

JOURNAL OF THE HOUSE

Fifty-first Legislative Assembly

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Bismarck, April 3, 1989

The House convened at 10:00 a.m., with Speaker Kretschmar presiding.

The prayer was offered by Rev. Allen Monson, Our Saviour's Lutheran Church, Dickinson.

The roll was called and all Representatives were present, except Representative Peterson.

A quorum was declared by the Speaker.

COMMUNICATION

State of North Dakota
OFFICE OF THE GOVERNOR
Bismarck

April 3, 1989

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

Dear Mr. Speaker:

This is to inform you that on March 31, 1989, I signed the following: HB 1050, HB 1051, HB 1061, HB 1062, HB 1106, HB 1119, HB 1142, HB 1146, HB 1178, HB 1184, HB 1192, HB 1434.

Sincerely,

GEORGE A. SINNER
Governor

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 Sixtieth Day and finds it to be correct.

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

CHAPLAINCY SCHEDULE
APRIL 3-7, 1989

DATE	CHURCH
3 Rev. Al Monson	Our Saviour's Lutheran Church, Dickinson
4 Rev. Richard Hagestuen	First Lutheran Church, Mandan
5 Rev. Ross Rhinhillier	Good Shepherd United Methodist Church, Mandan
6 Rev. John Miller.....	Baptist Temple, Mandan
7 Father Hugo Blotsky, Chaplain	University of Mary, Bismarck

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. A. OLSON MOVED that the House do not concur in the Senate amendments to HB 1449 as printed on pages 1773-1774 of the House Journal and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1449: Reps. A. Olson, Schindler, Halmrast.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. GATES MOVED that the House do concur in the Senate amendments to Engrossed HB 1254 as printed on pages 1724-1725 of the House Journal, which motion prevailed.

Engrossed HB 1254, as amended, was placed on the Eleventh order of business on the calendar.

CALL OF THE HOUSE

REP. HALMRAST REQUESTED a Call of the House.

MOTIONS

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

REP. HALMRAST MOVED that we dispense with the Call of the House, which motion prevailed.

The House reconvened pursuant to recess taken.

SECOND READING OF HOUSE BILL

HB 1254: A BILL for an Act to create and enact a new section to chapter 15-38.2 of the North Dakota Century Code, relating to access to teachers' personnel files; to amend and reenact sections 15-29-10 and 15-51-10 of the North Dakota Century Code, relating to school district and school board records; and to provide a penalty.

MOTION

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

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 63 YEAS, 43 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Anderson, R.; Berg, R.; Christman; Clayburgh; DeMers, J.; DeMers, P.; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Goetz; Graba; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Jensen; Kaldor; Kelly; Kolbo; Larson, D.; Larson, R.; Lindgren; Marks; Martin; Martinson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Peterson; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shide; Solberg; Starke; Stenehjem; Stofferahn; Thompson, V.; Timm; Urlacher; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Aas; Belter; Berg, G.; Bernstein; Brokaw; Carlson; Dalrymple; Dorso; Enget; Gilmore; Gorman; Gunsch; Hanson, O.; Howard; Huether; Kingsbury;

Kloubec; Knell; Kouba; Lang; Laughlin; Melby; Mertens; Murphy; Myrdal; Nelson; Payne; Ring; Shaft; Shockman; Skjerven; Smette; Sorensen; Soukup; Thompson, K.; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Whalen

ABSENT AND NOT VOTING: None

HB 1254 passed and the title was agreed to.

MOTION

REP. KOLBO MOVED that the vote by which Engrossed HB 1254 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed on a verification vote.

APPOINTMENT OF CONFERENCE COMMITTEES

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2042: Reps. Haugen, Lindgren, Carlson.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2152: Reps. V. Olson, Gorman, Enget.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2222: Reps. D. Larson, Stenehjem, Kolbo.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2304: Reps. Lindgren, Wentz, Enget.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2309: Reps. A. Hausauer, R. Anderson, W. Williams.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2376: Reps. Shaft, Howard, Flaagan.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2389: Reps. Aas, Shaft, Ring.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2459: Reps. Wentz, Shaft, Nelson.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2468: Reps. Wentz, Stenehjem, Kaldor.

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

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HCR 3022, HCR 3056, HCR 3071.

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

MR. PRESIDENT: The House has passed unchanged: SCR 4033, SCR 4055, SCR 4059, SCR 4061, SCR 4062, SCR 4063, SCR 4064, SCR 4067, SCR 4072.

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

MR. PRESIDENT: The House has passed unchanged: SB 2189, SB 2247, SB 2252, SB 2269.

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

MR. PRESIDENT: The House has failed to pass: SB 2077.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1185, HB 1446, HB 1558, HB 1667.

SENATE AMENDMENTS TO ENGROSSED HB 1185

In lieu of the amendments to engrossed House Bill No. 1185 as printed on pages 1312-1313 of the Senate Journal, engrossed House Bill No. 1185 is amended as follows:

Page 1, line 1, after "enact" insert "a new section to chapter 53-06.1 and"

Page 1, line 2, after "to" insert "prohibiting organizations that derive revenue from games of chance from using any money in certain political activities and"

Page 1, line 3, remove the first "and"

Page 1, line 8, remove "and" and after "penalty" insert "; and to declare an emergency"

Page 8, line 14, replace "Expenses may" with "After December 31, 1989, cash"

Page 8, remove lines 15 through 17

Page 8, line 18, remove "who is or has been a candidate for public office. Cash"

Page 8, after line 23, insert:

"SECTION 7. A new section to chapter 53-06.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

Eligible organizations not to use any money in certain political activities - Penalty. An eligible organization that derives any revenue from games of chance it conducts under this chapter may not use money from any source for the placing on the ballot of any initiated or referred measure or for any activities consisting of attempts to participate in any political campaign on behalf of or in opposition to any active official or person who is or has been a candidate for public office. Any funds expended by an eligible organization to promote or oppose an initiated or referred measure that has been placed on the ballot or for any activities that qualify as activities of a lobbyist under section 54-05.1-02, that are not compensation or expenses paid to a lobbyist, and that are not otherwise required to be reported under section 54-05.1-03 must be reported to the attorney general in the manner and at the times prescribed by the attorney general. An eligible organization that violates this section is subject to a mandatory one-year suspension of its license to conduct games of chance under this chapter."

Page 10, after line 14, insert:

"SECTION 10. EMERGENCY. Section 7 of this Act is declared to be an emergency measure."

Renumber accordingly

SENATE AMENDMENTS TO HB 1446

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact subsection 1 and subdivision e of subsection 4 of section 39-08-01 of the North Dakota Century Code, relating to being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or drugs; and to provide for changing references to being in actual physical control of a motor vehicle.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 39-08-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. A person may not drive or ~~be in actual physical control of~~ attempt to drive any vehicle upon a highway or upon public or private areas to which the public has a right of access for vehicular use in this state if any of the following apply:
 - a. That person has a blood alcohol concentration of at least ten one-hundredths of one percent by weight at the time of the performance of a chemical test within two hours after the driving or attempting to drive.
 - b. That person is under the influence of intoxicating liquor.
 - c. That person is under the influence of any drug or substance or combination of drugs or substances to a degree which renders that person incapable of safely driving.
 - d. That person is under the combined influence of alcohol and any other drugs or substances to a degree which renders that person incapable of safely driving.

The fact that any person charged with violating this section is or has been legally entitled to use alcohol or other drugs or substances is not a defense against any charge for violating this section, unless a drug ~~which~~ that predominately caused impairment was used only as directed or cautioned by a practitioner who legally prescribed or dispensed the drug to that person. As used in this section, "attempt" has the meaning provided in section 12.1-06-01.

SECTION 2. AMENDMENT. Subdivision e of subsection 4 of section 39-08-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

- e. A sentence or imposition of sentence under this section may not be suspended under chapter 12-53 except that a fine or a sentence of imprisonment may be suspended in any of the following instances:
 - (1) Upon conviction of ~~being in actual physical control of~~ attempting to drive a motor vehicle in violation of this section or equivalent ordinance.

- (2) If the defendant is under age eighteen when convicted except that if the defendant has, within the preceding five years, previously been convicted of violating section 39-08-01 or equivalent ordinance, the sentence must include at least forty-eight consecutive hours imprisonment or in a minimum security facility or at least ten days of community service, which sentence or imposition of sentence may not be suspended under chapter 12-53.

SECTION 3. Legislative council - Change of references. The legislative council shall replace "being in actual physical control of" in all its grammatical forms wherever it appears in the North Dakota Century Code with "attempting to drive" in its appropriate grammatical form."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1558

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact three new sections to chapter 10-24 and a new section to chapter 57-38 of the North Dakota Century Code, relating to certification of nonprofit development corporations and providing income tax credits for purchase of memberships, payment of dues, or making contributions by individuals and corporations to certified nonprofit development corporations; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 10-24 of the North Dakota Century Code is hereby created and enacted to read as follows:

Definitions. As used in sections 1 through 3 of this Act, unless the context otherwise requires:

1. "Certified nonprofit development corporation" means a corporation organized under this chapter, certified by the secretary of state under section 2 of this Act, and no part of the income of which is distributable to its members, directors, or officers.
2. "Primary sector business" means an individual, corporation, partnership, or association that, through a process employing knowledge and labor, adds value to a product produced for resale.

SECTION 2. A new section to chapter 10-24 of the North Dakota Century Code is hereby created and enacted to read as follows:

Certification of nonprofit development corporations. The secretary of state, after consultation with the economic development commission, shall adopt rules establishing minimum requirements for certification of nonprofit development corporations. The rules must contain a requirement that at least a majority of funds of the corporation must be used for investment in primary sector business. A nonprofit development corporation may obtain certification from the secretary of state upon compliance with this section, the rules adopted by the secretary of state, and payment of a fee of ten dollars.

SECTION 3. A new section to chapter 10-24 of the North Dakota Century Code is hereby created and enacted to read as follows:

Certified nonprofit development corporations - Income tax credit for memberships or dues. An individual or corporate income taxpayer that buys membership in, or pays dues or contributes to, a nonprofit development corporation certified by the secretary of state under section 2 of this Act is entitled to a credit against income tax liability under chapter 57-38 in an amount equal to twenty-five percent of the total amount invested. No taxpayer is entitled to more than two thousand dollars in total income tax credits under this section. The amount of the credit under this section in excess of the taxpayer's income tax liability may be carried forward for up to seven taxable years.

SECTION 4. A new section to chapter 57-38 of the North Dakota Century Code is hereby created and enacted to read as follows:

Credit for investments in development corporations. An individual, estate, trust, or corporation is allowed, as a credit against a tax otherwise due under section 57-38-29 or 57-38-30 the credit for buying membership in, or paying dues or contributions to, a certified nonprofit development corporation as provided in section 3 of this Act.

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

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1667

Page 2, line 14, replace "In lieu of" with "As an alternative to", remove "other", and after "procedures" insert "provided in subsections 1 and 2"

Renumber accordingly

MOTION

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

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

HOUSE ENGROSSING AND ENROLLING REPORT

The following bills were engrossed and enrolled: HB 1076, HB 1167, HB 1181, HB 1207, HB 1213, HB 1249, HB 1266, HB 1276, HB 1281, HB 1284, HB 1295, HB 1298.

HOUSE ENROLLING REPORT

The following bills and resolutions were enrolled: HB 1008, HB 1030, HB 1126, HB 1668, HB 1671, HB 1673, HCR 3046, HCR 3085.

HOUSE ENGROSSING AND ENROLLING REPORT

The following bills were engrossed and enrolled: HB 1321, HB 1421, HB 1489.

HOUSE ENROLLING REPORT

The following resolution was enrolled: HCR 3045.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested: SB 2043, SB 2045, SB 2048, SB 2098, SB 2121, SB 2141, SB 2176, SB 2178, SB 2218, SB 2231, SB 2251, SB 2296, SB 2306, SB 2314.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. A. HAUSAUER MOVED that the House do not concur in the Senate amendments to HB 1245 as printed on page 1797 of the House Journal and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1245: Reps. Goetz, A. Hausauer, J. DeMers.

MOTION

REP. PETERSON MOVED that SB 2334, which is on the Fourteenth order, be rereferred to the Committee on Appropriations, which motion prevailed. Pursuant to Rep. Peterson's motion, SB 2334 was rereferred.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. A. HAUSAUER MOVED that the House do not concur in the Senate amendments to HB 1267 as printed on pages 1798-1799 of the House Journal and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1267: Reps. Haugen, A. Olson, P. DeMers.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. A. HAUSAUER MOVED that the House do concur in the Senate amendments to HB 1283 as printed on page 1772 of the House Journal, which motion prevailed.

HB 1283, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1283: A BILL for an Act to amend and reenact subsection 33 of section 57-39.2-04, section 57-39.2-04.1, subsection 18 of section 57-40.2-04, and section 57-40.2-04.1 of the North Dakota Century Code, relating to removal of sales and use tax exemption for purchases of coffee, tea, cocoa, and certain bottled water.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 94 YEAS, 9 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Huether; Jensen; Kaldor; Kelly; Kingsbury; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Mertens; Myrda; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Ring; Rydell; Schatz; Scherber; Schindler;

Schneider; Shaft; Shide; Shockman; Skjervem; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Gilmore; Hanson, O.; Howard; Melby; Murphy; Nelson; Schmidt; Thompson, K.; Whalen

ABSENT AND NOT VOTING: Brokaw; Kloubec; Peterson

HB 1283 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. A. OLSON MOVED that the House do concur in the Senate amendments to Engrossed HB 1302 as printed on page 1746 of the House Journal, which motion prevailed.

Engrossed HB 1302, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1302: A BILL for an Act to create and enact a new section to chapter 57-62 of the North Dakota Century Code, relating to an oil and gas impact grant fund to be used to offset negative impact from oil and gas development and funded by a portion of oil and gas gross production tax revenues; to amend and reenact subsection 1 of section 57-51-15 of the North Dakota Century Code, relating to allocation of oil and gas gross production tax revenues; to provide a continuing appropriation; 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, 10 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Belter; Berg, G.; Berg, R.; Bernstein; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Frey; 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.; Lindgren; Marks; Martin; Martinson; Melby; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Rydell; Schatz; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjervem; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Speaker Kretschmar

NAYS: Brokaw; Flaagan; Gerl; Laughlin; Mertens; Ring; Scherber; Stofferahn; Ulmer; Williams, W.

ABSENT AND NOT VOTING: Anderson, R.; Kloubec; Peterson

HB 1302 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WENTZ MOVED that the House do concur in the Senate amendments to HB 1323 as printed on page 1644 of the House Journal, which motion prevailed.

HB 1323, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1323: A BILL for an Act to amend and reenact section 16.1-12-02 of the North Dakota Century Code, relating to petition requirements of independent candidates.

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.; 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; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Rydell; Schatz; 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: Frey; Ring; Scherber

ABSENT AND NOT VOTING: Anderson, R.; Nowatzki

HB 1323 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WENTZ MOVED that the House do concur in the Senate amendments to Engrossed HB 1352 as printed on page 1440 of the House Journal, which motion prevailed.

Engrossed HB 1352, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1352: A BILL for an Act to create and enact a new section to chapter 19-04 of the North Dakota Century Code, relating to the distribution of anabolic steroids; to provide a penalty; and to declare an emergency.

ROLL CALL

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

YEAS: Aarsvold; Aas; Anderson, B.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; 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; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjervan; 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: Anderson, R.; Nowatzki

HB 1352 passed, the title was agreed to, and the emergency clause carried.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WHALEN MOVED that the House do concur in the Senate amendments to HB 1353 as printed on page 1501 of the House Journal, which motion prevailed.

HB 1353, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1353: A BILL for an Act to amend and reenact subsection 3 of section 51-07-18 and section 51-07-22 of the North Dakota Century Code, relating to the location of dispute settlement hearings when a consumer seeks to return a defective motor vehicle and disclosure upon resale of returned vehicles.

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; Frey; 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; 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: Nowatzki; Peterson

HB 1353 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WHALEN MOVED that the House do concur in the Senate amendments to Engrossed HB 1370 as printed on pages 1440-1441 of the House Journal, which motion prevailed.

Engrossed HB 1370, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1370: A BILL for an Act to create and enact a new subsection to section 26.1-18-12 and a new subdivision to subsection 1 of section 26.1-47-03 of the North Dakota Century Code, relating to the provision of health care services under health maintenance organization health care plans and preferred provider arrangements.

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; Frey; 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; 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: Nowatzki; Peterson

HB 1370 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WHALEN MOVED that the House do concur in the Senate amendments to Engrossed HB 1372 as printed on page 1501 of the House Journal, which motion prevailed.

Engrossed HB 1372, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1372: A BILL for an Act to create and enact a new section to chapter 43-18 of the North Dakota Century Code, relating to advertising by plumbers; and to provide a penalty.

ROLL CALL

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

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

ABSENT AND NOT VOTING: None

HB 1372 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WHALEN MOVED that the House do concur in the Senate amendments to Engrossed HB 1375 as printed on page 1501 of the House Journal, which motion prevailed.

Engrossed HB 1375, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1375: A BILL for an Act to create and enact a new section to chapter 43-09 of the North Dakota Century Code, relating to advertising by electricians; 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 102 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; 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; Peterson; Ring; 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: Gunsch; Kouba; Murphy

ABSENT AND NOT VOTING: Rydell

HB 1375 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WHALEN MOVED that the House do concur in the Senate amendments to HB 1379 as printed on page 1728 of the House Journal, which motion prevailed.

HB 1379, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1379: A BILL for an Act to create and enact a new section to chapter 43-11 of the North Dakota Century Code, relating to the licensing of estheticians and manicurists; and to amend and reenact section 43-11-01 of the North Dakota Century Code, relating to definitions.

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, 5 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kloubec; 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; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schneider; Shaft; Shide; Shockman; 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: Hanson, O.; Kingsbury; Murphy; Schmidt; Skjervén
 ABSENT AND NOT VOTING: None

HB 1379 passed and the title was agreed to.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
 MR. SPEAKER: The President has appointed as a conference committee to act with a like committee from the House on:

- HB 1191: Sens. Keller, Krauter, Mutch
- HB 1320: Sens. Maxson, J. Meyer, Stenehjém
- HB 1504: Sens. Heinrich, Peterson, Nalewaja

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
 MR. SPEAKER: The Senate has concurred in the House amendments to SB 2079, SB 2220, SB 2361, SB 2365, and SB 2398 and subsequently passed the same.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
 MR. SPEAKER: The Senate has concurred in the House amendments to SB 2497, SB 2500, SB 2532, SCR 4041, and SCR 4047 and subsequently passed the same.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
 MR. SPEAKER: The Senate has concurred in the House amendments to SB 2410, SB 2416, SB 2440, SB 2449, and SB 2462 and subsequently passed the same.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. A. HAUSAUER MOVED that the House do concur in the Senate amendments to HB 1381 as printed on pages 1575-1576 of the House Journal, which motion prevailed.

HB 1381, as amended, was placed on the Eleventh order of business on the calendar.

MOTIONS

REP. SCHNEIDER MOVED that the House reconsider its action whereby the House concurred with the Senate amendments to HB 1381, which motion prevailed.

REP. A. HAUSAUER MOVED that the House do not concur in the Senate amendments to HB 1381 as printed on pages 1575-1576 of the House Journal and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. A. OLSON MOVED that the House do concur in the Senate amendments to HB 1387 as printed on page 1644 of the House Journal, which motion prevailed.

HB 1387, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

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 amended bill, which has been read, the roll was called and there were 96 YEAS, 10 NAYS, 0 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; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kelly; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Murphy; Myrdal; Nelson; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; Payne; Peterson; 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; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Berg, G.; Gunsch; Hanson, D.; Kaldor; Kingsbury; Mertens; Ness; O'Shea; Ring; Vander Vorst

ABSENT AND NOT VOTING: None

HB 1387 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. GATES MOVED that the House do concur in the Senate amendments to HB 1389 as printed on page 1501 of the House Journal, which motion prevailed.

HB 1389, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1389: A BILL for an Act to amend and reenact section 15-47-06 of the North Dakota Century Code, relating to recounts in school district elections.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 106 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; 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; Peterson; 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: None

HB 1389 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. GATES MOVED that the House do concur in the Senate amendments to HB 1424 as printed on page 1729 of the House Journal, which motion prevailed.

HB 1424, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1424: A BILL for an Act to amend and reenact section 15-47-27.1 of the North Dakota Century Code, relating to the nonrenewal of contracts of first-year teachers.

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, 1 NAY, 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; Frey; 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; 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: Gerl

ABSENT AND NOT VOTING: Peterson; Schmidt

HB 1424 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WENTZ MOVED that the House do concur in the Senate amendments to HB 1451 as printed on page 1542 of the House Journal, which motion prevailed.

HB 1451, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1451: A BILL for an Act to create and enact a new section to chapter 11-17; and to amend and reenact sections 11-10-02, 11-10-06, 11-10-10, 11-10-11, 11-17-05, and 27-01-01.1 of the North Dakota Century Code, relating to clerks of district court.

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

NAYS: Gunsch; Kouba; Schatz; Thompson, K.; Whalen

ABSENT AND NOT VOTING: Peterson; Sorensen

HB 1451 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WHALEN MOVED that the House do concur in the Senate amendments to HB 1462 as printed on pages 1680-1681 of the House Journal, which motion prevailed.

HB 1462, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1462: A BILL for an Act to amend and reenact section 22-01-06.3 of the North Dakota Century Code, relating to a guaranty of delivery; and to repeal sections 22-01-06.1, 22-01-06.2, 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 amended bill, which has been read, the roll was called and there were 105 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING.

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

HB 1462 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. NICHOLAS MOVED that the House do concur in the Senate amendments to Engrossed HB 1475 as printed on page 1520 of the House Journal, which motion prevailed.

Engrossed HB 1475, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1475: A BILL for an Act to amend and reenact subdivision a of subsection 4 of section 4-35-05, subsection 3 of section 4-35-06, sections 4-35-08, 4-35-09, 4-35-10, 4-35-11, 4-35-12, 4-35-13, subsection 3 of section 4-35-14, sections 4-35-15, 4-35-16, 4-35-17, 4-35-18, subsections 1 and 2 of section 4-35-19, section 4-35-22, subsection 7 of section 4-35-24, and section 4-35-28 of the North Dakota Century Code, relating to certification of pesticide applicators and distribution of funds; 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 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; Frey; 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; 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; Stenehjelm; 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: Mertens; Peterson

HB 1475 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. NICHOLAS MOVED that the House do concur in the Senate amendments to HB 1476 as printed on page 1725 of the House Journal, which motion prevailed.

HB 1476, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1476: A BILL for an Act to create and enact two new subsections to section 19-20.2-06 of the North Dakota Century Code, relating to anhydrous ammonia transfer hose 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 80 YEAS, 23 NAYS, 3 ABSENT AND NOT VOTING.

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

NAYS: Berg, G.; DeMers, P.; Enget; Frey; Gerntholz; Gilmore; Gunsch; Hanson, O.; Kingsbury; Laughlin; Marks; Myrdal; Nelson; Olsen, D.; Olson, A.; Schindler; Schmidt; Skjerven; Smette; Solberg; Starke; Thompson, V.; Wilkie

ABSENT AND NOT VOTING: Murphy; Peterson; Wald

HB 1476 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. HAUGLAND MOVED that the House do concur in the Senate amendments to HB 1481 as printed on page 1681 of the House Journal, which motion prevailed.

HB 1481, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1481: A BILL for an Act to define the rights and responsibilities of the terminally ill to control decisions regarding administration of life-prolonging treatment; and to provide penalties.

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, 10 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; Frey; 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; Larson, R.; Laughlin; Lindgren; Marks; Martinson; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Ring; Rydell; Schatz; Scherber; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tollefson; Tomac; Trautman; Ulmer; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Kouba; Lang; Larson, D.; Martin; Melby; Schindler; Schmidt; Tokach; Urlacher; Vander Vorst

ABSENT AND NOT VOTING: Murphy; Peterson; Wald

HB 1481 passed and the title was agreed to.

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

MR. SPEAKER: The Senate has concurred in the House amendments to SB 2129, SB 2172, SB 2308, SB 2316, SB 2321, and SB 2454 and subsequently passed the same.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. A. HAUSAUER MOVED that the House do concur in the Senate amendments to HB 1483 as printed on page 1730 of the House Journal, which motion prevailed.

HB 1483, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1483: A BILL for an Act to create and enact a new section to chapter 57-20 of the North Dakota Century Code, relating to the collection of delinquent taxes; and to amend and reenact sections 57-20-09 and 57-28-04 of the North Dakota Century Code, relating to the inapplicability of tax payment discounts and service of notice of the expiration of the period of redemption.

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, 0 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; 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; Myrdal; Nelson; Ness; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Gerhardt; Murphy; Nicholas; Peterson; Wald

HB 1483 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. LINDGREN MOVED that the House do concur in the Senate amendments to HB 1494 as printed on page 1681 of the House Journal, which motion prevailed.

HB 1494, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1494: A BILL for an Act to create and enact a new subsection to section 11-11-14, a new section to chapter 11-28, a new subsection to section 57-15-06.7, and a new section to chapter 57-15 of the North Dakota Century Code, relating to powers of the board of county commissioners, the collection of user fees by board of county park commissioners and issuance of evidences of indebtedness in anticipation of user fee revenue, and to provide mill levy authority for support of county parks and recreational facilities; to amend and reenact subsection 4 of section 11-11-14, subsection 2 of section 11-28-05, subsection 1 of section 21-03-06, subsection 6 of section 21-03-07, and section 55-04-01 of the North Dakota Century Code, relating to the acquisition, construction, equipping, and financing of county parks and recreational facilities; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 92 YEAS, 11 NAYS, 3 ABSENT AND NOT VOTING.

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

NAYS: Belter; DeMers, P.; Gunsch; Hanson, O.; Kingsbury; Melby; Olson, V.; Shide; Thompson, K.; Whalen; Wilkie

ABSENT AND NOT VOTING: Murphy; Peterson; Wald

HB 1494 passed, the title was agreed to, and the emergency clause carried.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. A. HAUSAUER MOVED that the House do concur in the Senate amendments to Engrossed HB 1495 as printed on page 1749 of the House Journal, which motion prevailed.

Engrossed HB 1495, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1495: A BILL for an Act to create and enact a new section to chapter 57-43.2 of the North Dakota Century Code, relating to a deduction for the cost of collecting and remitting special fuels taxes.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 87 YEAS, 15 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, R.; Bernstein; Carlson; Christman; Clayburgh; Dalrymple; Dorso; Enget; Gates; Gerhard; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hokana; Howard; Huether; Jensen; Kaldor; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Martin; Martinson; Melby; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Ring; 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; Urlacher; Vander Vorst; Wentz; Whalen; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Brokaw; DeMers, J.; DeMers, P.; Flaagan; Frey; Gerl; Hoffner; Kelly; Laughlin; Marks; Oban; Shockman; Ulmer; Watne; Wilkie

ABSENT AND NOT VOTING: Berg, G.; Murphy; Peterson; Wald

HB 1495 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WENTZ MOVED that the House do concur in the Senate amendments to Engrossed HB 1498 as printed on page 1644 of the House Journal, which motion prevailed.

Engrossed HB 1498, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1498: A BILL for an Act to create and enact a new section to chapter 35-03 of the North Dakota Century Code, relating to loans insured or guaranteed by the United States veterans' administration.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 100 YEAS, 0 NAYS, 6 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; Frey; Gates; Gerhardt; Gerl; 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; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Ring; Rydell; Schatz; Scherber; 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; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Berg, G.; Hausauer, R.; Murphy; Peterson; Schindler; Wald

HB 1498 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. A. HAUSAUER MOVED that the House do not concur in the Senate amendments to HB 1499 as printed on page 1815 of the House Journal and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1499: Reps. Goetz, A. Hausauer, Tomac.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WENTZ MOVED that the House do concur in the Senate amendments to HB 1526 as printed on pages 1681-1682 of the House Journal, which motion prevailed.

HB 1526, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1526: A BILL for an Act to amend and reenact subsection 1 of section 6-08-16 of the North Dakota Century Code, relating to nonsufficient fund check offenses.

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, 0 NAYS, 5 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Anderson, R.; DeMers, P.; Hausauer, R.; Melby; Wald

HB 1526 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. NICHOLAS MOVED that the House do concur in the Senate amendments to HB 1527 as printed on page 1682 of the House Journal, which motion prevailed.

HB 1527, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1527: A BILL for an Act to create and enact a new subsection to section 12.1-22-03 of the North Dakota Century Code, relating to the penalty for being on property.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 92 YEAS, 11 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, R.; Bernstein; Brokaw; Christman; 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; Kaldor; Kelly; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Tokach; Tollefson; Tomac; Trautman; Urlacher; Vander Vorst; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.

NAYS: Carlson; Clayburgh; Frey; Gerl; Jensen; Kingsbury; Larson, D.; Olson, A.; Timm; Ulmer; Speaker Kretschmar

ABSENT AND NOT VOTING: Berg, G.; Hausauer, R.; Wald

HB 1527 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. A. HAUSAUER MOVED that the House do concur in the Senate amendments to HB 1538 as printed on page 1730 of the House Journal, which motion prevailed.

HB 1538, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1538: A BILL for an Act to amend and reenact sections 57-43.2-03 and 57-43.2-04 of the North Dakota Century Code, relating to a special fuels excise tax levy and to the collection and payment of the tax.

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; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; 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; Peterson; 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; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Brokaw; Wald

HB 1538 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. A. HAUSAUER MOVED that the House do concur in the Senate amendments to Engrossed HB 1539 as printed on page 1800 of the House Journal, which motion prevailed.

Engrossed HB 1539, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1539: A BILL for an Act to create and enact a new section to chapter 57-36 of the North Dakota Century Code, relating to wholesale sales of unstamped cigarettes to enrolled tribal members; and to amend and reenact sections 57-36-02, 57-36-07, 57-36-08, 57-36-10, and 57-36-11 of the North Dakota Century Code, relating to the requirement that all cigarettes sold in North Dakota be stamped within the state and to allow licensed distributors to sell unstamped cigarettes to enrolled tribal members.

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, 4 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gertholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; 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; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; 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; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Gerl; Hanson, O.; Haugen; Schindler

ABSENT AND NOT VOTING: Brokaw; Kloubec; Wald

HB 1539 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WHALEN MOVED that the House do concur in the Senate amendments to Engrossed HB 1540 as printed on page 1576 of the House Journal, which motion prevailed.

Engrossed HB 1540, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1540: A BILL for an Act to create and enact a new section to chapter 26.1-39 of the North Dakota Century Code, relating to the use of property and casualty insurance binders.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 96 YEAS, 6 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple;

DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gilmore; Goetz; Gorman; Graba; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Kaldor; Kelly; Kingsbury; Kolbo; Kouba; 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; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Watne; Wentz; Whalen; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Gerntholz; Gunsch; Jensen; Knell; Solberg; Wilkie

ABSENT AND NOT VOTING: Hausauer, A.; Kloubec; Lang; Wald

HB 1540 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. A. OLSON MOVED that the House do not concur in the Senate amendments to HB 1554 as printed on page 1749 of the House Journal and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1554: Reps. Aas, Martin, G. Berg.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. GATES MOVED that the House do concur in the Senate amendments to HB 1559 as printed on page 1749 of the House Journal, which motion prevailed.

HB 1559, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1559: A BILL for an Act to amend and reenact section 15-19-02, subsection 2 of section 15-19-06, and section 15-19-08 of the North Dakota Century Code, relating to requiring the superintendent of public instruction to appoint the director of the division of independent study and the administrative operational fund; and to repeal subsection 4 of section 15-19-06 of the North Dakota Century Code, relating to the budget of the division of independent study.

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; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; 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; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjervan; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Hausauer, A.; Kloubec; Wald

HB 1559 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WENTZ MOVED that the House do concur in the Senate amendments to Engrossed HB 1564 as printed on page 1682 of the House Journal.

REP. MURPHY MOVED a substitute motion that the House do not concur in the Senate amendments to Engrossed HB 1564 as printed on page 1682 of the House Journal and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WENTZ MOVED that the House do concur in the Senate amendments to HB 1580 as printed on pages 1645-1646 of the House Journal, which motion prevailed.

HB 1580, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1580: A BILL for an Act to amend and reenact section 39-09.1-03 of the North Dakota Century Code, relating to the exemption of wages.

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, 15 NAYS, 2 ABSENT AND NOT VOTING.

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

NAYS: Bernstein; Gunsch; Hanson, O.; Howard; Kingsbury; Kouba; Lang; Lindgren; Melby; Schindler; Shaft; Shide; Thompson, K.; Tokach; Whalen

ABSENT AND NOT VOTING: Peterson; Wald

HB 1580 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WHALEN MOVED that the House do concur in the Senate amendments to HB 1585 as printed on pages 1542-1543 of the House Journal, which motion prevailed.

HB 1585, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1585: A BILL for an Act to provide for regulation of wholesale drug distributors; 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 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; Frey; Gates; Gerhardt; Gerl; Gernholz; 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; Schmidt; Schneider; Shaft; Shide; Shockman; Skjervén; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Uriacher; Vander Vorst; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Peterson; Schindler; Wald

HB 1585 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WENTZ MOVED that the House do concur in the Senate amendments to Engrossed HB 1621 as printed on page 1682 of the House Journal, which motion prevailed.

Engrossed HB 1621, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1621: A BILL for an Act to provide farmers the right to redeem homesteads separately from other property; to amend and reenact section 28-23-07 of the North Dakota Century Code, relating to waivers of right to designate lots at execution sale; to repeal chapter 194 of the 1987 Session Laws of North Dakota, relating to redemption of separate known lots or parcels of property; 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 101 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Anderson, R.; Belter; Berg, G.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; 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; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.;
Speaker Kretschmar

NAYS: Aas; Berg, R.; Shaft; Soukup

ABSENT AND NOT VOTING: Wald

HB 1621 passed, the title was agreed to, and the emergency clause carried.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. GATES MOVED that the House do concur in the Senate amendments to Engrossed HB 1631 as printed on page 1576 of the House Journal, which motion prevailed.

Engrossed HB 1631, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1631: A BILL for an Act to create and enact a new subsection to section 39-10-46 of the North Dakota Century Code, relating to signs on schoolbuses that stop at railroad crossings; and to amend and reenact subsection 1 of section 39-10-43 of the North Dakota Century Code, relating to vehicles required to stop at railroad crossings.

ROLL CALL

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

YEAS: Aarsvold; Aas; Anderson, B.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; 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; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Anderson, R.; Dorso; Gunsch; Hanson, O.; Kouba; Tokach; Urlacher; Whalen

ABSENT AND NOT VOTING: Graba; Wald

HB 1631 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. A. HAUSAUER MOVED that the House do not concur in the Senate amendments to HB 1634 as printed on page 1800 of the House Journal and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1634: Reps. Gorman, Knell, Scherber.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. TIMM MOVED that the House do concur in the Senate amendments to Engrossed HB 1657 as printed on page 1725 of the House Journal, which motion prevailed.

Engrossed HB 1657, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1657: A BILL for an Act to amend and reenact section 39-21-39 of the North Dakota Century Code, relating to restrictions on tinted windows and objects or material placed on automobile windows.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 98 YEAS, 4 NAYS, 4 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; Dorso; Flaagan; Frey; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang;

Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Myrdal; Nelson; Ness; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; 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; Trautman; Ulmer; Urlacher; Vander Vorst; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Gunsch; Hanson, O.; Murphy; Tomac

ABSENT AND NOT VOTING: Gates; Kelly; Nicholas; Wald

HB 1657 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. TIMM MOVED that the House do concur in the Senate amendments to HB 1666 as printed on page 1775 of the House Journal, which motion prevailed.

Engrossed HB 1666, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1666: A BILL for an Act to create and enact chapter 39-06.2 of the North Dakota Century Code, relating to commercial driver's licensing, testing for and issuance of a commercial driver's license, employer and employee responsibilities, suspension or revocation of a commercial driver's license, and classification of commercial motor vehicles; to amend and reenact section 39-06-14, subsection 3 of section 39-06-17, subsections 4 and 7 of section 39-06-32, and subsections 1, 2, 3, and 4 of section 39-20-07 of the North Dakota Century Code, relating to classification of drivers' licenses, a restricted operator's license or permit, refusal of a chemical test in another state, and blood alcohol concentration and its applicability to chapter 39-06.2; and to provide an effective date and application of this Act to existing operators' licenses.

ROLL CALL

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

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; 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; Peterson; 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; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Wald

HB 1666 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. LINDGREN MOVED that the House do concur in the Senate amendments to Engrossed HB 1667 as printed on page 1548 of the Senate Journal, which motion prevailed.

Engrossed HB 1667, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1667: A BILL for an Act to amend and reenact sections 40-23-09, 40-23-10, and 40-23.1-07 of the North Dakota Century Code, relating to preparation of assessment lists and methods of notice of assessments of benefits for improvements by special assessment.

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; Frey; 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; Peterson; 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; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Thompson, K.; Wald

HB 1667 passed and the title was agreed to.

MOTION

REP. KLOUBEC MOVED that the House stand in recess until 4:30 p.m., which motion prevailed.

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

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. NICHOLAS MOVED that the House do concur in the Senate amendments to Engrossed HB 1262 as printed on pages 1797-1798 of the House Journal, which motion prevailed.

HB 1262, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1262: A BILL for an Act to provide for the labeling of certain plastic products, to require certain plastic products to be degradable, and to provide for standards for rates of degradation; to create and enact a new section to chapter 54-44.4 of the North Dakota Century Code, relating to the purchase of soybean-based inks and starch-based plastics; and to provide penalties.

ROLL CALL

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

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; DeMers, J.; DeMers, P.; Dorso; Enget; Frey; 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; Kneill; 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; Skjervan; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Belter; Dalrymple; Flaagan; Peterson; Thompson, V.; Watne

HB 1262 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. A. HAUSAUER MOVED that the House do concur in the Senate amendments to Engrossed HB 1415 as printed on pages 1799-1800 of the House Journal, which motion prevailed.

Engrossed HB 1415, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1415: A BILL for an Act to provide for severability of provisions relating to reductions of motor vehicle fuels taxes and special fuels taxes that contain a blend of qualifying alcohol; 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 suspend 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.

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, 1 NAY, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; DeMers, J.; DeMers, P.; Dorso; Enget; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; 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; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Hanson, O.

ABSENT AND NOT VOTING: Anderson, R.; Belter; Dalrymple; Flaagan; Peterson; Watne

HB 1415 passed, the title was agreed to, and the emergency clause carried.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. A. HAUSAUER MOVED that the House do not concur in the Senate amendments to HB 1558 as printed on pages 1503-1504 of the Senate Journal and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1558: Reps. Goetz, A. Hausauer, Tomac.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. HAUGLAND MOVED that the House do not concur in the Senate amendments to HB 1369 as printed on page 1680 of the House Journal and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1369: Reps. D. Olsen, Stenehjem, A. Williams.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WENTZ MOVED that the House do concur in the Senate amendments to Engrossed HCR 3040 as printed on page 1441 of the House Journal, which motion prevailed.

Engrossed HCR 3040, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3040: A concurrent resolution for the amendment of section 13 of Article VI of the Constitution of North Dakota, relating to the filling of judicial vacancies.

ROLL CALL

The question being on the adoption of the amended resolution, which has been read, the roll was called and there were 79 YEAS, 22 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson, B.; Anderson, R.; Berg, G.; Berg, R.; Bernstein; Brokaw; Christman; Clayburgh; Dorso; Enget; Frey; Gates; Gerhard; Gerl; Gerntholz; Gilmore; Gorman; Graba; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Martin; Martinson; Mertens; Murphy; Myrdal; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; Payne; Peterson; Rydell; Schatz; Schindler; Schmidt; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, V.; Timm; Tokach; Tollefson; Trautman; Urlacher; Vander Vorst; Wald; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Aarsvold; Carlson; DeMers, J.; DeMers, P.; Gunsch; Hanson, O.; Hausauer, A.; Kaldor; Kelly; Kingsbury; Marks; Melby; Nelson; Ness; O'Shea; Ring; Scherber; Schneider; Thompson, K.; Tomac; Ulmer; Whalen

ABSENT AND NOT VOTING: Belter; Dalrymple; Flaagan; Goetz; Watne

HCR 3040 was declared adopted on a roll call vote.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WENTZ MOVED that the House do concur in the Senate amendments to HCR 3058 as printed on page 1683 of the House Journal, which motion prevailed.

HCR 3058, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3058: A concurrent resolution directing the Legislative Council to study the uses to which the proceeds of charitable gaming are devoted and the laws governing charitable gaming.

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

HCR 3058 was declared adopted on a voice vote.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. TIMM MOVED that the House do concur in the Senate amendments to HCR 3076 as printed on pages 1775-1776 of the House Journal, which motion prevailed.

HCR 3076, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3076: A concurrent resolution directing the Legislative Council to study motorboat license fees and the use and allocation of the game and fish operating fund's interest income.

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

HCR 3076 was declared adopted on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2153: Reps. Clayburgh, Schatz, Carlson.

MOTIONS

REP. A. HAUSAUER MOVED that the House reconsider its action whereby the committee report was accepted and SB 2455 was placed on the Sixth order of business on the calendar, which motion prevailed.

REP. A. HAUSAUER MOVED that SB 2455 be rereferred to the Committee on Finance and Taxation, which motion prevailed. Pursuant to Rep. A. Hausauer's motion, SB 2455 was rereferred.

REP. A. HAUSAUER MOVED that the House reconsider its action whereby it did not concur in the Senate amendments to HB 1381, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. A. HAUSAUER MOVED that the House do concur in the Senate amendments to HB 1381 as printed on pages 1575-1576 of the House Journal, which motion prevailed.

HB 1381, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1381: A BILL for an Act to amend and reenact section 23-11-29 of the North Dakota Century Code, relating to tax exemptions for housing authorities.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 1 YEA, 98 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Vander Vorst

NAYS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Clayburgh; DeMers, J.; DeMers, P.; Dorso; Enget; Frey; Gerhardt; Gerl; 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; Peterson; 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; Wald; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

ABSENT AND NOT VOTING: Belter; Christman; Dalrymple; Flaagan; Gates; Hausauer, R.; Watne

HB 1381 lost.

MOTION

REP. KLOUBEC MOVED that SB 2378 be placed at the head of the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2378: A BILL for an Act to amend and reenact subsection 1 of section 39-09-03 of the North Dakota Century Code, relating to alteration of speed limits by local authorities; 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 78 YEAS, 23 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Berg, G.; Berg, R.; Bernstein; Carlson; Christman; Clayburgh; DeMers, J.; DeMers, P.; Enget; Frey; Gates; Gerhardt; Gilmore; Goetz; Gorman; Graba; Halmrast; Hanson, L.; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Jensen; Kaldor; Kelly; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Martin; Martinson; Melby; Mertens; Ness; Nowatzki; Oban; Olson, V.; O'Shea; Payne; Ring; Rydell; Schatz; Scherber; Schneider; Shaft; Shide; Skjerven; Smette; Solberg; Sorensen; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Brokaw; Gerl; Gerntholz; Gunsch; Hanson, O.; Haugen; Huether; Kingsbury; Marks; Murphy; Myrdal; Nelson; Nicholas; Olsen, D.; Olson, A.; Peterson; Schindler; Schmidt; Shockman; Soukup; Timm; Wald; Whalen

ABSENT AND NOT VOTING: Belter; Dalrymple; Dorso; Flaagan; Watne

SB 2378 passed, the title was agreed to, and the emergency clause carried.

MOTION

REP. KLOUBEC MOVED that SB 2388 be placed at the head of the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2388: A BILL for an Act to amend and reenact subsection 6 of section 52-01-01 of the North Dakota Century Code, relating to definition of benefit year for purposes of unemployment compensation benefits; to provide an effective date; 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 102 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; DeMers, J.; DeMers, P.; Dorso; Enget; Frey; 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; Kloube; 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; Peterson; 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; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Belter; Dalrymple; Flaagan; Watne

SB 2388 passed, the title was agreed to, and the emergency clause carried.

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

MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1254, and subsequently passed the same.

The House does not concur in the Senate amendments to HB 1449, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1449: Reps. A. Olson, Schindler, Halmrast

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

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

SB 2042: Reprs. Haugen, Lindgren, Carlson
SB 2152: Reprs. V. Olson, Gorman, Enget
SB 2222: Reprs. D. Larson, Stenehjlem, Kolbo
SB 2304: Reprs. Lindgren, Wentz, Enget
SB 2309: Reprs. A. Hausauer, R. Anderson, W. Williams
SB 2376: Reprs. Shaft, Howard, Flaagan
SB 2389: Reprs. Aas, Shaft, Ring
SB 2459: Reprs. Wentz, Shaft, Nelson
SB 2468: Reprs. Wentz, Stenehjlem, Kaldor

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1245, HB 1267, HB 1499, HB 1554, and HB 1634 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1245: Reprs. Goetz, A. Hausauer, J. DeMers
HB 1267: Reprs. Haugen, A. Olson, P. DeMers
HB 1499: Reprs. Goetz, A. Hausauer, Tomac
HB 1554: Reprs. Aas, Martin, G. Berg
HB 1634: Reprs. Gorman, Kneil, Scherber

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

MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1283, HB 1302, HB 1323, HB 1352, and HB 1353 and subsequently passed the same.

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

MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1370, HB 1372, HB 1375, HB 1379, and HB 1387 and subsequently passed the same.

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

MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1389, HB 1424, HB 1451, HB 1462, and HB 1475 and subsequently passed the same.

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

MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1476, HB 1481, HB 1483, HB 1494, and HB 1495 and subsequently passed the same.

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

MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1498, HB 1526, HB 1527, HB 1538 and HB 1539 and subsequently passed the same.

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

MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1540, HB 1559, HB 1580, HB 1585, and HB 1621 and subsequently passed the same.

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

MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1631, HB 1657, HB 1666, and HB 1667 and subsequently passed the same.

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

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

SB 2153: Reprs. Clayburgh, Schatz, Carlson

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

MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1262, HB 1415, HCR 3040, HCR 3058, and HCR 3076 and subsequently passed the same.

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

MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1381 and subsequently failed to pass the same.

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1369 and HB 1558 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1369: Reprs. D. Olsen, Stenehjem, A. Williams

HB 1558: Reprs. Goetz, A. Hausauer, Tomac

REPORTS OF CONFERENCE COMMITTEES

MR. SPEAKER: Your Conference Committee to which was referred Engrossed HB 1039 has had the same under consideration and recommends that the SENATE RECEDE from the Senate amendments as found on page 1485 of the House Journal and that Engrossed HB 1039 be amended as follows:

Page 1, line 17, replace "provides emergency medical services for a" with "receives no compensation or who is paid expenses, reasonable benefits, nominal fees, or a combination of expenses, reasonable benefits, and nominal fees to perform the services for which the individual volunteered provided that the fees do not exceed twenty-four hundred dollars in any calendar year"

Page 1, remove lines 18 through 22

Page 2, line 1, remove "total payments per calendar year"

Renumber accordingly

For the Senate: Sens. Kelsh, Heinrich, Peterson

For the House: Reprs. Rydell, Clayburgh, P. DeMers

Engrossed HB 1039 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Conference Committee to which was referred Engrossed HB 1123 has had the same under consideration and recommends that the SENATE RECEDE from the Senate amendments as found on page 1438 of the House Journal.

For the Senate: Sens. Schoenwald, Krauter, Mutch

For the House: Reprs. R. Larson, Shide, Enget

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

MR. SPEAKER: Your Conference Committee to which was referred HB 1152 has had the same under consideration and recommends that the HOUSE ACCEDE to the Senate amendments as found on pages 750-751 of the Senate Journal.

For the Senate: Sens. Hanson, Maxson, Stenehjem

For the House: Reprs. Bernstein, Clayburgh, Huether

HB 1152 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Conference Committee to which was referred HB 1351 has had the same under consideration and recommends that the HOUSE ACCEDE to the Senate amendments as found on page 1308 of the House Journal and that HB 1351 be further amended as follows:

Page 1, line 12, after "request" insert "and shall identify the person or firm for whom or which the request is made and the intended recipient of the abstract"

Page 1, line 18, after "request" insert ", identifying the person or firm for whom or which the request is made, identifying the intended recipient of the abstract,"

Re-number accordingly

For the Senate: Sens. Hilken, Schoenwald, Nething
For the House: Reps. Belter, Bernstein, V. Thompson

Engrossed HB 1351 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Conference Committee to which was referred Engrossed HB 1614 has had the same under consideration and recommends that the HOUSE ACCEDE to the Senate amendments as found on page 1750 of the House Journal.

For the Senate: Sens. Hilken, O'Connell, Freborg
For the House: Reps. Myrdal, V. Olson, Ness

Engrossed HB 1614 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MOTIONS

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

REP. KLOUBEC MOVED that the House be on the Fourth order of business, and at the conclusion of the Fourth order, the House be on the Fifth order of business, and at the conclusion of the Fifth order, the House be on the Sixteenth order of business, and at the conclusion of the Sixteenth order, the House stand adjourned until 9:30 a.m., Tuesday, April 4, 1989, which motion prevailed.

COMMUNICATION

State of North Dakota
OFFICE OF THE GOVERNOR
Bismarck

April 3, 1989

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

Dear Mr. Speaker:

This is to inform you that on April 3, 1989, I signed the following: HB 1033, HB 1034, HB 1035, HB 1057, HB 1197, HB 1211, HB 1226, HB 1307, HB 1312, HB 1384, HB 1407, HB 1413, HB 1457, HB 1521, HB 1603, HB 1618.

Sincerely,

GEORGE A. SINNER
Governor

REPORTS OF STANDING COMMITTEES

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was referred HB 1662 has had the same under consideration and recommends by a vote of 14 YEAS, 9 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 2, line 1, after "employees" insert "who become" and after "employed" insert "as eligible employees"

Page 2, line 20, after the underscored period insert "An eligible employee on the effective date of this Act who transfers to or becomes employed in other eligible employment on or after the effective date of this Act is not subject to the reduction in the state contribution provided by subsection 2. All departments, boards, agencies, and institutions of the state shall pay monthly to the office of management and budget, pursuant to procedures prescribed by the office of management and budget, an amount equal to the general fund portion of the full monthly premium not paid by the state under subsection 2. The office of management and budget shall deposit monthly all payments received under this subsection in the general fund in the state treasury."

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The amendment clarifies that an eligible state employee's status does not change when transferring within state employment.

Also, the amendments provide that state agencies and institutions must pay to the Office of Management and Budget for deposit in the state general fund the general fund portion of the premium not paid by the state for those new employees subject to the provisions of this Act.

HB 1662 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 HCR 3086 has had the same under consideration and recommends by a vote of 8 YEAS, 5 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

HCR 3086 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 3087 has had the same under consideration and recommends by a vote of 9 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

HCR 3087 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary (Rep. Wentz, Chairman) to which was referred HCR 3089 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 3089 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was referred Engrossed SB 2001 has had the same under consideration and recommends by a vote of 22 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 13, replace "3,862,014" with "3,814,427"

Page 1, line 14, replace "1,714,584" with "1,662,171"

Page 1, line 17, replace "5,711,066" with "5,611,066"

Page 2, line 3, replace "9,653,188" with "9,553,188"

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 150 - LEGISLATIVE ASSEMBLY

The Legislative Assembly appropriation is reduced by \$100,000 from the general fund, \$47,587 for salaries and wages and \$52,413 for operating expenses. The \$100,000 reduction will reduce the estimated number of days the 1991 Legislative Assembly will meet by two days.

SB 2001 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was rereferred SB 2010 has had the same under consideration and recommends by a vote of 20 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING that the same DO PASS.

SB 2010 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was referred Engrossed SB 2021 has had the same under consideration and recommends by a vote of 22 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 14, replace "21,600" with "14,909"

Page 1, line 15, replace "923,707" with "786,611"

Page 1, line 16, replace "142,959" with "35,965"

Page 1, line 17, replace "215,825" with "115,825"

Page 1, line 19, replace "4,888,776" with "4,537,995"

Page 1, line 21, replace "3,688,186" with "3,337,405"

Page 2, remove line 2

Page 2, line 3, replace "351,204" with "397,204"

Page 2, line 4, replace "489,562" with "397,204"

Page 2, line 5, replace "4,177,748" with "3,734,609"

Page 2, line 7, replace "5,378,338" with "4,935,199"

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 701 - HISTORICAL SOCIETY

This amendment reduces all general fund increases provided by the Senate as follows:

Data processing	<u>\$ (6,691)</u>
Operating expenses	
Motor pool costs	\$ (9,000)
Exhibition and program activities	<u>(128,096)</u>
Total operating expenses	<u>\$ (137,096)</u>
Equipment	
Heritage Center security system	\$ (70,000)
Education and Interpretive Division equipment	(3,800)
State Archives and Historical Research	(18,835)
Library equipment	
Other equipment	<u>(14,359)</u>
Total equipment	<u>\$ (106,994)</u>
Capital improvements	<u>\$ (100,000)</u>
Total reductions	\$ (350,781)

DEPARTMENT 704 - INTERNATIONAL PEACE GARDEN

The capital improvements line item of \$138,358 relating to bond payments for Peace Garden construction projects is deleted because an appropriation for the bond payments is included in House Bill No. 1037.

The grants line item is increased by \$46,000 from the general fund, from \$351,204 to \$397,204, to provide additional funds to the International Peace Garden to purchase a computer and for replacement equipment.

SB 2021 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was referred Engrossed SB 2022 has had the same under consideration and recommends by a vote of 18 YEAS, 5 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 4, replace "section" with "sections 12.1-32-12 and"

Page 1, line 5, after the first "to" insert "penalties and sentencing and"

Page 1, line 7, after "agencies" insert "; and to repeal section 12.1-32-10 of the North Dakota Century Code, relating to mandatory parole components"

Page 1, line 20, replace "11,228,745" with "11,193,885"

Page 1, line 22, replace "2,795,123" with "701,497"

Page 2, line 1, replace "33,858,406" with "31,729,920"

Page 2, line 3, replace "24,283,509" with "22,155,023"

Page 2, line 8, replace "24,285,128" with "22,156,642"

Page 2, line 10, replace "33,860,025" with "31,731,539"

Page 2, after line 17, insert:

"SECTION 3. AMENDMENT. Section 12.1-32-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

12.1-32-12. Penalties, sentences, and parole for offenses unclassified and in other titles. Where an offense is defined by a statute or by the constitution without specification of its classification pursuant to section 12.1-32-01, the offense shall be punishable as provided in the statute or constitutional provision defining it, or:

1. If the offense is declared to be a felony, without further specification of punishment, it shall be punishable as if it were a class C felony.
2. If the offense is declared to be a misdemeanor, without further specification of punishment, it shall be punishable as if it were a class A misdemeanor.

The sentencing alternatives available under section 12.1-32-02 shall be available to a court sentencing an offender for commission of an offense defined by a statute outside this title. ~~The mandatory parole component provided by section 12.1-32-10 shall apply to sentences imposed for offenses defined by statutes outside this title."~~

Page 2, after line 29, insert:

"SECTION 5. REPEAL. Section 12.1-32-10 of the North Dakota Century Code is hereby repealed."

Reumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 530 - DEPARTMENT OF CORRECTIONS AND REHABILITATION

Operating expenses are decreased by \$34,860 from the general fund to provide funding for mileage expenses for court-ordered medical treatment for children at a rate of 20 cents per mile rather than 30 cents per mile. The Senate had provided \$104,580 from the general fund as a result of passage of Senate Bill No. 2298 which would have required this mileage cost to be paid by the state rather than the county. The House amended Senate Bill No. 2298 to limit the mileage rate to 20 cents per mile rather than the 30 cents allowed in the Senate version of the bill.

The capital improvements line item is reduced by \$2,093,626 from the general fund because an appropriation for the bond payments for State Penitentiary and State Industrial School projects is included in House Bill No. 1037. Of the \$2,093,626, \$349,454 is for the State Industrial School project and \$1,744,172 is for State Penitentiary projects.

The salaries and wages line item provides for increases equivalent to those provided for in House Bill No. 1005.

The amendment also repeals Section 12.1-32-10, which provides for mandatory parole components that if followed by the State Parole and Probation Department would increase the department's workload and require additional appropriation funds. The Parole and Probation Department has never implemented the components contained in Section 12.1-32-10. Because the proposed amendments repeal Section 12.1-32-10, Section 12.1-32-12 is amended to remove the reference to Section 12.1-32-10.

SB 2022 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was rereferred Reengrossed SB 2037 has had the same under consideration and recommends by a vote of 22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

In addition to the amendments to reengrossed Senate Bill No. 2037 adopted by the House as printed on pages 1561 and 1562 of the House Journal, reengrossed Senate Bill No. 2037 is amended as follows:

Page 1, line 1, remove "a new subsection to section 15-40.1-06,"

Page 1, line 2, remove the second comma

Page 1, line 4, remove "foundation aid payments for special education,"

Page 1, line 6, remove the comma

Page 1, line 8, remove the first comma

Page 1, remove lines 11 through 16

Reumber accordingly

SB 2037 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was rereferred Engrossed SB 2334 has had the same under consideration and recommends by a vote of 16 YEAS, 2 NAYS, 5 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 "to construct and operate" with "for"

Page 1, line 8, replace "and operate" with "or lease"

Page 1, delete line 11

Page 1, line 12, replace "115,160" with "\$36,000"

Page 1, line 15, replace "362,460" with "189,000"

Page 1, line 17, remove "\$36,000 of"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 601 - ECONOMIC DEVELOPMENT COMMISSION

This amendment deletes the salaries and wages (\$94,300) and operating expenses (\$79,160) to operate tourist information centers at Bowman, Williston, Fargo, and Grand Forks during the 1989-91 biennium. The remaining amount is to be used to construct centers at Bowman, Williston, and Grand Forks and to lease property at Fargo.

SB 2334 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was rereferred Engrossed SB 2382 has had the same under consideration and recommends by a vote of 16 YEAS, 5 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 21, replace "twenty" with "ten"

Page 2, line 6, replace "twenty" with "ten"

Page 2, line 7, after "thereof" insert "or from a political subdivision or agency thereof"

Page 2, line 8, replace "The" with "An"

Page 2, line 9, remove "state bar association shall appoint an" and replace "to" with "consisting of the lieutenant governor, the attorney general or the attorney general's designee, and the state court administrator shall"

Page 2, line 10, remove "The committee"

Page 2, remove lines 11 and 12

Page 2, line 13, remove "who qualify as eligible clients for legal assistance."

Page 2, line 15, remove "according to the following formula:"

Page 2, line 16, remove "1. At least ninety-five percent of the moneys must be distributed"

Page 2, remove lines 24 through 28

Page 3, line 11, replace "state bar association of North Dakota" with "advisory committee"

Renumber accordingly

SB 2382 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was rereferred Reengrossed SB 2399 has had the same under consideration and recommends by a vote of 14 YEAS, 8 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

In addition to the amendments to reengrossed Senate Bill No. 2399 adopted by the House as printed on page 1671 of the House Journal, reengrossed Senate Bill No. 2399 is further amended as follows:

Page 3, line 25, replace "twenty-five" with "fifty"

Page 4, line 29, replace "500,000" with "250,000"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 750 - PARKS AND RECREATION DEPARTMENT

This amendment increases the matching percentage an agency or organization contracting with the Parks and Recreation Department must contribute for Youth Conservation Corps services by 25 percent, from 25 percent to 50 percent. In addition, the general fund appropriation for the Youth Conservation Corps is reduced by \$250,000, from \$500,000 to \$250,000.

SB 2399 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 Engrossed SB 2518 has had the same under consideration and recommends by a vote of 10 YEAS, 5 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 18, remove "or any other"

Page 1, line 19, remove "provisions of this section"

Page 1, line 20, after "grant" insert "additional"

Page 2, line 1, remove "following"

Page 2, remove lines 2 through 5

Page 2, line 6, remove "2. The"

Page 2, line 9, replace "For property within city limits, the" with "The"

Page 2, line 10, replace "city" with "municipality"

Page 2, line 11, replace "city" with "municipality" and remove "For"

Page 2, remove lines 12 through 14

Re-number accordingly

Engrossed SB 2518 was placed on the Sixth 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 SCR 4066 has had the same under consideration and recommends by a vote of 9 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

SCR 4066 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 SCR 4069 has had the same under consideration and recommends by a vote of 9 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

SCR 4069 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

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

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following enrolled bills: SB 2043, SB 2045, SB 2048, SB 2098, SB 2121, SB 2141, SB 2176, SB 2178, SB 2218, SB 2231, SB 2251, SB 2296, SB 2306, SB 2314.

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

MR. PRESIDENT: The Speaker has signed: SB 2043, SB 2045, SB 2048, SB 2098, SB 2121, SB 2141, SB 2176, SB 2178, SB 2218, SB 2231, SB 2251, SB 2296, SB 2306, SB 2314.

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

ROY GILBREATH, Chief Clerk