander Vorst; Wald; Wentz; Whalen; Wilkie; Speaker Kretschmar

ABSENT AND NOT VOTING: Anderson, R.; Graba

The motion to adopt Division A of Engrossed HB 1027 lost.

ROLL CALL

The question then was on the motion to adopt Division B of Engrossed HB 1027, the roll was called and there were 51 YEAS, 53 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Berg, G.; Brokaw; Carlson; Clayburgh; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Halmrast; Hanson, L.; Haugland; Hokana; Huether; Kaldor; Kelly; Kloubec; Kolbo; Laughlin; Marks; Mertens; Nelson; Ness; Nicholas; Nowatzki; O'Shea; Payne; Peterson; Ring; Scherber; Schneider; Shockman; Skjerven; Solberg; Starke; Stofferahn; Thompson, V.; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Aas; Belter; Berg, R.; Bernstein; Christman; Dalrymple; Goetz; Gorman; Gunsch; Hanson, O.; Haugen; Hausauer, A.; Hausauer, R.; Hoffner; Howard; Jensen; Kingsbury; Knell; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Martin; Martinson; Melby; Murphy; Myrdal; Oban; Olsen, D.; Olson, A.; Olson, V.; Rydell; Schatz; Schindler; Schmidt; Shaft; Shide; Smette; Sorensen; Soukup; Stenehjem; Thompson, K.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Whalen

ABSENT AND NOT VOTING: Anderson, R.; Graba

The motion to adopt Division B of Engrossed HB 1027 lost.

ROLL CALL

The question then was on the final passage of Engrossed HB 1027, excluding Divisions A and B, with title amended appropriately and lines, sections, and pages renumbered accordingly, which has been read, the roll was called and there were 41 YEAS, 63 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Berg, G.; Brokaw; Carlson; Clayburgh; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gerhardt; Gilmore; Hanson, L.; Haugland; Hokana; Huether; Kaldor; Kelly; Kolbo; Laughlin; Marks; Mertens; Nelson; Ness; Nicholas; Nowatzki; O'Shea; Ring; Scherber; Schneider; Shockman; Skjerven; Solberg; Starke; Stofferahn; Thompson, V.; Watne; Wentz; Wilkie; Williams, A.; Williams, W.

NAYS: Aas; Belter; Berg, R.; Bernstein; Christman; Dalrymple; Dorso; Gates; Gerl; Gerntholz; Goetz; Gorman; Gunsch; Halmrast; Hanson, O.; Haugen; Hausauer, A.; Hausauer, R.; Hoffner; Howard; Jensen; Kingsbury; Kloubec; Knell; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Martin; Martinson; Melby; Murphy; Myrdal; Oban; Olsen, D.; Olson, A.; Olson, V.; Payne; Peterson; Rydell; Schatz; Schindler; Schmidt; Shaft; Shide; Smette; Solberg; Sorensen; Soukup; Stenehjem; Thompson, K.;

Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher;
Vander Vorst; Wald; Whalen; Speaker Kretschmar

ABSENT AND NOT VOTING: Anderson, R.; Graba

Engrossed HB 1027, excluding Divisions A and B, lost.

SECOND READING OF HOUSE BILL

HB 1567: A BILL for an Act to extend the period of redemption of real property used for farming or ranching purposes and by small businesses and to provide for possession during the extended period of redemption; 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 42 YEAS, 60 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Berg, G.; Brokaw; Carlson; DeMers, J.; DeMers, P.; Frey; Gerhardt; Gerl; Gilmore; Halmrast; Hoffner; Hokana; Kaldor; Kelly; Kolbo; Laughlin; Marks; Mertens; Murphy; Nelson; Ness; Nowatzki; Oban; O'Shea; Ring; Scherber; Schindler; Schneider; Shockman; Skjerven; Starke; Stofferahn; Thompson, V.; Ulmer; Vander Vorst; Watne; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Aas; Belter; Berg, R.; Bernstein; Christman; Clayburgh; Dalrymple; Dorso; Enget; Flaagan; Gates; Gerntholz; Goetz; Gorman; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Howard; Huether; Jensen; Kingsbury; Kloubec; Knell; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Martin; Martinson; Melby; Myrdal; Nicholas; Olsen, D.; Olson, A.; Olson, V.; Payne; Peterson; Rydell; Schatz; Schmidt; Shaft; Shide; Smette; Solberg; Sorensen; Soukup; Stenehjem; Thompson, K.; Tokach; Tollefson; Tomac; Trautman; Urlacher; Wald; Wentz; Whalen

ABSENT AND NOT VOTING: Anderson, R.; Graba; Gunsch; Timm

HB 1567 lost.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2055, SB 2260, SB 2263, SB 2270, SB 2283, SB 2320, SB 2332, SB 2344, SB 2354, SB 2368, SB 2382, SB 2399, SB 2415, SB 2431, SB 2438, SB 2462, SB 2470, SB 2474, SB 2475, SB 2500.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested: SCR 4007.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested: SCR 4012.

SIGNING of BILLS and RESOLUTIONS (Roy Gilbreath, Chief Clerk)
 THE CHIEF CLERK ANNOUNCED that the Speaker signed the following enrolled resolution: SCR 4007.

SIGNING of BILLS and RESOLUTIONS (Roy Gilbreath, Chief Clerk)
 THE CHIEF CLERK ANNOUNCED that the Speaker signed the following enrolled resolution: SCR 4012.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
 MR. PRESIDENT: The Speaker has signed: SCR 4007.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
 MR. PRESIDENT: The Speaker has signed: SCR 4012.

MOTION

REP. KLOUBEC MOVED that SB 2211, SB 2394, SB 2041, SB 2065, SB 2088, SB 2104, SB 2181, SB 2184, SB 2258, and SB 2325 be placed at the head of the calendar, which motion prevailed.

REQUESTS

REP. KLOUBEC REQUESTED that the record show that Rep. R. Anderson was absent as he had a dental appointment, which request was granted.

REP. KLOUBEC REQUESTED that the record show that the members of the Committee on Appropriations (Reps. Peterson, R. Hausauer, Dalrymple, Gerntholz, Gunsch, O. Hanson, Jensen, Kingsbury, Payne, Smette, Sorensen, K. Thompson, Wald, Graba, Hoffner, Kelly, Laughlin, Mertens, Nowatzki, O'Shea, Solberg, Stofferahn, and Watne) be excused to attend a committee meeting, which request was granted.

SECOND READING OF SENATE BILL

SB 2211: A BILL for an Act to amend and reenact sections 15-04-10, 15-07-04, 15-07-20, 38-09-15, 38-11-04, 44-08-12, and 44-08-13 of the North Dakota Century Code, relating to the requirements governing the leasing and sale of state lands and the use of facsimile signatures on leases issued by the board of university and school lands.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 81 YEAS, 1 NAY, 24 ABSENT AND NOT VOTING.

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

NAYS: Murphy

ABSENT AND NOT VOTING: Anderson, R.; Dalrymple; Gerntholz; Graba; Gunsch; Hanson, O.; Hausauer, R.; Hoffner; Jensen; Kelly; Kingsbury; Laughlin;

Mertens; Nowatzki; O'Shea; Peterson; Smette; Solberg; Sorensen; Stofferahn; Thompson, K.; Tomac; Wald; Watne

(Committee on Appropriations members excused.)

SB 2211 passed and the title was agreed to.

MOTION

REP. KLOUBEC MOVED that SB 2394 be placed at the foot of the calendar, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2041: A BILL for an Act for the exemption of certain economic development records from disclosure.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 68 YEAS, 12 NAYS, 26 ABSENT AND NOT VOTING.

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

NAYS: Brokaw; Carlson; DeMers, J.; Frey; Gerl; Murphy; Ness; Ring; Scherber; Shaft; Ulmer; Vander Vorst

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

(Committee on Appropriations members excused.)

SB 2041 passed and the title was agreed to.

SB 2065: A BILL for an Act to amend and reenact section 48-08-04 of the North Dakota Century Code, relating to space used by the legislative assembly.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 81 YEAS, 0 NAYS, 25 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gilmore; Goetz; Gorman; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hokana; Howard;

Huether; Kaldor; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Marks; Martin; Martinson; Melby; Murphy; Myrdal; Nelson; Ness; Nicholas; Oban; Olsen, D.; Olson, A.; Olson, V.; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjervén; Soukup; Starke; Stenehjem; Thompson, V.; Timm; Tokach; Tollefson; Trautman; Ulmer; Urlacher; Vander Vorst; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

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

(Committee on Appropriations members excused.)

SB 2065 passed and the title was agreed to.

SB 2088: A BILL for an Act to amend and reenact subsection 2 of section 1 of chapter 720 of the 1987 Session Laws of North Dakota, relating to the emergency service communications system.

ROLL CALL

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

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

NAYS: None

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

(Committee on Appropriations members excused.)

SB 2088 passed and the title was agreed to.

SB 2104: A BILL for an Act to amend and reenact section 48-09-02 of the North Dakota Century Code, relating to the advertising of concessions on public grounds and buildings.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 62 YEAS, 17 NAYS, 27 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson, B.; Belter; Berg, G.; Berg, R.; Bernstein; Carlson; Christman; Clayburgh; DeMers, P.; Dorso; Enget; Flaagan; Gates; Gerhardt; Gilmore; Goetz; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hokana; Howard; Huether; Kaldor; Kloubec; Knell; Kolbo; Lang; Larson, D.; Larson, R.; Marks; Martin; Martinson; Melby; Murphy; Ness; Nicholas; Oban; Olson, V.; Rydell; Schatz; Scherber; Schindler; Schneider; Shaft; Shide; Shockman; Skjerven; Soukup; Starke; Thompson, V.; Timm; Tokach; Tollefson; Trautman; Vander Vorst; Wentz; Whalen; Williams, A.; Speaker Kretschmar

NAYS: Aarsvold; Brokaw; DeMers, J.; Frey; Gorman; Kouba; Lindgren; Myrdal; Nelson; Olsen, D.; Olson, A.; Ring; Schmidt; Stenehjem; Urlacher; Wilkie; Williams, W.

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

(Committee on Appropriations members excused.)

SB 2104 passed and the title was agreed to.

SB 2181: A BILL for an Act to amend and reenact section 15-01-03 of the North Dakota Century Code, relating to meetings of the board of university and school lands.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 79 YEAS, 0 NAYS, 27 ABSENT AND NOT VOTING.

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

NAYS: None

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

(Committee on Appropriations members excused.)

SB 2181 passed and the title was agreed to.

SB 2184: A BILL for an Act to amend and reenact section 53-01-07 of the North Dakota Century Code, relating to the duties of the state athletic commissioner.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 78 YEAS, 1 NAY, 27 ABSENT AND NOT VOTING.

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

NAYS: Murphy

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

(Committee on Appropriations members excused.)

SB 2184 passed and the title was agreed to.

SB 2258: A BILL for an Act to amend and reenact section 57-62-04 of the North Dakota Century Code, relating to the location of the energy development impact office within the board of university and school lands.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 81 YEAS, 0 NAYS, 25 ABSENT AND NOT VOTING.

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

NAYS: None

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

(Committee on Appropriations members excused.)

SB 2258 passed and the title was agreed to.

SB 2325: A BILL for an Act to create and enact a new subsection to section 4-30-01 of the North Dakota Century Code, relating to the definition of dairy animal; to amend and reenact subsections 25, 48, and 51 of section 4-30-01 and section 4-30-45 of the North Dakota Century Code, relating to the definition of milk; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 81 YEAS, 0 NAYS, 25 ABSENT AND NOT VOTING.

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

NAYS: None

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

(Committee on Appropriations members excused.)

SB 2325 passed, the title was agreed to, and the emergency clause carried.

REPORTS OF PROCEDURAL COMMITTEE

MR. SPEAKER: Your procedural Committee on Delayed Bills (Rep. Kloubec, Chairman) has examined a bill to amend and reenact sections 32-12.1-05, 32-12.1-07, and 32-12.1-15 of the North Dakota Century Code, relating to liabilities of political subdivisions and participation by state agencies in government subdivisions self-insurance pools.

It shall be numbered HB 1664.

Your Committee on Delayed Bills cast a unanimous ballot in favor of this bill.

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

MR. SPEAKER: Your procedural Committee on Delayed Bills (Rep. Kloubec, Chairman) has examined a bill to amend and reenact sections 60-02-30 and 60-02-31 of the North Dakota Century Code, relating to termination of public grain warehouse storage contracts on edible beans; and to declare an emergency.

It shall be numbered HB 1665.

Your Committee on Delayed Bills cast a unanimous ballot in favor of this bill.

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

MR. SPEAKER: Your procedural Committee on Delayed Bills (Rep. Kloubec, Chairman) has examined a concurrent resolution urging Congress to appropriate \$48 million for the Garrison Diversion Unit Project.

It shall be numbered HCR 3079.

Your Committee on Delayed Bills cast a unanimous ballot in favor of this resolution.

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

FIRST READING OF HOUSE BILLS

Rep. Kretschmar introduced:

(Approved by the Committee on Delayed Bills)

HB 1664: A BILL for an Act to amend and reenact sections 32-12.1-05, 32-12.1-07, and 32-12.1-15 of the North Dakota Century Code, relating to liabilities of political subdivisions and participation by state agencies in government subdivisions self-insurance pools.

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

Reps. Aarsvold, Myrdal, Vander Vorst and Sens. Thane, Wogsland introduced:

(Approved by the Committee on Delayed Bills)

HB 1665: A BILL for an Act to amend and reenact sections 60-02-30 and 60-02-31 of the North Dakota Century Code, relating to termination of public grain warehouse storage contracts on edible beans; and to declare an emergency.

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

FIRST READING OF HOUSE CONCURRENT RESOLUTION

Reps. Kloubec, Schneider and Sens. Heigaard, Olson introduced:

(Approved by the Committee on Delayed Bills)

HCR 3079: A concurrent resolution urging Congress to appropriate \$48 million for the Garrison Diversion Unit Project.

Was read the first time and referred to the Committee on Natural Resources.

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 12:30 p.m., Thursday, February 23, 1989, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER: Your Committee on State and Federal Government (Rep. Martinson, Chairman) to which was referred HB 1586 has had the same under consideration and recommends by a vote of 13 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 2, remove "and former"

Page 1, line 3, remove "members"

Page 2, line 3, replace "except" with "and"

Page 2, line 4, remove "employment" and remove "or former member"

Page 4, line 6, replace "except" with "and"

Page 4, line 7, remove "employment" and remove "or former member"

Page 5, line 21, remove "and former"

Page 5, line 22, remove "members"

Page 6, line 17, remove "Former member of the"

Page 6, remove lines 18 through 21

Page 7, line 2, remove "or former members"

Page 7, line 16, remove "or former members"

Page 7, line 24, replace "members or former members" with "a member"

Page 7, line 25, replace "are" with "is a" and replace "members" with "member"

Page 7, line 26, replace "paid as a legislator for service in the legislative" with "received by that member of the legislative assembly, exclusive of expense allowances for lodging, travel, and meals, as follows:"

- a. Per diem compensation for services received under section 54-03-20, including expense reimbursement for meals received pursuant to an election made under section 54-03-20 to receive that reimbursement in lieu of per diem compensation for services;
- b. Monthly compensation for the execution of public duties received under section 54-03-20, including reimbursement for uncompensated expenses received pursuant to an election made under section 54-03-20 to receive that reimbursement in lieu of monthly compensation; and"

Page 7, remove lines 27 and 28

Page 7, line 29, replace "54-03-10 and 54-03-20, and per" with "c. Per"

Page 8, line 2, remove ", exclusive of expense allowances for"

Page 8, line 3, remove "lodging, travel, and meals"

Page 8, line 16, remove "or former"

Page 8, line 17, remove "members"

Page 8, line 22, remove "and former members"

Page 8, line 23, remove "or former member" and replace "is entitled" with "may, at the member's option,"

Page 8, line 24, remove "to"

Page 8, line 25, remove "or former member"

Page 8, line 28, remove "A member or former"

Page 8, remove line 29

Page 9, remove lines 1 through 4

Page 9, line 5, replace "The state shall pay" with "Each member of the legislative assembly electing to participate in the public employees retirement system under this section must be assessed both"

Page 9, line 7, replace "beginning on July 1, 1989, for all" with an underscored comma

Page 9, remove line 8

Page 9, line 9, remove "under this section" and replace "each" with "that"

Page 9, line 10, after the underscored period insert "The assessment must be deducted and retained out of the legislator's salary."

Page 9, line 11, remove "or former member"

Page 9, line 18, remove "or former member"

Page 9, line 20, remove "or former member's"

Page 9, line 29, remove "or former member"

Page 10, line 12, remove "or former members"

Page 11, line 23, remove "and former members"

Page 13, line 1, remove "and former members"

Page 13, line 20, remove "or"

Page 13, line 21, remove "former members"

Page 15, line 17, remove "or former members"

Page 15, line 24, remove "or former member"

Page 16, line 9, remove "or former member"

Page 16, line 17, remove "or"

Page 16, line 18, remove "former member"

Page 17, line 11, remove "or"

Page 17, line 12, remove "former member"

ReNUMBER accordingly

HB 1586 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 HCR 3060 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

HCR 3060 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education (Rep. Gates, Chairman) to which was referred HCR 3061 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

HCR 3061 was placed on the Tenth 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 HCR 3064 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

HCR 3064 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government (Rep. Martinson, Chairman) to which was referred HCR 3065 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

HCR 3065 was placed on the Tenth 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 HCR 3067 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

HCR 3067 was placed on the Tenth 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 HCR 3072 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

HCR 3072 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government (Rep. Martinson, Chairman) to which was referred HCR 3075 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

HCR 3075 was placed on the Tenth 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 HCR 3078 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

HCR 3078 was placed on the Tenth 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 SB 2032 has had the same under consideration and recommends by a vote of 16 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 2, after "of" insert "a" and remove "and local advisory"

Page 1, line 3, replace "councils" with "council"

Page 1, line 7, overstrike "and local advisory councils" and insert immediately thereafter "council"

Page 1, line 9, overstrike "and", remove "may appoint", and overstrike "local advisory councils,"

Page 1, line 13, overstrike "Such councils" and insert immediately thereafter "The council"

Page 1, line 16, overstrike "Such" and insert immediately thereafter "The" and overstrike "councils" and insert immediately thereafter "council"

Renumber accordingly

SB 2032 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Finance and Taxation (Rep. A. Hausauer, Chairman) to which was referred SB 2069 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

SB 2069 was placed on the Fourteenth 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 SB 2115 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SB 2115 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Finance and Taxation (Rep. A. Hausauer, Chairman) to which was referred SB 2186 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SB 2186 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education (Rep. Gates, Chairman) to which was referred SB 2195 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 3, after "instruction" insert "; and to declare an emergency"

Page 1, after line 11, insert:

"SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

SB 2195 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Finance and Taxation (Rep. A. Hausauer, Chairman) to which was referred SB 2196 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SB 2196 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Finance and Taxation (Rep. A. Hausauer, Chairman) to which was referred SB 2197 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SB 2197 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education (Rep. Gates, Chairman) to which was referred SB 2208 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS, and be rereferred to Committee on Appropriations.

SB 2208 was rereferred to the Committee on Appropriations.

MR. SPEAKER: Your Committee on Education (Rep. Gates, Chairman) to which was referred SB 2213 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

SB 2213 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Finance and Taxation (Rep. A. Hausauer, Chairman) to which was referred SB 2217 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SB 2217 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Finance and Taxation (Rep. A. Hausauer, Chairman) to which was referred SB 2221 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.

SB 2221 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

FIRST READING OF SENATE BILLS

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

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

SB 2260: A BILL for an Act to create and enact a new subsection to section 15-60-01 and a new section to chapter 15-60 of the North Dakota Century Code, relating to definitions and to loans from the Bank of North Dakota and interest rate buydowns on the loans from the state school construction fund for energy efficiency improvements in public school buildings; to amend and reenact sections 15-60-03, 15-60-06, and 15-60-07 of the North Dakota Century Code, relating to the use of the state school construction fund; and to repeal sections 15-60-04, 15-60-05, and 15-60-09 of the North Dakota Century Code, relating to construction contracts with the board of public school education and the power of the board to acquire lands.

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

SB 2263: A BILL for an Act to provide for domestic and foreign nonprofit corporation report filings; and to amend and reenact sections 10-28-01, 43-07-07, 43-07-10, and 44-06-02 of the North Dakota Century Code, relating to fees charged by the secretary of state.

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

SB 2270: A BILL for an Act to create and enact a new section to chapter 24-02 of the North Dakota Century Code, relating to applications for

funding for roads benefiting recreational, tourist, and historical areas and formation, composition, and duties of the special road advisory committee; and to provide an appropriation.

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

SB 2283: A BILL for an Act to create and enact a new section to title 26.1 of the North Dakota Century Code, relating to freedom of choice for pharmacy services; and to provide a penalty.

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

SB 2320: A BILL for an Act to create and enact subsection 6 of section 49-21-01.1 and four new sections to chapter 49-21, relating to the establishment of a regulatory reform review commission and exemption from certain regulations for telecommunication companies; and to amend and reenact subsection 2 of section 49-02-01, sections 49-21-01, 49-21-02.1, 49-21-02.2, 49-21-04, 49-21-04.1, 49-21-05, 49-21-06, 49-21-07, and 49-21-09, relating to regulation of telecommunication companies.

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

SB 2332: A BILL for an Act to amend and reenact sections 12.1-32-02.1 and 19-03.1-23 of the North Dakota Century Code, relating to prison terms for certain offenders and penalties for unlawful manufacture, delivery, or possession of controlled substances; and to provide a penalty.

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

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

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

SB 2354: A BILL for an Act to establish an economic feasibility institute and advisory board, to specify the purpose, powers, and duties of the institute.

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

SB 2368: A BILL for an Act to amend and reenact section 26.1-17-04 of the North Dakota Century Code, relating to the board of directors for nonprofit health service corporations.

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

SB 2382: A BILL for an Act to provide for an indigent civil legal services fund; to amend and reenact section 11-17-04 of the North Dakota Century Code, relating to court filing fees and fees to fund civil legal services for indigent persons; and to provide a continuing appropriation.

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

SB 2399: A BILL for an Act to establish the North Dakota youth conservation corps; and to provide an appropriation.

Was read the first time and referred to the Committee on Natural Resources.

SB 2415: A BILL for an Act to amend and reenact section 43-11-05 of the North Dakota Century Code, relating to powers of the state board of cosmetology.

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

SB 2431: A BILL for an Act to amend and reenact section 14-03-22 of the North Dakota Century Code, relating to the supplemental fee for aid to victims of domestic violence.

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

SB 2438: A BILL for an Act to create and enact a new section to chapter 15-40.1 of the North Dakota Century Code, relating to transportation aid payments to school districts for teacher travel; and to amend and reenact sections 15-34.2-03, 15-40.1-16, and 15-40.1-16.1 of the North Dakota Century Code, relating to school board payments to families for student transportation and per-pupil transportation aid to school districts.

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

SB 2462: A BILL for an Act to amend and reenact section 39-24-05 of the North Dakota Century Code, relating to the disposition of snowmobile registration and trail tax fees, and providing for an annual transfer of general fund moneys to the snowmobile fund.

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

SB 2470: A BILL for an Act to create and enact a new subsection to section 15-47-38 of the North Dakota Century Code, relating to the reasons for the nonrenewal and discharge of a teacher.

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

SB 2474: A BILL for an Act to create and enact a new section to chapter 43-10 of the North Dakota Century Code, relating to licensing of crematories; and to amend and reenact sections 43-10-01, 43-10-02, 43-10-03, 43-10-04, 43-10-05, 43-10-06, 43-10-08, 43-10-10, 43-10-11, 43-10-11.1, 43-10-12, 43-10-13, 43-10-14, 43-10-15, 43-10-16, 43-10-17, 43-10-18, 43-10-19, 43-10-20, 43-10-22, and 43-10-23 of the North Dakota Century Code, relating to governing the licensing of embalmers and funeral directors, the practice of embalming, and the licensing of funeral establishments.

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

SB 2475: A BILL for an Act to amend and reenact section 57-36-25 of the North Dakota Century Code, relating to the rate of excise tax on the wholesale purchase price of tobacco products.

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

SB 2500: A BILL for an Act to authorize the state board of higher education to accept a paleontological museum at Dickinson state university; and to provide an appropriation.

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

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

ROY GILBREATH, Chief Clerk