

JOURNAL OF THE HOUSE

Fifty-first Legislative Assembly

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Bismarck, April 4, 1989

The House convened at 9:30 a.m., with Speaker Kretschmar presiding.

The prayer was offered by Rev. Richard Hagestuen, First Lutheran Church, Mandan.

The roll was called and all Representatives were present, except Representatives Brokaw and Flaagan.

A quorum was declared by the Speaker.

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

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

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
MR. SPEAKER: The President has signed and your signature is respectfully requested: SB 2079, SB 2220, SB 2361, SB 2365, SB 2398, SB 2410, SB 2416, SB 2440, SB 2449, SB 2462, SB 2497, SB 2500, SB 2532, SCR 4041, SCR 4047.

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 1005: Sens. Tallackson, Wogsland, Thane

HB 1022: Sens. Shea, Stromme, Lips

HB 1449: Sens. Maixner, O'Connell, David

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
MR. SPEAKER: The Senate has concurred in the House amendments to SB 2097, SB 2206, SB 2360, SB 2418, SB 2463, SB 2508, SB 2523 and subsequently passed the same.

The Senate does not concur in the House amendments to SB 2014 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2014: Sens. Mushik, Waldera, Thane

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WENTZ MOVED that the House do not concur in the Senate amendments to Engrossed HB 1185 as printed on page 1826 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 Engrossed HB 1185: Reps. Howard, Stenehjelm, Ulmer.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WENTZ MOVED that the House do not concur in the Senate amendments to HB 1446 as printed on pages 1827-1828 of the House Journal and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEES

THE SPEAKER APPOINTED as a Conference Committee on HB 1446: Reps. D. Larson, Wentz, Ring.

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1564: Reps. Murphy, Urlacher, Nelson.

REPORT OF CONFERENCE COMMITTEE

REP. R. LARSON MOVED that the conference committee report on Engrossed HB 1124 as printed on pages 1814-1815 of the House Journal be adopted, which motion prevailed.

Engrossed HB 1124, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1124: A BILL for an Act to create and enact a new subsection to section 26.1-36-32 and two new sections to chapter 26.1-36 of the North Dakota Century Code, relating to standards for medicare supplement insurance policies, filing requirements for medicare supplement insurance policy advertising, and noncustodial care coverage; and to amend and reenact subsection 4 of section 26.1-36-31 and section 26.1-36-34 of the North Dakota Century Code, relating to the definition of medicare supplement insurance policies and medicare supplement insurance policy loss ratio standards.

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; 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; 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; Stenehjelm; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Flaagan; Lang; Wentz

HB 1124 passed and the title was agreed to.

MOTION

REP. KLOUBEC MOVED that HB 1510 be placed at the foot of the Seventh order on the calendar, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

REP. RYDELL MOVED that the conference committee report on Engrossed HB 1039 as printed on page 1864 of the House Journal be adopted, which motion prevailed.

Engrossed HB 1039, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1039: A BILL for an Act to amend and reenact section 23-27-04.1 of the North Dakota Century Code, relating to emergency care or services rendered by officers, employees, or agents of ambulance service.

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; Frey; Gates; Gerhardt; Gerl; Gertholz; 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; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Flaagan; Hausauer, R.

HB 1039 passed and the title was agreed to.

REPORTS OF CONFERENCE COMMITTEES

REP. R. LARSON MOVED that the conference committee report on Engrossed HB 1123 as printed on page 1864 of the House Journal be adopted, which motion prevailed.

REP. BERNSTEIN MOVED that the conference committee report on HB 1152 as printed on page 1864 of the House Journal be adopted, which motion prevailed.

HB 1152, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1152: A BILL for an Act to create and enact a new section to chapter 44-08 of the North Dakota Century Code, relating to validation of certificates of acknowledgment; and to amend and reenact section 44-08-06 of the North Dakota Century Code, relating to the requirements of notary seals.

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, 1 NAY, 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; 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; 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: Melby

ABSENT AND NOT VOTING: Flaagan; Hausauer, R.; Nicholas; Nowatzki

HB 1152 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

REP. BELTER MOVED that the conference committee report on HB 1351 as printed on page 1865 of the House Journal be adopted, which motion prevailed.

HB 1351, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1351: A BILL for an Act to amend and reenact section 39-16-03 of the North Dakota Century Code, relating to driver's record abstracts.

ROLL CALL

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

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gorman; Graba; Halmrast; Hanson, L.; Haugland; Hausauer, A.; Hoffner; Hokana; Howard; Huether; Kaldor; Kelly; Kingsbury; Kloubec; Kolbo; Kouba; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martinson; Melby; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki;

Oban; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schmidt; Schneider; Shaft; Shockman; Skjerven; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Berg, G.; Gilmore; Goetz; Gunsch; Hanson, O.; Haugen; Jensen; Knell; Lang; Martin; Murphy; Olsen, D.; Schindler; Shide; Smette; Urlacher; Vander Vorst; Wald; Whalen

ABSENT AND NOT VOTING: Flaagan; Hausauer, R.

HB 1351 passed and the title was agreed to.

MOTION

REP. GATES MOVED that HB 1614 be placed at the foot of the Seventh order on the calendar, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS AND SENATE CONCURRENT RESOLUTIONS ON CONSENT CALENDAR

HCR 3086: A concurrent resolution directing the Legislative Council to study charitable gaming laws and rules and the need to establish a permanent legislative overview committee for charitable gaming issues.

HCR 3087: A concurrent resolution urging the Attorney General of North Dakota to request the United States District Court for the District of North Dakota to modify the district court's orders to minimize or eliminate the role of the court monitor that was created by the court in the case concerning the deinstitutionalization of developmentally disabled persons.

HCR 3089: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of regulating dial-a-porn telephone services.

SCR 4066: A concurrent resolution directing the Legislative Council to study the economic and social impact to North Dakota political subdivisions, agriculture, and businesses resulting from the increasing number of acres of land acquired by the federal and state governments.

SCR 4068: A concurrent resolution requesting the United States Congress to provide funds to construct bank protective works on the Missouri River downstream from the Garrison Dam and other Pick-Sloan dams.

SCR 4069: A concurrent resolution directing the Legislative Council to study state employee compensation levels and practices.

The question being on the final adoption of the resolutions, which have been read.

The resolutions were adopted on a voice vote.

MOTION

REP. KLOUBEC MOVED that the rules be suspended and that HCR 3086, HCR 3087, HCR 3089, SCR 4066, SCR 4068, and SCR 4069 be messaged to the Senate immediately, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WENTZ MOVED that the House do concur in the Senate amendments to Engrossed HB 1052 as printed on pages 1636-1637 of the House Journal, which motion prevailed.

Engrossed HB 1052, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1052: A BILL for an Act to create and enact four new sections to chapter 12.1-32 of the North Dakota Century Code, relating to suspended execution and deferred imposition of sentence and lengths of periods of probation, release, discharge, or termination of probation, records and statistical data regarding suspended execution and deferred imposition of sentence, and when a probationer is deemed an escapee; to amend and reenact sections 12-59-18, 12.1-32-02, 12.1-32-07, subsection 4 of section 12.1-32-09, sections 12.1-32-14, 29-26-22, 39-06-30, 39-06-42, 39-07-11, subdivision e of subsection 4 of section 39-08-01, sections 40-05-06, 40-18-13, and 62.1-02-01 of the North Dakota Century Code, relating to references to suspended execution or suspended imposition of sentence, sentencing alternatives in criminal cases, and restoration of property; and to repeal chapter 12-53 and section 12.1-32-06 of the North Dakota Century Code, relating to suspended sentences and incidents and conditions of probation.

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

NAYS: None

ABSENT AND NOT VOTING: Flaagan; Hausauer, R.; Peterson; Starke

HB 1052 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 1075 as printed on page 1637 of the House Journal, which motion prevailed.

Engrossed HB 1075, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1075: A BILL for an Act to provide for payments to political subdivisions from the board of university and school lands in lieu of property taxes for property obtained by the state of North Dakota as a result of foreclosure of a mortgage to the Bank of North Dakota; to provide an 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 100 YEAS, 1 NAY, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; 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; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Berg, G.

ABSENT AND NOT VOTING: Flaagan; Haugen; Hausauer, R.; Peterson; Ulmer

HB 1075 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 1078 as printed on page 1815 of the House Journal, which motion prevailed.

Engrossed HB 1078, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1078: A BILL for an Act to amend and reenact section 28-01-32 of the North Dakota Century Code, relating to the statute of limitations when a person is absent from the state.

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

NAYS: None

ABSENT AND NOT VOTING: Flaagan; Hausauer, R.; Peterson; Ulmer

HB 1078 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 Engrossed HB 1127 as printed on pages 1541-1542 of the House Journal, which motion prevailed.

Engrossed HB 1127, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1127: A BILL for an Act to create and enact a new section to chapter 25-04 of the North Dakota Century Code, relating to chapter limitations; to amend and reenact section 25-04-01 of the North Dakota Century Code as amended by section 1 of chapter 310 of the 1985 Session Laws of North Dakota, section 25-04-01 of the North Dakota Century Code as amended by section 1 of chapter 311 of the 1985 Session Laws of North Dakota, section 25-04-03 of the North Dakota Century Code as amended by section 3 of chapter 311 of the 1985 Session Laws of North Dakota, and subsection 3 of section 25-04-16 of the North Dakota Century Code, relating to the state developmental center at Grafton; and to repeal sections 25-04-03.1 and 25-04-05.2 of the North Dakota Century Code, section 25-04-03.1 of the North Dakota Century Code as amended by section 4 of chapter 311 of the 1985 Session Laws of North Dakota, and section 11 of chapter 311 of the 1985 Session Laws of North Dakota, relating to san haven and the organization of the department of human services.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 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; 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; 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; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Flaagan; Hausauer, R.; Mertens; Peterson; Ulmer

HB 1127 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 1292 as printed on page 1679 of the House Journal, which motion prevailed.

HB 1292, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1292: A BILL for an Act to create and enact a new section to chapter 53-06.1 of the North Dakota Century Code, relating to calcuttas as allowable games of chance; to amend and reenact sections 53-06.1-07 and 53-06.1-07.1 of the North Dakota Century Code, relating to calcuttas as allowable games of chance; 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 60 YEAS, 44 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Anderson, R.; Berg, G.; Berg, R.; Bernstein; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; Dorso; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gorman; Gunsch; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, R.; Hoffner; Hokana; Huether; Jensen; Kelly; Kloubec; Knell; Kolbo; Kouba; Larson, R.; Laughlin; Lindgren; Martinson; Murphy; Nelson; Oban; Olson, V.; Payne; Peterson; Ring; Scherber; Schneider; Shaft; Shockman; Skjerven; Soukup; Starke; Stenehjem; Thompson, V.; Timm; Tokach; Tomac; Ulmer; Urlacher; Wald; Watne; Williams, W.; Speaker Kretschmar

NAYS: Aarsvold; Aas; Anderson, B.; Belter; Brokaw; DeMers, P.; Enget; Gilmore; Goetz; Graba; Hanson, O.; Hausauer, A.; Howard; Kaldor; Kingsbury; Lang; Larson, D.; Marks; Martin; Melby; Myrdal; Ness; Nicholas; Nowatzki; Olsen, D.; Olson, A.; O'Shea; Rydell; Schatz; Schindler; Schmidt; Shide; Smette; Solberg; Sorensen; Stofferahn; Thompson, K.; Tollefson; Trautman; Vander Vorst; Wentz; Whalen; Wilkie; Williams, A.

ABSENT AND NOT VOTING: Flaagan; Mertens

HB 1292 passed, the title was agreed to, and the emergency clause lost.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. HAUGLAND MOVED that the House do concur in the Senate amendments to Engrossed HB 1368 as printed on pages 1679-1680 of the House Journal, which motion prevailed.

Engrossed HB 1368, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1368: A BILL for an Act to amend subsection 6 of section 50-11.1-02 of the North Dakota Century Code, relating to the definition of a family child care home for the purpose of requirements for early childhood services facilities.

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; 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; 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: Flaagan; Hausauer, R.

HB 1368 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. MARTINSON MOVED that the House do concur in the Senate amendments to HB 1537 as printed on page 1775 of the House Journal, which motion prevailed.

HB 1537, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1537: A BILL for an Act to create and enact a new section to chapter 23-01 of the North Dakota Century Code, relating to rulemaking authority of the state department of health and consolidated laboratories.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 70 YEAS, 34 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg, G.; Berg, R.; Bernstein; Christman; Dalrymple; Dorso; Enget; Gates; Gerhardt; Gerntholz; Goetz; Gorman; Gunsch; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hokana; Howard; Huether; Kloubec; Kneil; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Murphy; Myrdal; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Olson, V.; Payne; Peterson; Rydell; Schatz; Schindler; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjelm; Thompson, V.; Timm; Tokach; Tomac; Trautman; Urlacher; Vander Vorst; Wald; Wentz; Whalen; Williams, W.; Speaker Kretschmar

NAYS: Aas; Anderson, B.; Anderson, R.; Brokaw; Carlson; Clayburgh; DeMers, J.; DeMers, P.; Frey; Gerl; Gilmore; Graba; Hanson, O.; Hoffner; Jensen; Kaldor; Kelly; Kingsbury; Mertens; Nelson; Ness; Oban; O'Shea; Ring; Scherber; Schmidt; Schneider; Stofferahn; Thompson, K.; Tollefson; Ulmer; Watne; Wilkie; Williams, A.

ABSENT AND NOT VOTING: Flaagan; Hausauer, R.

HB 1537 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 1584 as printed on page 1646 of the House Journal.

MOTION

REP. ULMER MOVED a substitute motion that HB 1584 be laid over one legislative day, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. HAUGLAND MOVED that the House do concur in the Senate amendments to HB 1599 as printed on pages 1646-1647 of the House Journal, which motion prevailed.

HB 1599, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1599: A BILL for an Act to create and enact a new chapter to title 25 of the North Dakota Century Code, relating to licensing of residential treatment centers for children; to amend and reenact section 50-11-01.3 of the North Dakota Century Code, relating to the use of public funds for foster care; 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 102 YEAS, 0 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; 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.; O'Shea; Payne; Peterson; 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; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Flaagan; Olson, V.; Shockman; Whalen

HB 1599 passed, the title was agreed to, and the emergency clause carried.

REPORT OF CONFERENCE COMMITTEE

REP. LINDGREN MOVED that the conference committee report on HB 1510 as printed on page 1766 of the House Journal be adopted, which motion prevailed.

HB 1510, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1510: A BILL for an Act to create and enact a new section to chapter 58-04 and a new subsection to section 58-06-01 of the North Dakota Century Code, relating to preparation of a budget for the township at its annual meeting and expansion of the board of township supervisors from three to five members; and to amend and reenact sections 58-04-02 and 58-05-02 of the North Dakota Century Code, relating to special township meetings and officers of a township.

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; 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; Myrdal; Nelson; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; 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: Murphy; Ness; O'Shea; Shide; Stofferahn

ABSENT AND NOT VOTING: Flaagan; Shockman

HB 1510 passed and the title was agreed to.

MOTION

REP. KLOUBEC MOVED that the rules be suspended and that HB 1124, HB 1039, HB 1123, HB 1152, HB 1351, and HB 1510 be messaged to the Senate immediately, which motion prevailed.

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

MR. PRESIDENT: The House has failed to pass: SB 2120, SB 2130, SB 2303.

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

MR. PRESIDENT: The House has passed unchanged: SB 2046, SB 2055, SB 2078, SB 2089, SB 2105, SB 2110, SB 2131, SB 2135, SB 2145, SB 2216, SB 2238, SB 2245, SB 2271, SB 2281, SB 2286, SB 2292, SB 2294, SB 2295, SB 2301, SB 2310, SB 2319, SB 2328, SB 2344, SB 2347.

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1185, HB 1446, and HB 1564 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1185: Reps. Howard, Stenehjem, Ulmer

HB 1446: Reps. D. Larson, Wentz, Ring

HB 1564: Reps. Murphy, Urlacher, Nelson

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 3086, HCR 3087, HCR 3089.

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

MR. PRESIDENT: The House has passed unchanged: SCR 4066, SCR 4068, SCR 4069.

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.

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

MR. SPEAKER: The Senate has adopted the conference committee report on SB 2213, SB 2278, SB 2394, SB 2514, and HB 1144 and subsequently passed the same.

MOTION

REP. KLOUBEC MOVED that HB 1584 be placed at the head of the Seventh order on the calendar, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WENTZ MOVED that the House do concur in the Senate amendments to HB 1584 as printed on page 1646 of the House Journal, which motion prevailed.

HB 1584, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1584: A BILL for an Act to amend and reenact sections 23-06-27, 55-03-01.1, 55-03-02, 55-03-03, 55-03-04, and 55-03-07 of the North Dakota Century Code, relating to the unlawful opening of places of burial and the protection of cultural resources; to repeal section 55-03-05 of the North Dakota Century Code, relating to the unrestricted exploration for and excavation of cultural resources by a landowner; 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.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, 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: Flaagan; Wald

HB 1584 passed, the title was agreed to, and the emergency clause carried.

REPORT OF CONFERENCE COMMITTEE

REP. MYRDAL MOVED that the conference committee report on Engrossed HB 1614 as printed on page 1865 of the House Journal be adopted, which motion lost.

REP. GATES MOVED that the House do not concur in the Senate amendments to HB 1614 as printed on page 1750 of the House Journal and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a new Conference Committee on HB 1614: Reps. Myrdal, V. Olson, Ness.

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

MR. PRESIDENT: The House has adopted the conference committee report on HB 1039, HB 1123, HB 1124, HB 1152, HB 1351, and HB 1510 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 1052, HB 1075, HB 1078, HB 1127, HB 1368, HB 1537, and HB 1599 and subsequently passed the same.

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

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following enrolled bills and resolutions: SB 2079, SB 2220, SB 2361, SB 2365, SB 2398, SB 2410, SB 2416, SB 2440, SB 2449, SB 2462, SB 2497, SB 2500, SB 2532, SCR 4041, SCR 4047.

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

MR. PRESIDENT: The Speaker has signed: SB 2079, SB 2220, SB 2361, SB 2365, SB 2398, SB 2410, SB 2416, SB 2440, SB 2449, SB 2462, SB 2497, SB 2500, SB 2532, SCR 4041, SCR 4047.

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

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following enrolled bills and resolutions: HB 1008, HB 1030, HB 1076, HB 1126, HB 1167, HB 1181, HB 1207, HB 1213, HB 1249, HB 1266, HB 1276, HB 1281, HB 1284, HB 1295, HB 1298, HB 1321, HB 1421, HB 1489, HB 1668, HB 1671, HB 1673, HCR 3045, HCR 3046, HCR 3085.

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

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested: HB 1008, HB 1030, HB 1076, HB 1126, HB 1167, HB 1181, HB 1207, HB 1213, HB 1249, HB 1266, HB 1276, HB 1281, HB 1284, HB 1295, HB 1298, HB 1321, HB 1421, HB 1489, HB 1668, HB 1671, HB 1673, HCR 3045, HCR 3046, HCR 3085.

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

MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1584 and subsequently passed the same.

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

MR. PRESIDENT: The House has not adopted the conference committee report on HB 1614. The Speaker has appointed as a new conference committee to act with a like committee from the Senate on:

HB 1614: Reps. Myrdal, V. Olson, Ness

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1229, HB 1626.

SENATE AMENDMENTS TO ENGROSSED HB 1229

Page 1, line 1, after "Act" insert "to create and enact a new section to chapter 25-06 and a new section to chapter 25-07 of the North Dakota Century Code, relating to the appointment of the superintendents, budgets, staff, and reporting structure of the school for the blind and the school for the deaf;"

Page 1, line 6, after "instruction" insert "and institutions under the control of the director of institutions"

Page 1, line 13, after "district" insert "the department of corrections and rehabilitation,""

Page 1, line 15, after "board" insert "the department of corrections and rehabilitation,""

Page 2, line 8, after "board" insert "the department of corrections and rehabilitation,""

Page 2, line 12, after "board" insert "the department of corrections and rehabilitation,""

Page 2, line 16, after "board" insert "the department of corrections and rehabilitation,""

Page 3, line 2, after "district" insert "the department of corrections and rehabilitation,""

Page 3, line 9, after "board" insert "the department of corrections and rehabilitation,""

Page 3, line 13, after "board" insert "the department of corrections and rehabilitation,""

Page 4, after line 21, insert:

"SECTION 4. A new section to chapter 25-06 of the North Dakota Century Code is hereby created and enacted to read as follows:

School for the blind - Appointment of superintendent, budget, staff, and reporting structure. The superintendent of the school for the blind is appointed by and reports to the superintendent of public instruction. The school for the blind must have a separate budget and separate staff from the department of public instruction."

Page 5, line 17, after "blindness" insert "and other handicaps"

Page 6, after line 28, insert:

"SECTION 10. A new section to chapter 25-07 of the North Dakota Century Code is hereby created and enacted to read as follows:

School for the deaf - Appointment of superintendent, budget, staff, and reporting structure. The superintendent of the school for the deaf is appointed by and reports to the superintendent of public instruction. The school for the deaf must have a separate budget and separate staff from the department of public instruction."

Page 7, line 6, overstrike "penitentiary,"

Page 7, line 7, overstrike the first "the", remove "state developmental center", and overstrike ", the North Dakota"

Page 7, line 8, overstrike "industrial school, and san haven" and insert immediately thereafter "department of corrections and rehabilitation and state radio communications"

Page 7, line 15, after "shall" insert "report to the superintendent and must"

Page 7, line 18, after the period insert "The state library is an autonomous agency and retains a budget and staff separate from that of the superintendent of public instruction."

Page 9, line 16, replace "1990" with "1991"

Re-number accordingly

SENATE FLOOR AMENDMENTS TO ENGROSSED HB 1229

In addition to the amendments to engrossed House Bill No. 1229 adopted by the Senate as printed on pages 1314-1315 of the Senate Journal, engrossed House Bill No. 1229 is further amended as follows:

Page 1, line 1, after the second comma insert "and"

Page 1, line 2, replace the first comma with "of the North Dakota Century Code, section 25-04-01 of the North Dakota Century Code as amended by section 1 of chapter 310 of the 1985 Session Laws of North Dakota and section 25-04-01 of the North Dakota Century Code as amended by section 1 of chapter 311 of the 1985 Session Laws of North Dakota, sections"

Page 1, line 6, after "instruction" insert "and to change the name of the state developmental center at Grafton"

Page 4, after line 21, insert:

"SECTION 4. AMENDMENT. Section 25-04-01 of the North Dakota Century Code as amended by section 1 of chapter 310 of the 1985 Session Laws is hereby amended and reenacted to read as follows:

25-04-01. ~~State developmental~~ Developmental center - Maintained - Name - Administration and control. An institution for the mentally deficient shall A facility for developmentally disabled persons must be maintained at or near the city of Grafton in the county of Walsh County. ~~Such institution shall~~ The facility must be known and designated as the state developmental center at Grafton. There shall be maintained near Bunsenth, in the county of Rolette, a division of the state developmental center at Grafton which shall be known as San Haven- The department of human services has administrative authority and control of the developmental center at Grafton.

SECTION 5. AMENDMENT. Section 25-04-01 of the North Dakota Century Code as amended by section 1 of chapter 311 of the 1985 Session Laws of North Dakota is hereby amended and reenacted to read as follows:

25-04-01. State school Developmental center - Name - Administration and control. An institution for the developmentally disabled shall A facility for developmentally disabled persons must be maintained at or near the city of Grafton in the county of Walsh County. The institution shall facility must be known and designated as Grafton state school the developmental center at Grafton. There shall be maintained near Bunsenth, in the county of Rolette, a division of the Grafton state school which shall be known as San Haven- The department of human services shall have administrative authority and control of Grafton state school and San Haven the developmental center at Grafton."

Page 7, line 5, overstrike "and in"

Page 7, line 6, overstrike "title 25"

ReNUMBER accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1626

In lieu of the amendments to engrossed House Bill No. 1626 adopted by the Senate as printed on pages 1241-1242 of the Senate Journal, engrossed House Bill No. 1626 is amended as follows:

Page 1, line 3, replace "provide an appropriation" with "amend and reenact subsection 4 of section 63-01.1-06.2 of the North Dakota Century Code, relating to expenditures for leafy spurge control"

Page 1, after line 13, insert:

"SECTION 2. AMENDMENT. Subsection 4 of section 63-01.1-06.2 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4. Any legislative appropriation for the leafy spurge control program of sections 63-01.1-06.1 through 63-01.1-06.3 shall be expended for reimbursement of the cost of leafy spurge control according to this section to private landowners, including lessees, tenants, renters, or operators of private land, county weed boards, or cities, and for other leafy spurge programs as the commissioner determines to be necessary. No expenditure pursuant to legislative appropriations for leafy spurge control shall be made related to private land if the land is owned or leased by a corporation or if a corporation is an owner of any easement or right of way on that private land unless the corporation is a domestic corporation meeting the requirements of section 10-06-07."

Page 1, remove lines 14 through 19

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 602 - AGRICULTURE DEPARTMENT

This amendment deletes the \$500,000 general fund appropriation for noxious weed control since there are other bills providing for noxious weed control and amends current law to provide that state appropriations for leafy spurge control cannot be used on land that is owned or leased by a nondomestic corporation. House Bill No. 1001, Agriculture Department, contains a \$540,000 general fund appropriation for noxious weed control and Senate Bill No. 2274 contains a \$1.2 million special fund appropriation for noxious weed control.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
MR. SPEAKER: The Senate has failed to pass: HB 1658, HCR 3011, HCR 3084.

MOTION

REP. KLOUBEC MOVED that the House be on the Fourteenth order of business beginning with SB 2461, which motion prevailed.

SECOND READING OF SENATE BILL

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

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 101 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; 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.; Hoffner; Hokana; Howard; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrda; 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; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Huether; Whalen

ABSENT AND NOT VOTING: Dalrymple; Flaagan; Hausauer, R.

SB 2461 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2465: A BILL for an Act to authorize wiretapping and eavesdropping in felony drug offense investigations; to create and enact a new section to chapter 19-03.1 of the North Dakota Century Code, relating to penalties for drug offenses involving certain aggravating factors; and to provide a penalty.

ROLL CALL

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

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

NAYS: Anderson, B.; Carlson; DeMers, J.; DeMers, P.; Gerl; Graba; Hoffner; Hokana; Jensen; Kolbo; Nelson; Oban; Ring; Scherber; Schneider; Stofferahn; Thompson, V.; Ulmer; Watne

ABSENT AND NOT VOTING: Flaagan; Kloubec

SB 2465 passed and the title was agreed to.

THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative Olaf Opedahl

SECOND READING OF SENATE BILLS

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

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 57 YEAS, 46 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Anderson, R.; Berg, R.; Brokaw; Carlson; Christman; Clayburgh; DeMers, J.; Frey; Gates; Gerl; Gerntholz; Gorman; Graba; Halmrast; Hanson, L.; Haugland; Hausauer, A.; Hoffner; Huether; Jensen; Kaldor; Kelly; Kolbo; Kouba; Larson, R.; Laughlin; Lindgren; Martin; Martinson; Mertens; Ness; Nicholas; Nowatzki; Oban; Olson, V.; O'Shea; Ring; Rydell; Schatz; Schindler; Shockman; Solberg; Starke; Stofferahn; Thompson, V.; Tokach; Tomac; Ulmer; Urlacher; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Aas; Belter; Berg, G.; Bernstein; Dalrymple; DeMers, P.; Dorso; Enget; Gerhardt; Gilmore; Goetz; Gunsch; Hanson, O.; Haugen; Hausauer, R.; Hokana; Howard; Kingsbury; Knell; Lang; Larson, D.; Marks; Melby; Murphy; Myrdal; Nelson; Olsen, D.; Olson, A.; Payne; Scherber; Schmidt; Schneider; Shaft; Shide; Skjerven; Smette; Sorensen; Soukup; Stenehjem; Thompson, K.; Timm; Tollefson; Trautman; Vander Vorst; Wald; Whalen

ABSENT AND NOT VOTING: Flaagan; Kloubec; Peterson

SB 2470 passed and the title was agreed to.

SB 2482: A BILL for an Act to amend and reenact section 53-06.1-03 of the North Dakota Century Code, relating to local authorization for public-spirited organizations to conduct raffles or bingo.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 71 YEAS, 32 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, R.; Berg, G.; Berg, R.; Bernstein; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Frey; Gates; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Halmrast; Hanson, L.; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Huether; Jensen; Kaldor; Kelly; Kouba; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Mertens; Murphy; Ness; Nicholas; Nowatzki; Oban; Olson, V.; O'Shea; Payne; Ring; Rydell; Schatz; Schneider; Shaft; Shockman; Skjervan; Smette; Solberg; Sorensen; Starke; Stenehjem; Stofferahn; Thompson, V.; Timm; Tokach; Tomac; Ulmer; Urlacher; Wald; Watne; Wentz; Williams, W.; Speaker Kretschmar

NAYS: Aas; Anderson, B.; Belter; Brokaw; Gerhardt; Gunsch; Hanson, O.; Haugen; Haugland; Howard; Kingsbury; Knell; Kolbo; Lang; Larson, D.; Melby; Myrdal; Nelson; Olsen, D.; Olson, A.; Scherber; Schindler; Schmidt; Shide; Soukup; Thompson, K.; Tollefson; Trautman; Vander Vorst; Whalen; Wilkie; Williams, A.

ABSENT AND NOT VOTING: Flaagan; Kloubec; Peterson

SB 2482 passed and the title was agreed to.

SB 2483: A BILL for an Act to adopt the Uniform Determination of Death Act, relating to the legal requirements for determination of death, and to provide notice in case of imminent death.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 93 YEAS, 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; 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; Knell; Kolbo; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martinson; 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; Skjervan; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Hanson, O.; Kingsbury; Kouba; Lang; Martin; Melby; Schindler; Urlacher; Wald; Whalen

ABSENT AND NOT VOTING: Flaagan; Kloubec; Peterson

SB 2483 passed and the title was agreed to.

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

ROLL CALL

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

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; 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; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Ring; 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: Kingsbury; Murphy

ABSENT AND NOT VOTING: Flaagan; Gerl; Kloubec; Mertens; Peterson; Rydell

SB 2491 passed and the title was agreed to.

SB 2499: A BILL for an Act to create and enact a new subsection to section 57-51.1-03 of the North Dakota Century Code, relating to an exemption from the oil extraction tax for a well requiring a work-over project.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 23 YEAS, 80 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson, R.; Enget; Gerhardt; Gilmore; Goetz; Hanson, O.; Haugen; Hokana; Kolbo; Marks; Martin; Nelson; Scherber; Schmidt; Shide; Solberg; Sorensen; Urlacher; Wald; Wentz; Whalen; Williams, W.

NAYS: Aarsvold; Anderson, B.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Frey; Gates; Gerntholz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Martinson; Melby; Mertens;

Murphy; Myrdal; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Ring; Rydell; Schatz; Schindler; Schneider; Shaft; Shockman; Skjerven; Smette; Soukup; Starke; Stenehjelm; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Watne; Wilkie; Williams, A.; Speaker Kretschmar

ABSENT AND NOT VOTING: Flaagan; Gerl; Peterson

SB 2499 lost.

SB 2502: A BILL for an Act to create and enact a new section to chapter 39-08 of the North Dakota Century Code, relating to the installation of ignition interlock devices, and the seizure, forfeiture, and sale of motor vehicles for alcohol-related traffic offenses.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 86 YEAS, 15 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, R.; Bernstein; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Frey; Gerhard; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Howard; Jensen; Kaldor; Kelly; Kingsbury; Kloube; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Myrdal; Nelson; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Ring; Rydell; Schatz; Schindler; Schneider; Shaft; Shide; Shockman; Smette; Solberg; Sorensen; Soukup; Stofferahn; Thompson, K.; Timm; Tokach; Tollefson; Tomac; Trautman; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Berg, G.; Brokaw; Haugen; Hokana; Huether; Murphy; Ness; Olson, V.; O'Shea; Scherber; Schmidt; Skjerven; Starke; Stenehjelm; Thompson, V.

ABSENT AND NOT VOTING: Flaagan; Gates; Gerl; Peterson; Ulmer

SB 2502 passed and the title was agreed to.

SB 2510: A BILL for an Act to amend and reenact section 16.1-10-04 of the North Dakota Century Code, relating to false publication in political advertising.

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.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Frey; Gates; Gerhard; 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, 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: Flaagan; Gerl; Olson, A.; Peterson

SB 2510 passed and the title was agreed to.

SB 2526: A BILL for an Act to amend and reenact subsection 1 of section 57-02-01 of the North Dakota Century Code, relating to the definition of agricultural property for assessment purposes; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 102 YEAS, 0 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; 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; 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: Dorso; Flaagan; Nicholas; Peterson

SB 2526 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WENTZ MOVED that the House do not concur in the Senate amendments to HB 1365 as printed on pages 1727-1728 of the House Journal and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1365: Reps. D. Larson, Wentz, Ring.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. NICHOLAS MOVED that the House do concur in the Senate amendments to HB 1444 as printed on pages 1746-1748 of the House Journal, which motion prevailed.

HB 1444, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1444: A BILL for an Act to create and enact a new subsection to section 6-08.1-02, a new subsection to section 6-08.1-03, and sections 6-09.10-10 and 6-09.10-11 of the North Dakota Century Code, relating to disclosure of customer information by financial institutions, mediation records and meetings, and authority to receive and expend federal funds; to amend and reenact sections 6-09.10-03, 6-09.10-04, 6-09.10-04.1, 6-09.10-05, and subsection 3 of section 6-09.10-08.5 of the North Dakota Century Code, relating to fees charged for assistance provided to farmers and creditors, changing the name of the farm credit counseling program, compensation for credit review board members, requests for assistance, and liability; 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.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; 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; 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: Flaagan; Peterson

HB 1444 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 HB 1640 as printed on pages 1800-1802 of the House Journal, which motion prevailed.

HB 1640, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1640: A BILL for an Act to create and enact a new section to chapter 11-10 of the North Dakota Century Code, relating to the salary and the office of the county superintendents of schools; to amend and reenact subsection 1 of section 11-08-08, sections 11-08-10, 11-08-13, sections 15-22-01, 15-22-02, 15-22-04, 15-22-09, and 15-22-25 of the North Dakota Century Code, relating to election, duties, and joint sharing by counties of county superintendents of schools; to repeal subsection 5 of section 11-08-06, section 11-09-24, subsection 9 of section 11-10-02, subsection 9 of section 11-10-06, sections 15-22-06, 15-22-08, and 15-22-24 of the North Dakota Century Code, relating to election of the county superintendent of schools, deputies, power of the county superintendent of schools to administer oaths, and contracts for services of the county superintendent of schools; and to provide for transition and 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 99 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; 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, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Aarsvold; Hanson, O.; Kaldor; Thompson, K.; Whalen

ABSENT AND NOT VOTING: Flaagan; Peterson

HB 1640 passed and the title was agreed to.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2014: Reps. Sorensen, Jensen, Kelly.

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.

HOUSE ENGROSSING AND ENROLLING REPORTS

The following bill was engrossed and enrolled: HB 1254.

The following bills and resolutions were engrossed and enrolled: HB 1262, HB 1415, HCR 3040, HCR 3058, HCR 3076.

The following bills were engrossed and enrolled: HB 1283, HB 1302, HB 1323, HB 1352, HB 1353, HB 1370, HB 1372, HB 1375, HB 1379, HB 1387, HB 1389, HB 1424, HB 1451, HB 1462, HB 1475, HB 1476, HB 1481, HB 1483, HB 1494, HB 1495, HB 1498, HB 1526, HB 1527, HB 1538, HB 1539, HB 1540, HB 1559, HB 1580, HB 1585, HB 1621, HB 1631, HB 1657, HB 1666, HB 1667.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was referred Engrossed SB 2002 has had the same under consideration and recommends by a vote of 20 YEAS, 3 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 3, remove the second "and" and after "27-07.1-04" insert ", and 27-24-04"

Page 1, line 5, after "courts" insert "and reimbursement for temporary judge appointments"

Page 1, line 16, replace "3,994,941" with "3,900,146"

Page 1, line 17, replace "140,000" with "102,500"

Page 1, line 18, replace "1,265,500" with "1,015,500"

Page 1, line 19, replace "156,000" with "116,000"

Page 1, line 20, replace "295,225" with "271,225"

Page 1, line 22, replace "5,893,666" with "5,447,371"

Page 2, line 2, replace "5,680,366" with "5,234,071"

Page 2, line 5, replace "12,581,553" with "12,211,842"

Page 2, line 6, replace "4,401,961" with "4,001,961"

Page 2, line 7, replace "219,975" with "156,975"

Page 2, line 8, replace "834,082" with "761,082"

Page 2, line 9, replace "18,037,571" with "17,131,860"

Page 2, line 11, replace "17,895,239" with "16,989,528"

Page 2, line 15, replace "212,130" with "176,582"

Page 2, line 16, replace "121,000" with "118,500"

Page 2, line 18, replace "335,130" with "297,082"

Page 2, line 20, replace "275,130" with "237,082"

Page 2, after line 20, insert:

"Subdivision 4.

COUNTY JUDGES' SALARIES

County judges' salaries	\$ 268,403
Total general fund appropriation	\$ 268,403"

Page 2, line 21, replace "23,850,735" with "22,729,084"

Page 2, line 23, replace "24,266,367" with "23,144,716"

Page 3, line 11, replace "sixty-three thousand eight" with "sixty-four thousand four"

Page 3, line 12, replace "seventy-one" with "sixty-three"

Page 3, line 13, replace "seven" with "six"

Page 3, line 14, replace "seventy-seven" with "forty-five", overstrike "and commencing on July 1,", remove "1990", and overstrike the second comma

Page 3, line 15, overstrike "each judge of the supreme court shall receive an annual salary of"

Page 3, line 16, remove "sixty-eight thousand three hundred forty-two"

Page 3, line 17, overstrike "dollars except that the chief justice of the supreme court shall receive an"

Page 3, line 18, overstrike "additional one thousand", remove "nine hundred one", and overstrike "dollars per"

Page 3, line 19, overstrike "annum"

Page 3, line 24, replace "fifty-eight" with "fifty-nine"

Page 3, line 25, replace "eight" with "four", replace "fifty" with "sixty-one", and overstrike "and commencing July 1,"

Page 3, line 26, remove "1990, an annual salary of sixty-two"

Page 3, line 27, remove "thousand three hundred eighty-one" and overstrike "dollars"

Page 4, line 5, replace "ninety-five" with "sixteen"

Page 4, line 6, remove "1989" and overstrike the comma

Page 4, line 7, replace "and one thousand four hundred seventy-nine dollars" with "1989"

Page 4, line 8, remove "per annum commencing July 1, 1990"

Page 4, line 14, remove "as of January 1, 1989"

Page 4, line 16, after the period insert "An increase in the salary of a county judge to maintain the eighty-five percent ratio to the salary of a district judge takes effect on the January first following the date the district judge's salary increase took effect."

Page 4, line 19, after the period insert "Of the amount paid to each county judge which is equal to eighty-five percent of the salary paid to a district court judge, the state shall pay ten percent of that amount beginning July 1, 1989."

Page 4, after line 22, insert:

"SECTION 7. AMENDMENT. Section 27-24-04 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

27-24-04. Compensation and expenses of persons appointed temporary judge - Reimbursement to counties.

1. A temporary judge appointed as provided in section 27-24-01 ~~shall~~ must receive as compensation for each day of service in the performance of duties under the appointment an amount equal to five percent of the gross monthly salary of a regularly elected or appointed judge of the court in which the temporary judge is to serve, or one-half of that daily compensation for services of one-half day or less. The compensation ~~shall~~ must be paid upon the certificate of the temporary judge that the services were performed for the number of days shown in the certificate, and ~~shall~~ must be paid in the same manner as the salaries of the regularly elected or appointed judges are paid.
2. A temporary judge appointed as provided in section 27-24-01 or assigned as provided in section 27-24-02 to serve outside the county in which the judge resides or maintains an office ~~shall~~ must receive, in addition to daily compensation, reimbursement for travel expenses necessarily incurred in the performance of duties as temporary judge. The expenses ~~shall~~ must be reimbursed upon the certification by the temporary judge that the expenses were actually incurred, in the same manner as like expenses of regularly elected or appointed judges are paid.
3. The state shall reimburse on a pro rata basis the county or counties for whom a county judge provides judicial services the salary paid to the judge by the county or counties during the period the county judge serves as temporary judge in a district court following appointment under section 27-24-01."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The amendments decrease the general fund appropriation in the engrossed bill by \$1,121,651. A schedule detailing the changes is as follows:

DEPARTMENT 180 - SUPREME COURT

	Salaries and Wages	Data Processing	Operating Expenses	Equipment	Judges Retirement	Total
Delete 1 staff attorney added in executive budget	\$ (88,558)					\$ (88,558)
Reduce funding to provide justices salary increases of nine percent effective July 1, 1989 (see following schedule)	(22,237)				\$ (8,000)	(30,237)
Change line items for judges retirement reduction relating to Senate changes	16,000				(16,000)	
Provide 50 percent of the increase included in the agencies' request over 1987-89 biennium amount for data processing and equipment		\$ (37,500)		\$ (40,000)		(77,500)
Reduced to provide a 10 percent increase in operating expenses over 1987-89 biennium			\$(250,000)			(250,000)
Subtotal	\$ (94,795)	\$ (37,500)	\$(250,000)	\$ (40,000)	\$ (24,000)	\$(446,295)

DEPARTMENT 185 - DISTRICT COURTS

	Salaries and Wages	Data Processing	Operating Expenses	Equipment	Judges Retirement	Total
Delete 6 FTEs added in executive budget (3 law clerks, two probation officers, and 1 secretary II. This provides 2 FTEs more than the 1987-89 number - 1 secretary II and 1 court reporter II)	\$(347,296)					\$(347,296)
Reduce funding to provide judges' salary increases of 7.1 percent effective July 1, 1989 (see following schedule)	(79,958)				\$ (15,457)	(95,415)

	Salaries and Wages	Data Processing	Operating Expenses	Equipment	Judges Retirement	Total
Change line items for judges' retirement reduction relating to Senate changes	\$ 57,543				\$ 157,543	
Reduced to provide a 10 percent increase in operating expenses over 1987-89 amount			\$1400,000			\$1400,000
Reduced to provide a 100 percent increase in equipment over 1987-89 amount				\$ 65,000		65,000
Subtotal	<u>\$157,543</u>		<u>\$1400,000</u>	<u>\$ 65,000</u>	<u>\$ 173,000</u>	<u>\$1905,711</u>

DEPARTMENT 183 - JUDICIAL CONDUCT COMMISSION

	Salaries and Wages	Data Processing	Operating Expenses	Equipment	Judges Retirement	Total
Delete 1 FTE added in executive budget	\$ (135,548)					\$ (135,548)
Reduce funding for operating expenses			\$ (2,500)			(2,500)
Subtotal	<u>\$ (135,548)</u>		<u>\$ (2,500)</u>			<u>\$ (138,048)</u>
<u>County Judges' salaries</u>						
Provides for the state to pay portion of county judges' salaries	\$ 268,403					\$ 268,403
Total changes - all general fund	<u>\$1231,651</u>	<u>\$ (137,500)</u>	<u>\$1652,500</u>	<u>\$1103,000</u>	<u>\$ (97,000)</u>	<u>\$1,121,651</u>

The following is a schedule comparing the justices' and judges' present salaries to the salaries contained in Senate Bill No. 2002 as introduced, amended by the Senate, and by these amendments:

	Present Salary	SB 2002 as Introduced ^a	Amended SB 2002 (Senate Version)	Amended Engrossed SB 2002 (House Version) ^b	House Version Percent Increase
Justices	\$59,140	\$70,000	1st yr. \$63,871 2nd yr. 68,342	\$64,463	9%
Chief Justice	60,785	72,000	1st yr. 65,648 2nd yr. 70,243	66,108 ¹	8.8% ¹
District court judges	55,519	65,000	1st yr. 58,850 2nd yr. 62,381	59,461	7.1%
Presiding district judges	56,835	66,600	1st yr. 60,245 2nd yr. 63,840	60,777 ²	6.9% ²

^aSalary effective July 1, 1989.

¹ The Chief Justice's salary is \$1,645 more than the justices' salaries, the same difference as provided in current law.

² The presiding judges' salaries are \$1,516 more than the district judges' salaries, the same difference as provided in current law.

Also, the amendment requires the state to pay 10 percent of the county judges' minimal salaries they are statutorily entitled to, 85 percent of the statutory district court judges' salaries. The proposed amendment appropriates \$268,403 from the general fund during the 1989-91 biennium for the state's portion of the county court judges' salaries.

Also, the amendment removes language added by the Senate that would keep the county court judges' minimum salary at 85 percent of a district court judges' salary as of January 1, 1989, and language is added providing that any county judges' salary increases provided as a result of an increase in the district judges' salaries will take effect on January 1 following the date the district judges' salary increases take effect.

Also, a section is added that requires the state to reimburse counties the salary amount paid to a county judge while serving as a temporary district court judge.

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

The proposed amendments provide for a general fund reduction to the Governor's budget of \$1,483,497.

SB 2002 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 2016 has had the same under consideration and recommends by a vote of 19 YEAS, 4 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 2, after "Dakota" insert "; to provide for a statement of legislative intent; and to declare an emergency"

Page 1, after line 19, insert:

"SECTION 2. LEGISLATIVE INTENT. It is the intent of the legislative assembly that \$820,000 of the capital improvements line item contained in section 1 of this Act be used as a continuation of the special contract program for state institutions. Once completed the highway department shall be under no responsibility to maintain these projects. If project costs exceed awarded amounts, the agencies receiving these funds are authorized to accept and expend gifts and grants to complete the projects.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 801 - HIGHWAY DEPARTMENT

This amendment adds a statement of legislative intent authorizing the Highway Department to accept \$820,000 of special projects at state institutions to be funded from the capital improvements line item, authorizes agencies to accept and expend other funds to complete projects, and declares an emergency.

SB 2016 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation (Rep. Timm, Chairman) to which was referred SCR 4071 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

SCR 4071 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

REPORTS OF CONFERENCE COMMITTEES

MR. SPEAKER: Your Conference Committee to which was referred HB 1455 has had the same under consideration and recommends that the SENATE RECEDE from the Senate amendments as found on page 1680 of the House Journal and that HB 1455 be amended as follows:

Page 1, line 18, replace "November" with "January"

Page 1, line 19, after "year" insert ". A teacher hired after January first has all the rights provided in section 15-47-27.1 except that only one evaluation is required during that school year"

Reumber accordingly

For the Senate: Sens. Mathern, O'Connell, Krebsbach

For the House: Reps. Schindler, D. Olsen, Wilkie

HB 1455 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 SB 2213 has had the same under consideration and recommends that the HOUSE RECEDE from the House amendments as found on page 1384 of the House Journal.

For the Senate: Sens. Hilken, O'Connell, Krebsbach

For the House: Reps. R. Berg, V. Olson, Aarsvold

SB 2213 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 SB 2278 has had the same under consideration and recommends that the HOUSE RECEDE from the House amendments as found on pages 1354-1355 of the House Journal and that SB 2278 be amended as follows:

Page 1, line 12, remove "making the required payment" and overstrike "within five years of initial eligibility or by"

Page 1, line 13, overstrike "July 1,", remove "1991", and overstrike ", whichever is later" and insert immediately thereafter "making the required payment"

Renumber accordingly

For the Senate: Sens. O'Connell, Kelsh, Peterson
For the House: Reps. Christman, Myrdal, L. Hanson (refused to sign)

SB 2278 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 SB 2394 has had the same under consideration and recommends that the HOUSE RECEDE from the House amendments as found on page 861 of the House Journal.

For the Senate: Sens. Axtman, Kinnoin, David
For the House: Reps. Martinson, Lindgren, Gilmore

Engrossed SB 2394 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 SB 2514 has had the same under consideration and recommends that the HOUSE RECEDE from the House amendments as found on page 1357 of the House Journal and that SB 2514 be amended as follows:

Page 4, line 5, after "device" insert "- Notice"

Page 5, after line 20, insert:

- "5. Within a reasonable time, but not later than one year after the termination of the period of an order or extension of an order, the judge to whom the application was presented shall cause to be served on the persons named in the order or application, and on any other party the notification of whom the judge determines is in the interest of justice, notice of:
 - a. The fact of the entry of the order.
 - b. The date of the entry and the period of authorized installation and use of the pen register or trap and trace device.
 - c. The fact that during the period of the order or extension information was obtained through use of the pen register or trap and trace device."

Renumber accordingly

For the Senate: Sens. J. Meyer, Nalewaja, Maxson
For the House: Reps. Stenehjem, Howard, Kolbo

Engrossed SB 2514 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

HOUSE ENGROSSING AND ENROLLING REPORT

The following bill was engrossed and enrolled: HB 1584.

SECOND READING OF SENATE BILL

SB 2527: A BILL for an Act to create and enact a new section to chapter 26.1-36 and a new section to chapter 54-52.1 of the North Dakota Century Code, relating to maternity benefit health insurance coverage for complications of pregnancy.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 70 YEAS, 34 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Belter; Berg, G.; Brokaw; Carlson; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Enget; Frey; Gerhardt; Gerl; Gerntholz; Gilmore; Graba; Gunsch; Halmrast; Hanson, L.; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Huether; Jensen; Kaldor; Kelly; Knell; Kolbo; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Mertens; Murphy; Nelson; Ness; Nowatzki; Oban; Olson, A.; Olson, V.; O'Shea; Peterson; Ring; Rydell; Scherber; Schneider; Shockman; Smette; Solberg; Sorensen; Starke; Stenehjem; Stofferahn; Thompson, V.; Tomac; Trautman; Ulmer; Vander Vorst; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Aas; Anderson, R.; Berg, R.; Bernstein; Christman; Dorso; Gates; Goetz; Gorman; Hanson, O.; Haugen; Howard; Kingsbury; Kloubec; Kouba; Lang; Melby; Myrdal; Olsen, D.; Payne; Schatz; Schindler; Schmidt; Shaft; Shide; Skjerven; Soukup; Thompson, K.; Timm; Tokach; Tollefson; Urlacher; Wald; Whalen

ABSENT AND NOT VOTING: Flaagan; Nicholas

SB 2527 passed and the title was agreed to.

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 2014: Reprs. Sorensen, Jensen, Kelly

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

MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1444 and HB 1640 and subsequently passed the same.

The House does not concur in the Senate amendments to HB 1365 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1365: Reprs. D. Larson, Wentz, Ring

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

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following enrolled bill: HB 1584.

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

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested: HB 1584.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. A. HAUSAUER MOVED that the House do not concur in the Senate amendments to HB 1479 as printed on page 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 1479: Reps. A. Hausauer, Timm, W. Williams.

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

MR. SPEAKER: The Senate respectfully requests the return of: HB 1259.

MOTION

REP. KLOUBEC MOVED that the House accede to the Senate's request for the return of HB 1259, which motion prevailed.

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

MR. PRESIDENT: We have the honor to respectfully return HB 1259 which the Senate has requested.

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

MR. SPEAKER: The Senate has concurred in the House amendments to SB 2085 and SB 2234 and subsequently passed the same.

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

HB 1369: Sens. J. Meyer, Stenehjem, Nalewaja

HB 1422: Sens. D. Meyer, Axtman, Krebsbach

HB 1554: Sens. Krauter, O'Connell, Moore

SIXTH ORDER OF BUSINESS

REP. A. HAUSAUER MOVED that the amendments to SB 2201 as recommended by the Committee on Finance and Taxation as printed on pages 1818-1820 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2201, as amended, was placed on the Fourteenth order of business on the calendar.

MOTION

REP. R. ANDERSON MOVED that the House waive the reading of the title to SB 2201, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2201: A BILL for an Act to amend and reenact section 57-38-29, subsections 2 and 6 of section 57-38-30.3, and subsection 2 of section 57-38-31 of the North Dakota Century Code, relating to individual income tax rates and filing methods; to repeal sections 57-38-01.15 and 57-38-34.2 of the North Dakota Century Code, relating to proration and itemization of deductions and filing of separate income tax returns; to provide an effective date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 83 YEAS, 22 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Christman; Clayburgh; Dalrymple; DeMers, P.; Dorso; Enget; Gates; Gerhardt; Gerntholz; Goetz; Gorman; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, V.; Timm; Tollefson; Tomac; Trautman; Urlacher; Vander Vorst; Wald; Watne; Wentz; Wilkie; Williams, A.; Speaker Kretschmar

NAYS: Brokaw; Carlson; DeMers, J.; Frey; Gerl; Gilmore; Graba; Gunsch; Halmrast; Howard; Knell; Martinson; Melby; Murphy; Ring; Shockman; Skjervem; Thompson, K.; Tokach; Ulmer; Whalen; Williams, W.

ABSENT AND NOT VOTING: Flaagan

SB 2201 passed, the title was agreed to, and the emergency clause carried.

MOTION

REP. KLOUBEC MOVED that the rules be suspended and that SB 2201 be messaged to the Senate immediately, which motion prevailed.

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1479 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1479: Reps. A. Hausauer, Timm, W. Williams

MOTION

REP. KLOUBEC MOVED that SB 2458 be placed at the head of the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2458: A BILL for an Act to create and enact chapter 57-39.3 of the North Dakota Century Code, relating to an in-lieu fee to be collected by out-of-state retailers making sales into North Dakota if federal legislation is adopted; to amend and reenact sections 57-39.2-02.1, 57-39.2-03.2, 57-39.2-08.2, 57-40.2-02.1, 57-40.2-03.2, 57-40.3-02, and 57-40.5-02 of the North Dakota Century Code, relating to sales, use, motor vehicle excise, and aircraft excise tax rates; 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 72 YEAS, 33 NAYS, 1 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.; Frey; Gates; Gerhardt; Gerntholz; Goetz; Gorman; Graba; Hanson, L.; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Kolbo; Kouba; Larson, D.; Larson, R.; Laughlin; Lindgren; Martin; Mertens; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Olson, V.; Payne; Peterson; Rydell; Schätz; Scherber; Schneider; Shaft; Shide; Smette; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, V.; Timm; Tollefson; Trautman; Urlacher; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Brokaw; Dorso; Enget; Gerl; Gilmore; Gunsch; Halmrast; Hanson, O.; Haugen; Howard; Knell; Lang; Marks; Martinson; Melby; Murphy; Myrdal; Nelson; Ness; Oban; O'Shea; Ring; Schindler; Schmidt; Shockman; Skjervem; Solberg; Thompson, K.; Tokach; Tomac; Ulmer; Vander Vorst; Whalen

ABSENT AND NOT VOTING: Flaagan

SB 2458 passed, the title was agreed to, and the emergency clause carried.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
MR. SPEAKER: The President has signed: HB 1584.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has amended and subsequently passed: SB 2201.

MOTION

REP. KLOUBEC MOVED that the rules be suspended and that SB 2458 be messaged to the Senate immediately, which motion prevailed.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has amended and subsequently passed: SB 2458.

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 1245: Sens. Robinson, Satrom, Ingstad
HB 1267: Sens. Richard, Maixner, Ingstad
HB 1499: Sens. Satrom, Dotzenrod, Moore
HB 1558: Sens. Richard, Dotzenrod, Tennefos
HB 1581: Sens. Satrom, Maixner, Moore
HB 1634: Sens. Robinson, Satrom, Tennefos

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
MR. SPEAKER: The Senate has concurred in the House amendments to SB 2400 and subsequently passed the same.

The Senate does not concur in the House amendments to SB 2237 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2237: Sens. Keller, Schoenwald, Nething

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

HB 1614: Sens. Hilken, O'Connell, Freborg

MOTIONS

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

REP. KLOUBEC MOVED that the House stand adjourned until 10:00 a.m., Wednesday, April 5, 1989, which motion prevailed.

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

ROY GILBREATH, Chief Clerk