

JOURNAL OF THE HOUSE

Fifty-fifth Legislative Assembly

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Bismarck, March 18, 1997

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

The prayer was offered by Lisa Ahlness, Lord of Life Lutheran Church, Bismarck.

The roll was called and all members were present except Representatives Aarsvold, Fairfield, Galvin, Huether, and R. Kelsch.

A quorum was declared by the Speaker.

MOTION

REP. D. JOHNSON MOVED that the House reconsider its action whereby Reengrossed SB 2260 passed but the emergency clause lost, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2260: A BILL for an Act to create and enact a new section to chapter 61-03 of the North Dakota Century Code, relating to removal, modification, or destruction of dangers in, on the bed of, or adjacent to a navigable lake; to amend and reenact section 57-28-09 of the North Dakota Century Code, relating to tax deeds issued to the state; and to declare an emergency.

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 88 YEAS, 4 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Axtman; Belter; Berg; Bernstein; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Devlin; Dorso; Drovdal; Freier; Froseth; Gerntholz; Glassheim; Gordier; Grande; Grosz; Grumbo; Guleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Maragos; Martinson; Mickelson; Monson; 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

NAYS: Boehm; Delzer; Mahoney; Murphy

ABSENT AND NOT VOTING: Aarsvold; Fairfield; Galvin; Huether; Kelsch, R.

Reengrossed SB 2260, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

SIXTH ORDER OF BUSINESS

REP. DORSO MOVED that the amendments on the Sixth order of business to Engrossed SB 2009, Engrossed SB 2013, SB 2021, SB 2056, SB 2132, SB 2145, Engrossed SB 2208, Engrossed SB 2210, Engrossed SB 2275, Engrossed SB 2301, Engrossed SB 2369, Engrossed SB 2380, and Engrossed SB 2384 be adopted, which motion prevailed.

Engrossed SB 2009, Engrossed SB 2013, SB 2021, SB 2056, SB 2132, SB 2145, Engrossed SB 2208, Engrossed SB 2210, Engrossed SB 2275, Engrossed SB 2301, Engrossed SB 2369, Engrossed SB 2380, and Engrossed SB 2384, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MOTION

REP. DORSO MOVED that in accordance with House Rule 601, Section 3(g), all bills acted upon on today's Sixth order of business would be moved to the Fourteenth order immediately for second reading and final passage, which motion prevailed.

ANNOUNCEMENT

THE CHIEF CLERK ANNOUNCED that the Governor's office delivered to the Speaker vetoed HB 1110, with the Governor's objections to same, at the hour of 4:45 p.m., on Friday, March 14, 1997.

MOTION

REP. DORSO MOVED that SB 2353 be placed at the bottom of the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2028: A BILL for an Act to create and enact a new section to chapter 50-06 of the North Dakota Century Code, relating to fetal alcohol syndrome; to amend and reenact section 15-11-35 and subsection 2 of section 50-06-05.3 of the North Dakota Century Code, relating to fetal alcohol syndrome; and to provide an appropriation.

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 46 YEAS, 47 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Boucher; Brandenburg; Carlisle; Christenson; Coats; Dalrymple; Delmore; Dorso; Glassheim; Grumbo; Guleson; Gunter; Hausauer; Hawken; Henegar; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsh, S.; Kerzman; Kilzer; Kliniske; Koppelman; Kretschmar; Kunkel; Mahoney; Maragos; Martinson; Nicholas; Niemeier; Nottestad; Oban; Poolman; Price; Rose; Sabby; Sandvig; Schmidt; Stenehjem; Svedjan; Sveen; Thoreson; Thorpe; Wentz; Wilkie

NAYS: Axtman; Belter; Berg; Bernstein; Boehm; Brown; Brusegaard; Byerly; Callahan; Carlson; Christopherson; Clark; DeKrey; Delzer; Devlin; Drovdal; Fairfield; Freier; Froseth; Gerntholz; Gorder; Grande; Grosz; Hanson; Jacobs; Kempenich; Klein; Kroepelin; Lloyd; Mickelson; Monson; Murphy; Nelson; Nichols; Olson; Renner; Rennerfeldt; Skarphol; Soukup; Thompson; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Speaker Timm

ABSENT AND NOT VOTING: Aarsvold; Galvin; Huether; Kelsch, R.

Reengrossed SB 2028, as amended, was declared lost.

MOTION

REP. DORSO MOVED that Engrossed SB 2032 be placed at the bottom of the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2054: A BILL for an Act to amend and reenact section 54-35-02.1 of the North Dakota Century Code, relating to the membership of the budget section and the legislative audit and fiscal review committee; and to declare an emergency.

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: Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Guleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroepelin; Kunkel; 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

ABSENT AND NOT VOTING: Aarsvold; Galvin; Huether; Kelsch, R.

SB 2054, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2070: A BILL for an Act to amend and reenact subdivision a of subsection 3 of section 57-02-08.3, subsection 2 of section 57-09-01, and subsection 2 of section 57-11-01 of the North Dakota Century Code, relating to when interest on a lien for homestead credit for special assessments begins to accrue and making the township clerk or city auditor responsible for publishing the notice of the annual meeting of the township board of equalization and of the annual meeting of the city board of equalization.

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: Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Guleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; 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

ABSENT AND NOT VOTING: Aarsvold; Galvin; Huether; Kelsch, R.

Engrossed SB 2070, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2101: A BILL for an Act to amend and reenact subsection 1 of section 52-11-01 of the North Dakota Century Code, relating to job service North Dakota and national guard retirement programs.

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 92 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Guleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsh, S.; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; 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

ABSENT AND NOT VOTING: Aarsvold; Galvin; Huether; Kelsch, R.; Kempenich

SB 2101, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2153: A BILL for an Act to create and enact section 12.1-20-03.1 of the North Dakota Century Code, relating to sexual abuse of certain minors; to amend and reenact section 12-60-16.6, subsection 11 of section 12.1-32-02, subsection 3 of section 12.1-32-06.1, subsection 1 of section 12.1-32-15, subsection 6 of section 27-20-51, sections 31-04-04.1, and 31-13-03 of the North Dakota Century Code, relating to information, sentencing, and evidence; and to provide a penalty.

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: Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleeson; Gunter; Hanson; Hausauer; Hawken; Henegar; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; 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: Aarsvold; Galvin; Huether; Kelsch, R.

Engrossed SB 2153, as amended, passed and the title was agreed to.

MOTION

REP. FREIER MOVED that the House waive the reading of the titles to Engrossed SB 2153 and Engrossed SB 2368, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2238: A BILL for an Act relating to performing rights societies.

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 91 YEAS, 2 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleeson; Gunter; Hanson; Hausauer; Hawken; Henegar; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kroeplin; Kunkel; 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; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

NAYS: Kretschmar; Thorpe

ABSENT AND NOT VOTING: Aarsvold; Galvin; Huether; Kelsch, R.

Engrossed SB 2238, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2281: A BILL for an Act to amend and reenact subsection 1 of section 14-17-18 of the North Dakota Century Code, relating to appointment of counsel in paternity proceedings; and to declare an emergency.

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 89 YEAS, 3 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleeson; Gunter; Hanson; Hausauer; Hawken; Henegar; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsh, S.;

Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Soukup; Stenehjelm; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

NAYS: Coats; Murphy; Wald

ABSENT AND NOT VOTING: Aarsvold; Galvin; Huether; Kelsch, R.; Skarphol

SB 2281, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2333: A BILL for an Act to create and enact a new section to chapter 24-05 of the North Dakota Century Code, relating to obstructions on a county or township road right of way.

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: Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Gerntholz; Glassheim; Gordier; Grande; Grosz; Grumbo; Guleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; 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: Aarsvold; Galvin; Huether; Kelsch, R.

Engrossed SB 2333, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2368: A BILL for an Act to create and enact a new section to chapter 16.1-03 of the North Dakota Century Code, relating to political party organization; to amend and reenact sections 16.1-03-01, 16.1-03-02, 16.1-03-03, 16.1-03-07, 16.1-03-08, 16.1-03-11, 16.1-03-12, 16.1-03-14, 16.1-11-03, and 16.1-11-30 of the North Dakota Century Code, relating to political party organization; and to repeal sections 16.1-03-04, 16.1-03-06, 16.1-03-09, 16.1-03-10, 16.1-03-13, 16.1-03-16, and 16.1-03-18, relating to political party organization.

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: Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Gerntholz; Glassheim; Gordier; Grande; Grosz; Grumbo; Guleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; 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: Aarsvold; Galvin; Huether; Kelsch, R.

Engrossed SB 2368, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2396: A BILL for an Act to provide for establishment and operation of the North Dakota low-risk incentive fund; and to provide a penalty.

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, 8 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

NAYS: Boehm; Dalrymple; Delzer; Devlin; Murphy; Nichols; Thorpe; Warner

ABSENT AND NOT VOTING: Aarsvold; Galvin; Huether; Kelsch, R.; Maragos

SB 2396, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2001: A BILL for an Act providing an appropriation for defraying the expenses of the legislative branch of government; to create and enact a new section to chapter 54-35 of the North Dakota Century Code, relating to the use of fees collected by the legislative council or the legislative assembly; to repeal section 54-03-19 of the North Dakota Century Code, relating to the seal on legislative bills; to provide for retroactive application; 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 76 YEAS, 17 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Axtman; Belter; Berg; Bernstein; Boehm; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Dalrymple; DeKrey; Delmore; Delzer; Dorso; Drovda; Freier; Froseth; Gerntholz; Gorder; Grande; Grosz; Grumbo; Gunter; Hanson; Hausauer; Hawken; Henegar; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kempenich; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroepelin; Kunkel; Lloyd; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Nottestad; Olson; Poolman; Price; Renner; Rennerfeldt; Sabby; Sandvig; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Tollefson; Torgerson; Wald; Wardner; Weisz; Wentz; Speaker Timm

NAYS: Boucher; Brandenburg; Coats; Devlin; Fairfield; Glassheim; Gulleson; Kelsh, S.; Kerzman; Mahoney; Niemeier; Oban; Rose; Schmidt; Thorpe; Warner; Wilkie

ABSENT AND NOT VOTING: Aarsvold; Galvin; Huether; Kelsch, R.

Engrossed SB 2001 passed, the title was agreed to, and the emergency clause carried.

SECOND READING OF SENATE BILL

SB 2321: A BILL for an Act to amend and reenact section 12-48-03.3 of the North Dakota Century Code, relating to interest on the roughrider industries' operating fund; and to provide a continuing appropriation.

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 51 YEAS, 42 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Axtman; Boucher; Brandenburg; Callahan; Carlisle; Christenson; Coats; DeKrey; Delmore; Fairfield; Glassheim; Grumbo; Gulleeson; Gunter; Hanson; Hausauer; Hawken; Henegar; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsh, S.; Kerzman; Klein; Kliniske; Kretschmar; Kroeplin; Kunkel; Mahoney; Maragos; Martinson; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Rose; Sabby; Sandvig; Schmidt; Stenehjerm; Svedjan; Sveen; Thorpe; Wardner; Warner; Wentz; Wilkie

NAYS: Belter; Berg; Bernstein; Boehm; Brown; Brusegaard; Byerly; Carlson; Christopherson; Clark; Dalrymple; Delzer; Devlin; Dorso; Drovdal; Freier; Froseth; Gerntholz; Gorder; Grande; Grosz; Kempenich; Kilzer; Koppelman; Lloyd; Mickelson; Monson; Murphy; Olson; Poolman; Price; Renner; Rennerfeldt; Skarphol; Soukup; Thompson; Thoreson; Tollefson; Torgerson; Wald; Weisz; Speaker Timm

ABSENT AND NOT VOTING: Aarsvold; Galvin; Huether; Kelsch, R.

Engrossed SB 2321 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2349: A BILL for an Act to amend and reenact subsection 7 of section 57-39.2-01 of the North Dakota Century Code, relating to sales and use tax treatment of delivery of property to a contractor for incorporation into real property in another state; and to provide an effective date.

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 27 YEAS, 66 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Axtman; Belter; Brown; Christenson; Coats; Drovdal; Hanson; Johnson, D.; Kempenich; Kerzman; Klein; Kroeplin; Mahoney; Maragos; Mickelson; Nicholas; Niemeier; Olson; Price; Renner; Rennerfeldt; Sabby; Schmidt; Thompson; Wald; Wardner; Warner

NAYS: Berg; Bernstein; Boehm; Boucher; Brandenburg; Brusegaard; Byerly; Callahan; Carlisle; Christopherson; Clark; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Fairfield; Freier; Froseth; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleeson; Gunter; Hausauer; Hawken; Henegar; Jacobs; Jensen; Johnsen, C.; Keiser; Kelsch, R.; Kelsh, S.; Kilzer; Kliniske; Koppelman; Kretschmar; Kunkel; Lloyd; Martinson; Monson; Murphy; Nelson; Nichols; Nottestad; Oban; Poolman; Rose; Sandvig; Skarphol; Soukup; Stenehjerm; Svedjan; Sveen; Thoreson; Thorpe; Tollefson; Torgerson; Weisz; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Aarsvold; Carlson; Galvin; Huether

SB 2349 lost.

RECONSIDERATION OF VETOED MEASURE

HB 1110: A BILL for an Act to amend and reenact section 54-10-14 of the North Dakota Century Code, relating to audits of public and nonprofit entities by the state auditor.

ROLL CALL

The question being on the final passage of the bill, as enrolled over the Governor's veto, which has been read, the roll was called and there were 1 YEA, 93 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Klein

NAYS: Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleeson; Gunter; Hanson;

Hausauer; Hawken; Henegar; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; 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: Aarsvold; Galvin; Huether

The House sustained the Governor's veto on HB 1110.

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

MADAM PRESIDENT: The House has sustained the Governor's veto on HB 1110. The vote was 1 YEA, 93 NAYS, 3 ABSENT AND NOT VOTING.

MOTION

REP. FREIER MOVED that the House stand in recess until 4:00 p.m., which motion prevailed.

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

SECOND READING OF SENATE BILL

SB 2145: A BILL for an Act to create and enact two new sections to chapter 2-05 of the North Dakota Century Code, relating to cease and desist authority for the aeronautics commission and assessment of civil money penalties by the aeronautics commission; and to provide a penalty.

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 82 YEAS, 7 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

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

NAYS: Brusegaard; DeKrey; Delzer; Froseth; Grosz; Jacobs; Kroeplin

ABSENT AND NOT VOTING: Aarsvold; Dalrymple; Galvin; Huether; Lloyd; Niemeier; Price; Weisz

SB 2145, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2009: A BILL for an Act to provide an appropriation for defraying the expenses of the state fair association.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 80 YEAS, 8 NAYS, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

YEAS: Axtman; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Christenson; Christopherson; Clark; Coats; Delmore; Delzer; Dorso; Drovda; Fairfield; Freier; Froseth; Gerntholz; Glassheim; Gorder; Grosz; Grumbo; Gullson; Gunter; Hausauer; Hawken; Henegar; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Nottestad; Oban; Olson; Poolman;

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

NAYS: Belter; Carlson; DeKrey; Devlin; Grande; Hanson; Skarphol; Wilkie

ABSENT AND NOT VOTING: Aarsvold; Dalrymple; Galvin; Huether; Lloyd; Niemeier; Price; Stenehjem; Weisz

Engrossed SB 2009, as amended, passed and the title was agreed to.

MOTION

REP. DORSO MOVED that Engrossed SB 2013 be placed at the bottom of the calendar, which motion prevailed.

MOTION

REP. FREIER MOVED that the House waive the reading of the titles to SB 2021, Engrossed SB 2208, Engrossed SB 2210, and Engrossed SB 2369, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2021: A BILL for an Act to amend and reenact section 32-12.1-08, subsection 70 of section 40-05-01, sections 40-46-02, 40-46-26, 40-48-07, subsection 13 of section 40-49-12, sections 40-55-09, 49-17.2-21, subsection 3 of section 52-09-08, sections 57-15-01.1, 57-15-06, 57-15-06.4, 57-15-06.6, 57-15-08, 57-15-10.1, 57-15-12, 57-15-12.1, 57-15-12.2, 57-15-12.3, 57-15-27.1, 57-15-27.2, 57-15-28.1, 57-15-37, 57-15-53, 57-15-60, and 61-04.1-26 of the North Dakota Century Code, relating to consolidation of property tax levy authority of park districts, cities, and counties; to repeal subsections 18, 19.1, 20, and 21 of section 57-15-06.7 and subsections 12 and 14 of section 57-15-10 of the North Dakota Century Code, relating to property tax levy authority of cities and counties; to provide for transition; 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 NOT PASS, the roll was called and there were 38 YEAS, 51 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

YEAS: Axtman; Bernstein; Brown; Callahan; Christenson; Coats; Delmore; Devlin; Drovda; Fairfield; Gerntholz; Glassheim; Gunter; Hanson; Hausauer; Hawken; Jacobs; Johnsen, C.; Johnson, D.; Kelsh, S.; Kerzman; Klein; Kretschmar; Kunkel; Maragos; Nicholas; Nottestad; Oban; Rennerfeldt; Rose; Sabby; Sandvig; Soukup; Thoreson; Tollefson; Wald; Wardner; Wentz

NAYS: Belter; Berg; Boehm; Boucher; Brandenburg; Brusegaard; Byerly; Carlisle; Carlson; Christopherson; Clark; DeKrey; Delzer; Dorso; Freier; Froseth; Gorder; Grande; Grosz; Grumbo; Gulleon; Henegar; Jensen; Keiser; Kelsch, R.; Kempenich; Kilzer; Kliniske; Koppelman; Kroeplin; Mahoney; Martinson; Mickelson; Monson; Murphy; Nelson; Nichols; Olson; Poolman; Renner; Schmidt; Skarphol; Stenehjem; Svedjan; Sveen; Thompson; Thorpe; Torgerson; Warner; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Aarsvold; Dalrymple; Galvin; Huether; Lloyd; Niemeier; Price; Weisz

SB 2021, as amended, lost.

SECOND READING OF SENATE BILL

SB 2056: A BILL for an Act to amend and reenact section 54-03-20 and subsection 1 of section 54-06-09 of the North Dakota Century Code, relating to expense reimbursement for members of the legislative assembly and mileage and travel expense of state officers and employees; to provide for retroactive application; and to declare an emergency.

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 80 YEAS, 10 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Axtman; Berg; Boehm; Boucher; Brown; Brusegaard; Callahan; Carlisle; Carlson; Christenson; Christopherson; Coats; DeKrey; Delmore; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Jacobs; Jensen; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Torgerson; Wald; Wardner; Warner; Wentz; Speaker Timm

NAYS: Belter; Bernstein; Brandenburg; Byerly; Clark; Delzer; Johnsen, C.; Kerzman; Tollefson; Wilkie

ABSENT AND NOT VOTING: Aarsvold; Dalrymple; Galvin; Huether; Lloyd; Price; Weisz

SB 2056, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2132: A BILL for an Act to create and enact a new subsection to section 26.1-05-19, relating to insurance company investments; and to amend and reenact subsection 6 of section 26.1-03-17, subsection 4 of section 26.1-36.1-01, subsection 4 of section 26.1-36.1-05, and section 26.1-44-05 of the North Dakota Century Code, relating to an annual insurance premium tax filing fee, medicare supplement insurance, and endorsement of surplus lines insurance policies.

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 85 YEAS, 4 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

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

NAYS: Kerzman; Murphy; Thorpe; Warner

ABSENT AND NOT VOTING: Aarsvold; Brandenburg; Dalrymple; Galvin; Huether; Lloyd; Price; Weisz

SB 2132, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2208: A BILL for an Act to create and enact two new sections to chapter 23-07.1 of the North Dakota Century Code, relating to the control of tuberculosis; to amend and reenact sections 23-07.1-01, 23-07.1-04, 23-07.1-05, 23-07.1-06, 23-07.1-07, 23-07.1-08, 23-07.1-09, 23-07.1-10, 23-07.1-12, 23-07.1-13, and 23-07.1-14 of the North Dakota Century Code, relating to the control and eradication of tuberculosis; and to provide a penalty.

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 59 YEAS, 32 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Axtman; Belter; Berg; Boucher; Brusegaard; Callahan; Carlisle; Carlson; Christenson; Christopherson; Coats; Delmore; Dorso; Fairfield; Freier; Glassheim; Gorder; Grande; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Jacobs; Jensen;

Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Mahoney; Maragos; Martinson; Mickelson; Nichols; Nottestad; Oban; Poolman; Price; Rose; Sandvig; Schmidt; Stenehjem; Svedjan; Sveen; Thoreson; Thorpe; Torgerson; Warner; Wentz; Wilkie

NAYS: Bernstein; Boehm; Brown; Byerly; Clark; DeKrey; Delzer; Devlin; Drovdal; Froseth; Gerntholz; Grosz; Kempenich; Kroepelin; Kunkel; Monson; Murphy; Nelson; Nicholas; Niemeier; Olson; Renner; Rennerfeldt; Sabby; Skarphol; Soukup; Thompson; Tollefson; Wald; Wardner; Weisz; Speaker Timm

ABSENT AND NOT VOTING: Aarsvold; Brandenburg; Dalrymple; Galvin; Huether; Lloyd

Engrossed SB 2208, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2210: A BILL for an Act to create and enact chapter 10-33 of the North Dakota Century Code, relating to nonprofit corporations; to amend and reenact subsection 2 of section 11-10-24, sections 14-03-09, 15-17-01, 18-05-01, 26.1-14-03, 26.1-17-11, subsection 2 of section 40-01-23, subsection 12 of section 49-23-01, subsection 8 of section 54-01.1-02, section 55-03-01, subsection 2 of section 61-16.1-60, and section 61-35-29 of the North Dakota Century Code, relating to references to the Nonprofit Corporations Act; to repeal chapters 10-24, 10-25, 10-26, 10-27, and 10-28 of the North Dakota Century Code, relating to the Nonprofit Corporations Act; to provide a penalty; 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 87 YEAS, 4 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Axtman; Belter; Berg; Bernstein; Boucher; Brown; Brusegaard; Byerly; Callahan; Carlisle; Christenson; Christopherson; Clark; Coats; DeKrey; Delmore; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Guleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kunkel; 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: Boehm; Carlson; Delzer; Kroepelin

ABSENT AND NOT VOTING: Aarsvold; Brandenburg; Dalrymple; Galvin; Huether; Lloyd

Engrossed SB 2210, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2275: A BILL for an Act to amend and reenact subsection 1 of section 15-60-10 of the North Dakota Century Code, relating to loans from the coal development trust fund.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 5 YEAS, 86 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Bernstein; Callahan; Hawken; Henegar; Sandvig

NAYS: Axtman; Belter; Berg; Boehm; Boucher; Brown; Brusegaard; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Guleson; Gunter; Hanson; Hausauer; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroepelin; Kunkel; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Schmidt; Skarphol; Soukup;

Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Aarsvold; Brandenburg; Dalrymple; Galvin; Huether; Lloyd

Engrossed SB 2275, as amended, lost.

SECOND READING OF SENATE BILL

SB 2301: A BILL for an Act to create and enact a new chapter to title 23 of the North Dakota Century Code, relating to the confidentiality of and the privilege governing medical peer review records; to amend and reenact sections 31-08-01 and 43-17.1-05.1, and subsection 1 of section 43-17.1-06 of the North Dakota Century Code, relating to records and proceedings of medical review committees and reports to the commission on medical competency; to repeal section 23-01-02.1 of the North Dakota Century Code, relating to medical peer review confidentiality and privilege; and to declare an emergency.

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 77 YEAS, 16 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Dorso; Fairfield; Freier; Froseth; Gerntholz; Glassheim; Grande; Grumbo; Gulleeson; Gunter; Hanson; Hausauer; Hawken; Henegar; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kilzer; Kliniske; Koppelman; Kretschmar; Kunkel; Lloyd; Maragos; Martinson; Mickelson; Monson; Nelson; Nicholas; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Torgerson; Wald; Wardner; Wentz; Wilkie; Speaker Timm

NAYS: Brown; Devlin; Drovdal; Gorder; Grosz; Kempenich; Klein; Kroeplin; Mahoney; Murphy; Nichols; Niemeier; Thorpe; Tollefson; Warner; Weisz

ABSENT AND NOT VOTING: Aarsvold; Brandenburg; Galvin; Huether

Engrossed SB 2301, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

MOTION

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

MOTION

REP. FREIER MOVED that the House be on the Fifth and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Wednesday, March 19, 1997, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2040, as engrossed: Human Services Committee (Rep. Price, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2040 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2041, as engrossed: Human Services Committee (Rep. Price, Chairman) recommends **DO NOT PASS** (10 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2041 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2149, as engrossed: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2149 was placed on the Sixth order on the calendar.

Page 1, line 7, remove "and"

Page 1, line 8, remove "administrator of state hospital"

Page 1, line 10, remove the overstrike over "~~a superintendent~~" and remove "an administrator"

Page 1, line 12, remove "and administrator" and remove the overstrike over "~~superintendent's~~"

Page 1, line 13, remove the overstrike over the first "~~superintendent~~", remove "appointee", and remove the overstrike over "~~Any superintendent~~"

Page 1, line 14, remove "An appointee"

Page 1, line 15, remove the overstrike over "~~superintendent's~~" and remove "appointee's"

Page 1, line 17, remove the overstrike over "~~superintendent's~~" and remove "appointee's"

Page 1, line 21, remove the overstrike over "~~superintendent~~" and remove "appointee"

Page 2, line 1, remove the overstrike over "~~Superintendent~~" and remove "Administrator"

Page 2, line 2, remove the overstrike over "~~superintendent~~" and remove "administrator"

Page 2, line 7, overstrike "be"

Page 2, line 8, overstrike "responsible" and insert immediately thereafter "have final authority", after "of" insert "all", and after "services" insert "delivered to patients"

Page 2, line 10, after "The" insert "superintendent shall appoint the" and remove "must be appointed by the"

Page 2, line 11, remove "administrator"

Page 2, line 12, remove the overstrike over "~~superintendent~~" and remove "administrator"

Page 2, line 14, remove the overstrike over the first "~~superintendent's~~", remove "administrator's", and remove the overstrike over the second "~~superintendent's~~"

Page 2, line 15, remove "administrator's"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2197, as engrossed: Human Services Committee (Rep. Price, Chairman) recommends **DO NOT PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2197 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2198, as engrossed: Transportation Committee (Rep. Skarphol, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2198 was placed on the Sixth order on the calendar.

Page 1, line 12, after "home" insert "and secured parties of record"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2207, as engrossed: Human Services Committee (Rep. Price, Chairman) recommends **DO NOT PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2207 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2209: Judiciary Committee (Rep. Kretschmar, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2209 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2221, as engrossed: Judiciary Committee (Rep. Kretschmar, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**

(12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2221 was placed on the Sixth order on the calendar.

Page 2, line 7, replace "attractive nuisance" with "conditions upon the premises which the crime victim knows or has reason to know may create an unreasonable risk of harm or which may cause a foreseeable trespass by minors"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2231, as engrossed: Judiciary Committee (Rep. Kretschmar, Chairman) recommends **DO NOT PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2231 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2234, as engrossed: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed SB 2234 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "administer" with "administration"

Page 1, line 6, overstrike "'Administer'" and insert immediately thereafter "'Administration'"

Page 1, line 7, remove "intravenous administration" and overstrike "of a drug for the"

Page 1, line 8, overstrike "purpose of teaching utilization", overstrike "and", after the first "the" insert "emergency", and replace "the intravenous" with "a drug delivery device used in home infusion therapy by a qualified home pharmacist"

Page 1, line 9, remove "therapy of a patient only in an emergency"

Page 1, line 10, after "delivery" insert "of a drug"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2311, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **DO NOT PASS** (15 YEAS, 4 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2311 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2344, as reengrossed: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed SB 2344 was placed on the Sixth order on the calendar.

Page 2, line 8, after the third comma insert "45-20-01,"

Page 2, line 13, after the second comma insert "events causing dissolution and winding up of partnership business,"

Page 54, line 5, replace the first "of" with "or"

Page 269, after line 14, insert:

"SECTION 221. AMENDMENT. Section 45-20-01 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

45-20-01. (801) (~~Effective January 1, 1996~~) Events causing dissolution and winding up of partnership business. A partnership is dissolved, and its business must be wound up, only upon the occurrence of any of the following events:

1. In a partnership at will, the partnership's having notice from a partner, other than a partner who is dissociated under subsections 2 through 10 of section 45-18-01, of that partner's express will to withdraw as a partner, or on a later date specified by the partner.
2. In a partnership for a definite term or particular undertaking:

- a. ~~The expiration of~~ Within ninety days after a partner's dissociation by death or otherwise under subsections 6 through 10 of section 45-18-01 or wrongful dissociation under subsection 2 of section 45-18-02, ~~unless before that time a majority in interest of the remaining partners, including partners who have rightfully dissociated pursuant to subdivision a of subsection 2 of section 45-18-02, agree to continue the partnership~~ the express will of at least half of the remaining partners to wind up the partnership business, for which purpose a partner's rightful dissociation under paragraph 1 of subdivision b of subsection 2 of section 45-18-02 constitutes the expression of that partner's will to wind up the partnership business;
 - b. The express will of all of the partners to wind up the partnership business; or
 - c. The expiration of the term or the completion of the undertaking.
3. An event agreed to in the partnership agreement resulting in the winding up of the partnership business.
 4. An event that makes it unlawful for all or substantially all of the business of the partnership to be continued, but a cure of illegality within ninety days after notice to the partnership of the event is effective retroactively to the date of the event for purposes of this section.
 5. On application by a partner, a judicial determination that:
 - a. The economic purpose of the partnership is likely to be unreasonably frustrated;
 - b. Another partner has engaged in conduct relating to the partnership business which makes it not reasonably practicable to carry on the business in partnership with that partner; or
 - c. It is not otherwise reasonably practicable to carry on the partnership business in conformity with the partnership agreement.
 6. On application by a transferee of a partner's transferable interest, a judicial determination that it is equitable to wind up the partnership business:
 - a. After the expiration of the term or completion of the undertaking, if the partnership was for a definite term or particular undertaking at the time of the transfer or entry of the charging order that gave rise to the transfer; or
 - b. At any time, if the partnership was a partnership at will at the time of the transfer or entry of the charging order that gave rise to the transfer."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2364, as engrossed: Judiciary Committee (Rep. Kretschmar, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2364 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4026, as engrossed: Judiciary Committee (Rep. Kretschmar, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SCR 4026 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4042, as engrossed: Judiciary Committee (Rep. Kretschmar, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SCR 4042 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4045: Judiciary Committee (Rep. Kretschmar, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SCR 4045 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4048: Judiciary Committee (Rep. Kretschmar, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4048 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4049: Judiciary Committee (Rep. Kretschmar, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4049 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4053: Judiciary Committee (Rep. Kretschmar, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4053 was placed on the Tenth order on the calendar.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1032, HB 1081, HB 1086, HB 1139, HB 1140, HB 1176, HB 1194, HB 1287, HB 1320, HB 1381, HB 1389.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2033, SB 2034, SB 2036, SB 2053, SB 2066, SB 2074, SB 2080, SB 2081, SB 2084, SB 2086, SB 2087, SB 2100, SB 2102, SB 2104, SB 2120, SB 2121, SB 2144, SB 2172, SB 2195, SB 2196, SB 2199, SB 2236, SB 2288, SB 2310, SB 2328, SB 2355, SB 2356, SB 2370, SB 2371, SB 2393, SCR 4043.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2010, SB 2067, SB 2095, SB 2098, SB 2127, SB 2129, SB 2135, SB 2142, SB 2146, SB 2148, SB 2167, SB 2168, SB 2169, SB 2179, SB 2191, SB 2280, SB 2286, SB 2307, SB 2373, SCR 4003, SCR 4021.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2105, SB 2109, SB 2134, SB 2137, SB 2151, SB 2158, SB 2165, SB 2171, SB 2220, SB 2269, SB 2287, SB 2312, SB 2317, SB 2383, SCR 4036.

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

MR. SPEAKER: The President has signed: HB 1033, HB 1048, HB 1069, HB 1095, HB 1119, HB 1131, HB 1134, HB 1143, HB 1152, HB 1154, HB 1172, HB 1177, HB 1178, HB 1180, HB 1181, HB 1193, HB 1196, HB 1197, 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 3036, HCR 3037, HCR 3038.

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

MADAM PRESIDENT: The House has failed to pass: SB 2308, SB 2360.

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

MADAM PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2235.

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

MADAM PRESIDENT: The House has passed unchanged: SB 2051, SB 2094, SB 2141, SB 2182, SB 2184, SB 2230.

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2042, SB 2068, SB 2099, SB 2159, SB 2339, SB 2372.

HOUSE ENROLLING REPORT

The following bills were enrolled: HB 1044, HB 1132, HB 1188, HB 1353, HB 1401, and HB 1463.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills and resolution: SB 2033, SB 2034, SB 2036, SB 2053, SB 2066, SB 2074, SB 2080, SB 2081, SB 2084, SB 2086, SB 2087, SB 2100, SB 2102, SB 2104, SB 2120, SB 2121, SB 2144, SB 2172, SB 2195, SB 2196, SB 2199, SB 2236, SB 2288, SB 2310, SB 2328, SB 2355, SB 2356, SB 2370, SB 2371, SB 2393, SCR 4043.

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

MADAM PRESIDENT: The Speaker has signed: SB 2033, SB 2034, SB 2036, SB 2053, SB 2066, SB 2074, SB 2080, SB 2081, SB 2084, SB 2086, SB 2087, SB 2100, SB 2102, SB 2104, SB 2120, SB 2121, SB 2144, SB 2172, SB 2195, SB 2196, SB 2199, SB 2236, SB 2288, SB 2310, SB 2328, SB 2355, SB 2356, SB 2370, SB 2371, SB 2393, SCR 4043.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills: HB 1044, HB 1132, HB 1188, HB 1353, HB 1401, HB 1463.

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

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1044, HB 1132, HB 1188, HB 1353, HB 1401, HB 1463.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 9:43 a.m., March 18, 1997: HB 1033, HB 1048, HB 1069, HB 1095, HB 1119, HB 1131, HB 1134, HB 1143, HB 1152, HB 1154, HB 1172, HB 1177, HB 1178, HB 1180, HB 1181, HB 1193.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolutions were delivered to the Secretary of State for his filing at the hour of 9:43 a.m., March 18, 1997: HCR 3030, HCR 3032, HCR 3033, HCR 3036, HCR 3037, HCR 3038.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills and resolution: SB 2105, SB 2109, SB 2134, SB 2137, SB 2151, SB 2158, SB 2165, SB 2171, SB 2220, SB 2269, SB 2287, SB 2312, SB 2317, SB 2383, SCR 4036.

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

MADAM PRESIDENT: The Speaker has signed: SB 2105, SB 2109, SB 2134, SB 2137, SB 2151, SB 2158, SB 2165, SB 2171, SB 2220, SB 2269, SB 2287, SB 2312, SB 2317, SB 2383, SCR 4036.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills and resolutions: SB 2010, SB 2067, SB 2095, SB 2098, SB 2127, SB 2129, SB 2135, SB 2142, SB 2146, SB 2148, SB 2167, SB 2168, SB 2169, SB 2179, SB 2191, SB 2280, SB 2286, SB 2307, SB 2373, SCR 4003, SCR 4021.

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

MADAM PRESIDENT: The Speaker has signed: SB 2010, SB 2067, SB 2095, SB 2098, SB 2127, SB 2129, SB 2135, SB 2142, SB 2146, SB 2148, SB 2167, SB 2168, SB 2169, SB 2179, SB 2191, SB 2280, SB 2286, SB 2307, SB 2373, SCR 4003, SCR 4021.

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

MR. SPEAKER: The Senate has failed to pass: HB 1151, HB 1203, HB 1397, HCR 3016, HCR 3027.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1306.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1306

Page 1, line 15, replace "11.02 pounds" with "one pound"

Page 1, line 16, replace "5" with ".45"

Renumber accordingly

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

ROY GILBREATH, Chief Clerk