

## JOURNAL OF THE HOUSE

## Fifty-fifth Legislative Assembly

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Bismarck, March 11, 1997

The House convened at 1:00 p.m., with Speaker Timm presiding.

The prayer was offered by the Rev. Dale Aleson, St. Alexius Hospital, Bismarck.

The roll was called and all members were present except Representatives Bernstein, Grosz, Jensen, Kunkel, and Renner.

A quorum was declared by the Speaker.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1079, HB 1098, HB 1146, HB 1160, HB 1161, HB 1167, HB 1169, HB 1223, HB 1234, HB 1238, HB 1323, HB 1357, HB 1371, HB 1384, HB 1387, HB 1428.

**SENATE AMENDMENTS TO HOUSE BILL NO. 1079**

Page 1, line 8, replace "B" with "C"

Renumber accordingly

**SENATE AMENDMENTS TO HOUSE BILL NO. 1098**

Page 1, line 15, remove "The board shall consider fully all written and oral"

Page 1, remove lines 16 and 17

Renumber accordingly

**SENATE AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1146**

Page 1, line 1, after the second comma insert "15-40.2-01, 15-40.2-04,"

Page 1, line 2, remove "subsection 2 of section 39-21-18, sections" and after "57-15-13" insert a comma

Page 1, line 5, replace "foundation aid" with "per student payments for cooperating and reorganized"

Page 1, line 6, remove "amounts after reorganization of" and replace "for students moving to new" with "procedures"

Page 1, line 7, remove "districts, vehicles that may be used as schoolbuses" and replace "levy decisions" with "levies"

Page 1, line 17, replace "after" with "before"

Page 1, line 22, remove "on or"

Page 1, line 23, replace "1" with "31"

Page 2, line 12, after "instruction" insert "and effective before July 1, 1997"

Page 2, after line 21, insert:

**"SECTION 3. AMENDMENT.** Section 15-40.2-01 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**15-40.2-01. Transfer of ~~pupils~~ students to other districts or institutions - Tuition agreements - Student discretion upon cessation of educational services.**

1. The school board of any district may send kindergarten, elementary, or high school ~~pupils~~ students into another school district or to an accredited institution of another state when, because of shorter distances and other conveniences, it is to the best interests of the school district to do so, and

in such instances the board may pay the tuition of ~~such pupils~~ the students to the district or institution to which they are sent. The school board may arrange, and when petitioned to do so by a majority of qualified electors of the district, shall arrange with the school boards of other districts or with the institutions, to send ~~pupils~~ students to such other districts or institutions who can be taught conveniently therein, and for the payment of their tuition and for furnishing and paying for their transportation to and from such other schools or institutions.

2. If a school district does not provide educational services to an entire grade level, the students in that grade level may attend school at a public school of their choice, outside their district of residence without going through the procedures outlined in section 15-40.2-05. The school district of residence shall pay tuition to the admitting school district. ~~A student may exercise the provisions of this subsection whether the school district of residence ceased to provide the required grade level before or after August 1, 1995. For purposes of determining whether educational services are provided to an entire grade level, the several school districts cooperating with each other for the joint provision of educational services under a plan approved by the superintendent of public instruction must be considered to be a single district.~~

**SECTION 4. AMENDMENT.** Section 15-40.2-04 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**15-40.2-04. Nonresident tuition payments mandatory - Payments are exclusive.**

1. a. Except as provided in this subsection, any school district that admits nonresident students to its schools, as provided by this chapter, shall charge tuition for those students. School districts have the option of charging tuition for nonresident students enrolled in an approved alternative education program. The whole amount of the tuition must be paid by the district from which the student is admitted, in accordance with section 15-40.2-03, or by the student's parent or guardian, in accordance with section 15-40.2-06.
- b. Except as otherwise provided, any school district that fails to charge and collect tuition for nonresident students as provided for in section 15-40.2-03 and this section shall forfeit foundation payments for those nonresident students for whom tuition is not paid. A school district may accept a nonresident student from another school district in this state which offers the same grade level as that in which the student is enrolled, without a charge and collection of tuition if a written agreement is made between the sending and receiving districts. For purposes of determining whether the same grade level is offered, the several school districts cooperating with each other for the joint provision of educational services under a plan approved by the superintendent of public instruction must be considered to be a single district. The written agreement must specify whether transportation is to be provided and if so, by which district. If a school district of residence does not provide transportation to the student, it may be provided by the admitting district and the admitting district is then entitled to state payments for the transportation of the student. No written agreement is necessary if the nonresident student is enrolled in an approved alternative education program for which no tuition is charged. A school district may accept a nonresident student described in section 15-40.3-07 from another school district in this state without a charge and collection of tuition and without a written agreement.
- c. No school district may charge or collect from any nonresident student, parent or guardian of a nonresident student, or the district of the student's residence, any registration, textbook, or laboratory fee, or any other fee or charge which is not charged to or for all resident students.
2. For purposes of subsection 1 and all statutory provisions relating to open enrollment, the member districts of a consortium must be treated as a single school district."

Page 3, line 10, after the period insert "For purposes of determining whether the grade level in which a student requires enrollment is offered, the several school districts cooperating with each other for the joint provision of educational services under a plan approved by the superintendent of public instruction must be considered to be a single district."

Page 3, remove lines 18 through 31

Page 4, remove lines 1 and 2

Renumber accordingly

#### **SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1160**

Page 1, line 4, replace the first "section" with "sections" and remove "subsection 3 of section 43-47-02, sections"

Page 2, remove lines 17 through 22

Renumber accordingly

#### **SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1161**

Page 1, line 1, after "to" insert "create a new section to chapter 43-41 of the North Dakota Century Code, relating to fees charged by the North Dakota board of social work examiners; to"

Page 5, line 20, overstrike "not subject to section"

Page 5, line 21, overstrike "44-04-18 and section 6 of article XI of the Constitution of North Dakota" and insert immediately thereafter "are not public records"

Page 6, line 10, overstrike "board shall require reexamination" and insert immediately thereafter "license expires and the person may not practice social work until the license is renewed"

Page 6, after line 13, insert:

"6. If a license has not been renewed as a result of nonpayment of the renewal fee or the failure of the licensee to present satisfactory proof of completion of the continuing education requirements, the applicant may renew the license within six months after the expiration of the previous license upon payment to the board of the amount of the renewal fee and by presenting satisfactory proof that the continuing education requirements have been met. The board may also charge a late fee. If a license is not renewed within six months after the expiration of the license, a new application for licensure must be made.

**SECTION 7.** A new section to chapter 43-41 of the North Dakota Century Code is created and enacted as follows:

**Fees.** The board shall set by rule all fees authorized by this chapter. The fees may not exceed the following amounts:

1. <u>Application fee</u>	<u>\$ 50.00</u>
2. <u>License fee</u>	<u>\$150.00</u>
3. <u>Renewal fee</u>	<u>\$100.00</u>
4. <u>Late fee</u>	<u>\$300.00"</u>

Renumber accordingly

#### **SENATE AMENDMENTS TO HOUSE BILL NO. 1167**

Page 1, line 1, after "sections" insert "40-57.3-02,"

Page 1, line 5, after "chance" insert "and moneys in a city visitors' promotion capital construction fund"

Page 1, after line 13, insert:

**"SECTION 2. AMENDMENT.** Section 40-57.3-02 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**40-57.3-02. City visitors' promotion fund - City visitors' promotion capital construction fund - Visitors' committee - Establishment - Purpose.** The governing body of any city which imposes a city tax pursuant to section 40-57.3-01 or 40-57.3-01.1 shall, as appropriate, establish a city visitors' promotion fund, a city visitors' promotion capital construction fund, and a visitors' committee. The visitors' committee shall serve as an advisory committee to the city governing body in administering the proceeds from the taxes available to the city under this chapter. The moneys in the visitors' promotion fund must be used generally to promote, encourage, and attract visitors to come to the city and use the travel and tourism facilities within the city. The moneys in the visitors' promotion capital construction fund must be used generally for tourism or the purchase, equipping, improving, construction, maintenance, repair, and acquisition of buildings or property consistent with visitor attraction or promotion. The committee shall consist of five members appointed by the governing body of the city. These appointees shall serve without compensation, except for reimbursement for necessary expenses. Committee members shall serve for a term of four years, except that two of those initially appointed must be appointed for an initial term of two years. Vacancies must be filled in the same manner as the initial appointment. The committee shall elect a chairperson and vice chairperson from among its members to serve for a term of two years."

Page 14, line 9, overstrike "or" and insert immediately thereafter ", an"

Page 14, line 10, after "permit" insert ", or a temporary employee employed through a temporary employment agency"

Page 17, line 25, overstrike "paddlewheel ticket" and after "~~exceed~~" insert "wager"

Page 17, line 27, overstrike "wagered paddlewheel ticket" and insert immediately thereafter "wager" and overstrike "price of the"

Page 17, line 28, overstrike "paddlewheel ticket" and insert immediately thereafter "wager" and overstrike "paddlewheel tickets" and insert immediately thereafter "a wager"

Page 17, line 31, overstrike "paddlewheel ticket" and insert immediately thereafter "wager"

Renumber accordingly

#### **SENATE AMENDMENTS TO HOUSE BILL NO. 1169**

Page 1, line 1, remove "and"

Page 1, line 2, remove "postsecondary"

Page 1, remove lines 7 through 10

Renumber accordingly

#### **SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1223**

Page 1, line 19, overstrike "fifteen" and insert immediately thereafter "twenty"

Page 2, line 27, overstrike "fifteen" and insert immediately thereafter "twenty"

Page 3, line 29, overstrike "fifteen" and insert immediately thereafter "twenty"

Page 4, line 11, overstrike "fifteen" and insert immediately thereafter "twenty"

Page 5, line 13, overstrike "fifteen" and insert immediately thereafter "twenty"

Page 5, line 19, replace "issurer" with "issuer"

Page 5, line 21, after "issuer" insert "upon the payment of any civil penalty assessed if the issuer appears and requests the return", replace "if" with "or the issuer furnishes", and replace "request is" with "self-addressed stamped envelope."

Page 5, remove line 22

Renumber accordingly

**SENATE AMENDMENTS TO HOUSE BILL NO. 1234**

Page 3, line 27, remove "which arrived in"

Page 3, line 28, remove "time to be considered by the county canvassing board"

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1238**

Page 1, line 15, remove overstrike over "~~a class B misdemeanor~~" and remove "an infraction"

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1323**

Page 1, line 11, replace "a present" with "an"

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1357**

Page 1, line 6, after "individual" insert ", with the intent to arouse, appeal to, or gratify that individual's lust, passions, or sexual desires,"

Page 2, remove lines 8 through 13

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1371**

Page 1, line 9, overstrike "prohibition" and insert immediately thereafter "regulation"

Page 1, line 10, replace "prohibition" with "regulation"

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1384**

Page 1, line 2, after "inspections" insert "of electrical installations" and replace "penalties imposed" with "administrative actions"

Page 1, line 19, replace "Reimbursement of costs" with "Civil proceedings"

Page 1, replace lines 21 through 24 with "criminal proceedings, the board may commence administrative or civil court proceedings as follows:"

1. The board may issue a cease and desist order against a person allegedly making or offering to make electrical installations in violation of section 43-09-09 or 43-09-09.2 based upon information provided to the board by its electrical inspectors or other persons, by investigation reports, affidavits, complaints of witnesses, or oral testimony given to the board at a regular or special board meeting. Violation of the cease and desist order may be considered by the court in issuing a temporary or permanent restraining order and in ordering the payment of costs and attorney's fees in proceedings authorized under this section.
2. The board may apply to the district court in the county in which the violations have occurred for a temporary or permanent injunction under chapter 32-06, enjoining persons from performing, advertising, or contracting for making electrical installations without a valid license issued by the board in violation of section 43-09-09 or 43-09-09.2. The court may not require a written undertaking, security, or bond as a basis for issuing any temporary or permanent restraining order under this section unless the court specifically orders and states the basis for requiring the security. Upon a determination that a violation of section 43-09-09 or 43-09-09.2 has occurred, the court may assess against the defendants the actual costs incurred and reasonable attorneys' fees necessary for the investigation and court proceedings against the unlicensed person.
3. After an administrative hearing has been conducted by the board under chapter 28-32, an appeal from an order of the board or from the assessment of costs and attorneys' fees may be taken to the district court under chapter 28-32.

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1387**

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 12.1-20 of the North Dakota Century Code, relating to prohibiting the facilitation of sexual acts in public; and to provide a penalty.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.** A new section to chapter 12.1-20 of the North Dakota Century Code is created and enacted as follows:

**Facilitation of sexual acts in public.**

1. As used in this section:
  - a. "Adult entertainment center" means any commercial facility at which motion pictures or videos that include explicit representations of sexual conduct are offered for viewing at that facility, but does not include the guest rooms of a hotel or motel.
  - b. "Sexual act" has the meaning prescribed in section 12.1-20-02.
  - c. "Sexual conduct" has the meaning prescribed in section 12.1-27.1-01.
2. It is an infraction for a person to willfully own, rent, lease, manage, or exercise control of any portion of an adult entertainment center if that portion contains:
  - a. Any partition between subdivisions of a room or area that has an opening, commonly known as a glory hole, that facilitates a sexual act between individuals on either side of the partition; or
  - b. A room, booth, stall, or partitioned portion of a room offered to individuals for a fee as an incident to viewing a video, motion picture, or similar entertainment, unless the room, booth, stall, or partitioned portion of the room has:
    - (1) At least one side open to an adjacent public space so that the area inside is visible to individuals in the adjacent public space; and
    - (2) The viewing area is lighted in a manner that the persons in that area are visible from the adjacent public space.
3. This section does not apply to an enclosure that is a private office space used by the owner, manager, or employees of the adult entertainment center if that office space is not held out or available to the public for the purpose of viewing a video, motion picture, or similar entertainment for a fee.
4. The department of health or the state's attorney having jurisdiction may bring an action to enjoin a pattern of violations of this section."

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1428**

Page 2, line 11, replace "otherwise indicated" with "contraindicated"

Renumber accordingly

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SCR 4056.

**HOUSE ENROLLING REPORT**

The following bills and resolutions were enrolled: HB 1154, HB 1225, HB 1237, HB 1255, HB 1265, HB 1299, HB 1315, HB 1349, HB 1424, HB 1466, HB 1470, HCR 3030, HCR 3032, HCR 3033, HCR 3037, and HMR 7001.

**HOUSE ENGROSSING AND ENROLLING REPORT**

The following bills were engrossed and enrolled: HB 1152 and HB 1178.

**SIXTH ORDER OF BUSINESS**

**REP. DORSO MOVED** that the amendments on the Sixth order of business to Engrossed SB 2052, SB 2057, Engrossed SB 2061, Engrossed SB 2136, Engrossed SB 2200, Engrossed SB 2351, and SB 2361 be adopted, which motion prevailed.

Engrossed SB 2052, SB 2057, Engrossed SB 2061, Engrossed SB 2136, Engrossed SB 2200, Engrossed SB 2351, and SB 2361, as amended, were placed on the Fourteenth order of business on the calendar.

**MOTION**

**REP. FREIER MOVED** that the House waive the reading of the title to Engrossed SB 2037, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2037:** A BILL for an Act to create and enact a new section to chapter 32-03 of the North Dakota Century Code, relating to the liability of the owner or operator of a railroad for injury of an individual riding on a locomotive or railroad car without authority from the owner or operator; to amend and reenact sections 49-05-06, 49-06-01, 49-09-04.2, 49-09-04.4, 49-10.1-14, and 49-11-21 of the North Dakota Century Code, relating to the regulation of railroads; and to repeal sections 49-09-04.1, 49-09-05, 49-09-08, 49-09-09, 49-09-11.1, 49-09-11.2, 49-09-11.3, 49-09-11.4, 49-09-11.5, 49-09-11.6, 49-09-11.7, 49-10.1-04, 49-10.1-06, 49-10.1-09, 49-11-10, 49-11-11, 49-11-12, 49-16-02, 49-16-03, 49-16-04, 49-16-05, 49-16-08, 49-16-11, and 49-17.2-31 of the North Dakota Century Code, relating to the regulation of railroads.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 84 YEAS, 9 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Axtman; Belter; Berg; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Dalrymple; DeKrey; Delzer; Devlin; Dorso; Drovda; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grumbo; Gulleon; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kempenich; Kerzman; Kilzer; Klein; Koppelman; Kretschmar; Kroeplin; Lloyd; Mahoney; Maragos; Martinson; Monson; Murphy; Nelson; Nicholas; Nichols; Nottestad; Oban; Olson; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjerm; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**NAYS:** Aarsvold; Callahan; Coats; Delmore; Kelsh, S.; Kliniske; Mickelson; Niemeier; Poolman

**ABSENT AND NOT VOTING:** Bernstein; Grosz; Jensen; Kunkel

Engrossed SB 2037, as amended, passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2239:** A BILL for an Act to provide for creation of a Devils Lake outlet management advisory committee.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 55 YEAS, 38 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Boehm; Boucher; Brandenburg; Callahan; Carlisle; Christenson; Clark; Coats; Delmore; Fairfield; Froseth; Gerntholz; Glassheim; Grumbo; Gulleon; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Johnson, D.; Kelsch, R.; Kelsh, S.; Kerzman; Kilzer; Koppelman; Kroeplin; Mahoney; Maragos; Martinson; Monson; Nelson; Nicholas; Niemeier; Nottestad; Oban; Olson; Renner; Rose; Sabby; Sandvig; Schmidt; Soukup; Stenehjerm; Svedjan; Sveen; Thoreson; Thorpe; Tollefson; Wardner; Warner; Wentz

**NAYS:** Axtman; Belter; Berg; Brown; Brusegaard; Byerly; Carlson; Christopherson; Dalrymple; DeKrey; Delzer; Devlin; Dorso; Drovda; Freier; Galvin; Gorder; Grande; Johnsen, C.; Keiser; Kempenich; Klein; Kliniske; Kretschmar; Lloyd; Mickelson; Murphy; Nichols; Poolman; Price; Rennerfeldt; Skarphol; Thompson; Torgerson; Wald; Weisz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Bernstein; Grosz; Jensen; Kunkel

Engrossed SB 2239, as amended, passed and the title was agreed to.

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## SECOND READING OF SENATE BILL

**SB 2370:** A BILL for an Act to create and enact a new section to chapter 11-10 of the North Dakota Century Code, relating to terms of office for county commissioners; and to provide an effective date.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Axtman; Belter; Berg; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovda; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroepelin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjerm; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Bernstein; Grosz; Jensen; Kunkel

SB 2370, as amended, passed and the title was agreed to.

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## MOTION

**REP. SVEEN MOVED** that the House reconsider its action whereby Engrossed SB 2152 passed.

## REQUEST

**REP. CARLSON REQUESTED** a recorded roll call vote on the motion to reconsider the action whereby Engrossed SB 2152 passed, which request was granted.

## ROLL CALL

The question being on the motion to reconsider the action whereby Engrossed SB 2152 passed, the roll was called and there were 60 YEAS, 32 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Axtman; Belter; Berg; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Carlson; Christopherson; Clark; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Drovda; Froseth; Galvin; Gerntholz; Glassheim; Grande; Gunter; Hausauer; Hawken; Jacobs; Johnsen, C.; Johnson, D.; Keiser; Kempenich; Klein; Kliniske; Koppelman; Kretschmar; Lloyd; Murphy; Nelson; Nicholas; Nottestad; Oban; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Schmidt; Skarphol; Stenehjerm; Svedjan; Sveen; Thoreson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**NAYS:** Aarsvold; Callahan; Carlisle; Christenson; Coats; Fairfield; Freier; Gorder; Grumbo; Gulleson; Hanson; Henegar; Huether; Kelsch, R.; Kelsh, S.; Kerzman; Kilzer; Kroepelin; Mahoney; Maragos; Martinson; Mickelson; Monson; Nichols; Niemeier; Olson; Sandvig; Soukup; Thompson; Thorpe; Tollefson; Torgerson

**ABSENT AND NOT VOTING:** Bernstein; Dorso; Grosz; Jensen; Kunkel

So the motion to reconsider the action whereby Engrossed SB 2152 passed, prevailed.



**SECOND READING OF SENATE BILL**

**SB 2152:** A BILL for an Act to amend and reenact sections 11-08-05, 11-08-07, 11-08-08, 11-08-09, 11-08-10, 11-08-13, 11-08-15, 11-09-18, 11-09-19, subsection 3 of section 11-09.1-05, section 11-10-02, subsection 3 of section 11-10.2-01, and section 11-15-01.1 of the North Dakota Century Code, relating to the election of sheriffs and state's attorneys.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 42 YEAS, 51 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Boehm; Brusegaard; Callahan; Carlisle; Christenson; Coats; Delzer; Fairfield; Freier; Galvin; Gorder; Grumbo; Gulleson; Hanson; Henegar; Johnsen, C.; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kilzer; Kretschmar; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nichols; Niemeier; Olson; Renner; Rose; Sandvig; Soukup; Thompson; Thorpe; Tollefson; Warner; Wilkie; Speaker Timm

**NAYS:** Axtman; Belter; Berg; Boucher; Brandenburg; Brown; Byerly; Carlson; Christopherson; Clark; Dalrymple; DeKrey; Delmore; Devlin; Dorso; Drovda; Froseth; Gerntholz; Glassheim; Grande; Gunter; Hausauer; Hawken; Huether; Jacobs; Johnson, D.; Kempenich; Klein; Kliniske; Koppelman; Kroeplin; Lloyd; Nelson; Nicholas; Nottestad; Oban; Poolman; Price; Rennerfeldt; Sabby; Schmidt; Skarphol; Stenehjem; Svedjan; Sveen; Thoreson; Torgerson; Wald; Wardner; Weisz; Wentz

**ABSENT AND NOT VOTING:** Bernstein; Grosz; Jensen; Kunkel

Engrossed SB 2152 was declared lost.

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**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4007:** A concurrent resolution urging the North Dakota Game and Fish Department to make a request of the Secretary of the Interior and the United States Fish and Wildlife Service to open the waterfowl hunting season by September 15 of each year.

The question being on the final passage of the resolution, which has been read, and has committee recommendation of DO PASS.

SCR 4007 was declared adopted on a voice vote.

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**SECOND READING OF SENATE BILL**

**SB 2036:** A BILL for an Act to amend and reenact sections 49-10.1-01, 49-10.1-02, and 49-10.1-03 of the North Dakota Century Code, relating to the regulation of railroads by the public service commission.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 91 YEAS, 2 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Axtman; Belter; Berg; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovda; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grumbo; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**NAYS:** Aarsvold; Gulleson

**ABSENT AND NOT VOTING:** Bernstein; Grosz; Jensen; Kunkel

Engrossed SB 2036 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2066:** A BILL for an Act to amend and reenact section 54-10-01 of the North Dakota Century Code, relating to payment of state auditor contracts and performance audit standards.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 91 YEAS, 2 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Axtman; Belter; Berg; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grumbo; Gulleston; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Johnsen, C.; Johnson, D.; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjøm; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**NAYS:** Keiser; Nichols

**ABSENT AND NOT VOTING:** Bernstein; Grosz; Jensen; Kunkel

SB 2066 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2074:** A BILL for an Act to require the workers compensation bureau to submit to independent performance audits on a biennial basis.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 87 YEAS, 6 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Axtman; Belter; Berg; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grumbo; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjøm; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Wentz; Wilkie; Speaker Timm

**NAYS:** Aarsvold; DeKrey; Gulleston; Kelsh, S.; Nichols; Weisz

**ABSENT AND NOT VOTING:** Bernstein; Grosz; Jensen; Kunkel

Engrossed SB 2074 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2080:** A BILL for an Act to amend and reenact section 61-16.1-38 of the North Dakota Century Code, relating to issuing temporary permits for dikes, dams, or other devices in cases of emergency.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Axtman; Belter; Berg; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjelm; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Bernstein; Fairfield; Grosz; Jensen; Kunkel

Engrossed SB 2080 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2084:** A BILL for an Act to amend and reenact subsection 3 of section 54-57-07 of the North Dakota Century Code, relating to the administrative hearings fund of the office of administrative hearings.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Axtman; Belter; Berg; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjelm; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Bernstein; Grosz; Jensen; Kunkel

SB 2084 passed and the title was agreed to.

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### THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative Doug Payne.

### SECOND READING OF SENATE BILL

**SB 2086:** A BILL for an Act to create and enact a new section to chapter 6-09.4 of the North Dakota Century Code, relating to the protection of service provided or made available by a political subdivision through a loan from the municipal bond bank or any other state agency or enterprise.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 1 NAY, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Axtman; Belter; Berg; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Gorder; Grande; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner;

Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjøm; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**NAYS:** Glassheim

**ABSENT AND NOT VOTING:** Bernstein; Grosz; Jensen; Kunkel

SB 2086 passed and the title was agreed to.

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## SECOND READING OF SENATE BILL

**SB 2087:** A BILL for an Act to amend and reenact subsection 1 of section 6-09.4-10 of the North Dakota Century Code, relating to the required debt service reserve of the municipal bond bank; and to declare an emergency.

## ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Axtman; Belter; Berg; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovda; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grumbo; Guleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjøm; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Bernstein; Grosz; Jensen; Kelsh, S.; Kunkel

SB 2087 passed, the title was agreed to, and the emergency clause was declared carried.

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## SECOND READING OF SENATE BILL

**SB 2104:** A BILL for an Act to amend and reenact section 61-02-08 of the North Dakota Century Code, relating to meetings of the state water commission.

## ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 83 YEAS, 9 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Axtman; Belter; Berg; Boehm; Brandenburg; Brown; Brusegaard; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovda; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grumbo; Guleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Lloyd; Mahoney; Martinson; Mickelson; Monson; Nelson; Nicholas; Nottestad; Olson; Poolman; Price; Renner; Rennerfeldt; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjøm; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Weisz; Wentz; Wilkie; Speaker Timm

**NAYS:** Aarsvold; Boucher; Callahan; Murphy; Nichols; Niemeier; Oban; Rose; Warner

**ABSENT AND NOT VOTING:** Bernstein; Grosz; Jensen; Kunkel; Maragos

SB 2104 passed and the title was agreed to.

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**THE HOUSE RECOGNIZED THE PRESENCE OF:**

Former Representative Mike Hamerlik.

**SECOND READING OF SENATE BILL**

**SB 2121:** A BILL for an Act to create and enact two new sections to chapter 21-02 of the North Dakota Century Code, relating to the validity and exemption from taxation of certificates of indebtedness; to amend and reenact sections 21-02-01, 21-02-02, 21-02-03, 21-02-05, 21-02-06, 21-02-07, 21-02-08, and 21-02-11 of the North Dakota Century Code, relating to certificates of indebtedness; to repeal sections 21-02-04, 21-02-09, 21-02-10, 21-02-12, and 21-02-13 of the North Dakota Century Code, relating to certificates of indebtedness; and to provide a penalty.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Axtman; Belter; Berg; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grumbo; Guleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjerm; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Bernstein; Grosz; Jensen; Kunkel

Engrossed SB 2121 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2144:** A BILL for an Act to amend and reenact section 18-11-15 of the North Dakota Century Code, relating to benefits under the alternate firefighters relief association plan.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 87 YEAS, 6 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Axtman; Berg; Boehm; Boucher; Brandenburg; Brown; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Coats; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grumbo; Guleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Jacobs; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjerm; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**NAYS:** Belter; Brusegaard; Clark; Dalrymple; DeKrey; Huether

**ABSENT AND NOT VOTING:** Bernstein; Grosz; Jensen; Kunkel

Reengrossed SB 2144 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2172:** A BILL for an Act to amend and reenact sections 4-22-17, 4-22-22, and 4-22-48 of the North Dakota Century Code, relating to the election of soil conservation district supervisors and consolidation of soil conservation districts.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Axtman; Belter; Berg; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grumbo; Gulleon; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjerm; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Bernstein; Grosz; Jensen; Kunkel

Engrossed SB 2172 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2199:** A BILL for an Act to create and enact a new section to chapter 40-47 and a new section to chapter 40-48 of the North Dakota Century Code, relating to conditions for approval of an amendment or modification of a zoning regulation or approval of a plat.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 88 YEAS, 4 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Axtman; Belter; Berg; Boehm; Boucher; Brandenburg; Brown; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Gorder; Grande; Grumbo; Gulleon; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Nelson; Nicholas; Nichols; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjerm; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**NAYS:** Aarsvold; Glassheim; Murphy; Niemeier

**ABSENT AND NOT VOTING:** Bernstein; Brusegaard; Grosz; Jensen; Kunkel

Engrossed SB 2199 passed and the title was agreed to.

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**MOTION**

**REP. DORSO MOVED** that Engrossed SB 2356 be placed at the top of the calendar, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2356:** A BILL for an Act to create and enact a new section to chapter 23-25 of the North Dakota Century Code, relating to the adoption of state ambient air quality rules and standards for sulfur dioxide that are more strict than federal standards; and to provide for retroactive application.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 66 YEAS, 26 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Axtman; Belter; Berg; Boehm; Brusegaard; Byerly; Carlson; Christopherson; Coats; Dalrymple; DeKrey; Delmore; Devlin; Dorso; Freier; Froseth; Gerntholz; Gorder; Grande; Grumbo; Gunter; Hausauer; Hawken; Huether; Jacobs; Johnsen, C.;

Johnson, D.; Kelsch, R.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Lloyd; Maragos; Mickelson; Monson; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Olson; Poolman; Price; Renner; Rennerfeldt; Sabby; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Tollefson; Torgerson; Wald; Wardner; Weisz; Wilkie; Speaker Timm

**NAYS:** Boucher; Brandenburg; Brown; Callahan; Carlisle; Christenson; Clark; Delzer; Drovdal; Fairfield; Galvin; Glassheim; Gulleson; Hanson; Henegar; Kelsh, S.; Mahoney; Martinson; Murphy; Oban; Rose; Sandvig; Schmidt; Thorpe; Warner; Wentz

**ABSENT AND NOT VOTING:** Bernstein; Grosz; Jensen; Keiser; Kunkel

Engrossed SB 2356 passed and the title was agreed to.

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#### **MOTION**

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

#### **MOTION**

**REP. FREIER MOVED** that the House be on the Fifth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Wednesday, March 12, 1997, which motion prevailed.

#### **REPORT OF STANDING COMMITTEE**

**SB 2196: Appropriations Committee (Rep. Dalrymple, Chairman)** recommends **DO PASS** (16 YEAS, 3 NAYS, 3 ABSENT AND NOT VOTING). SB 2196 was placed on the Fourteenth order on the calendar.

#### **REPORT OF STANDING COMMITTEE**

**SB 2371, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman)** recommends **DO PASS** (19 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2371 was placed on the Fourteenth order on the calendar.

#### **FIRST READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4056:** A concurrent resolution urging the State Department of Health to utilize its rulemaking authority to strengthen the remediation and long-term liability requirements for solid waste disposal.

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

#### **SIGNING OF BILLS AND RESOLUTIONS**

The Speaker signed the following enrolled resolution: HMR 7001.

#### **DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolution was delivered to the Secretary of State for his filing at the hour of 11:20 a.m., March 11, 1997: HMR 7001.

#### **DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolution was delivered to the Secretary of State for his filing at the hour of 12:51 p.m., March 11, 1997: HCR 3002.

#### **SIGNING OF BILLS AND RESOLUTIONS**

The Speaker signed the following enrolled bills and resolution: SB 2073, SB 2110, SB 2125, SB 2143, SCR 4008.

#### **MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)**

**MADAM PRESIDENT:** The Speaker has signed: SB 2073, SB 2110, SB 2125, SB 2143, SCR 4008.

#### **MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)**

**MADAM PRESIDENT:** The House has passed unchanged: SB 2010, SB 2288, SB 2373.

#### **MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)**

**MADAM PRESIDENT:** The House has amended and subsequently passed: SB 2033, SB 2072, SB 2089, SB 2116, SB 2117, SB 2118, SB 2120, SB 2157, SB 2272, SB 2331, SB 2343, SCR 4016.

#### **MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1093.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**  
**MR. SPEAKER:** The Senate has passed unchanged: HCR 3038.

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

**ROY GILBREATH, Chief Clerk**